

1 **TOWN OF KITTERY, ME**
2 **PLANNING BOARD MEETING**
3 **Council Chambers**

UNAPPROVED
FEBRUARY 11, 2016

4
5 Meeting called to order: 6:00pm
6

7 **Roll Call:**

8 Board members present: Vice Chair Karen Kalmar, Robert Harris, Deborah Lynch, Secretary Debbie
9 Driscoll-Davis, Mark Alesse

10 Board members absent: Chair Ann Grinnell, Dutch Dunkelberger

11 Staff present: Chris Di Matteo, Town Planner
12

13 **Pledge of Allegiance**

14
15 **Minutes: January 28, 2016**

16 Line 63 – change “reversed” to “reserved”

17 Line 120 – change “Conversation Commission” to “Open Space Committee”
18

19 **Mr. Alesse moved to approve the January 28, 2016 minutes, as amended.**

20 **Ms. Lynch seconded.**

21 **Motion passed 5-0-0.**
22

23 Public Comment: Ms. Kalmar opened the floor for public comment. Hearing none, Ms. Kalmar closed
24 public comment.
25

26 **ITEM 1- Wentworth Dennett Artist Studios – Public Hearing**

27 Action: Hold a public hearing. Approve or deny plan. Owner/applicant Jeff Apsey requests consideration of
28 plans to add 4 1-bedroom apartments to the top floor of an existing principal building located at 78
29 Government St. (Tax Map 3 Lot 144) in the Business Local 1 (BL-1) zone.
30

31 Ms. Kalmar noted this item has been withdrawn. Mr. DiMatteo noted the applicant informed staff on
32 February 10, 2016 that the proposed development was not progressing as intended and requested to withdraw
33 the plan.
34

35 **ITEM 2 – 3 Knight Ave – Shoreland Development Plan Review**

36 Action: Hold a public hearing. Approve or deny plan. Owner/applicant Christopher G. Eckel requests
37 consideration of plans to remove and reconstruct an unattached garage and implement several improvements
38 to the lot including a stairway, two pathways, and a retaining wall within 75 feet of a protected water body.
39 The lot is located at 3 Knight Ave (Tax Map 4 Lot 70) in the Mixed Use – Kittery foreside (MU-KF) and
40 Shoreland Overlay (OZ-SL-250’) zones. Agent is Ken Markley, North Easterly Surveying.
41

42 Mr. Markley’s testimony included the following statements:

- 43 • The plan intends to rotate and expand the existing garage. It will be easier to access from the street
44 when the entrance is more parallel to the road. Widening the garage will allow room for two cars to
45 free up space for street parking.
- 46 • The topography of the land causes rainfall to roll across the front of the property toward the
47 foundation of the house. Installing a small drainage pipe would divert the water away from the
48 foundation out to the side of the house.
- 49 • Mr. Eckel decided to remove the steps from the plan.
- 50 • Structures within the Shoreland Zone can be relocated as long as they are farther away from the
51 protected resource and in the most practical location. Moving the retaining wall would be the best
52 solution, but Mr. Markley does not intend to do so.
- 53 • An engineer will be designing a retaining wall in the next month. The retaining wall is eroding.
54

55 Ms. Kalmar opened the public hearing.

56

57 Mr. Ned Savoy – citizen and owner of 1, 6, and 8 Knight Avenue.

58 Mr. Savoy’s testimony stated how this plan will improve the functionality, safety, and appearance on this
59 section of Knight Ave. It is difficult to plow snow on the private road due to the overhang and location of the
60 retaining wall. This poses a risk for potential damage to surrounding structures. The solution is to set the
61 corner of the wall back a few feet to follow the course of the road. Mr. Savoy and other neighbors expressed
62 full support for the project and realize the generosity of Mr. Eckel funding this project.

63

64 Ms. Wells suggests Mr. Eckel consider placing a rain garden in the grass to avoid unfiltered water entering
65 into the Piscataqua River.

66

67 **Ms. Kalmar closed the public hearing at 6:15 PM.**

68

69 Mr. DiMatteo highlighted the changes in the revised plan to include; minor edits to zoning and findings of
70 facts, removal of item 4 under conditions of approval regarding re-planting, and addition of item 7 under
71 conditions of approval regarding the unpermitted structures.

72

73 Ms. Lynch asked what the plans currently entail for the steps leading to the front entrance of the house. Mr.
74 DiMatteo explained that the existing steps located at the street down to the property will be returned. The
75 front steps Ms. Lynch referred to are a product of the change in grade. Once the grade is returned, those steps
76 will be unnecessary.

77

78 Mr. Markley further explained that the front entrance of the house sits lower than the level of the street. The
79 entry way consisted of a downward set of stairs from the street to a downward slope, and an upward set of
80 stairs leading to the front door. Regrading of the middle section levels the slope, therefore, making the
81 upward steps leading to the house unnecessary.

82

83 Mr. Markley questioned why the Conservation Committee would ask for a rain garden in that area. Ms. Wells
84 clarified that the suggested rain garden would be located on either sides of the house, not by the front
85 entrance. Mr. DiMatteo stated that the proposed development will likely not worsen the current level of
86 runoff. Mr. Savoy added that the runoff from the road travels over the embankment creating a sluiceway
87 toward the river and is killing the trees and grass. Proper drainage will help to prevent this water from running
88 straight down toward the Piscataqua River and help to preserve the vegetation.

89

90 Mr. Markley added that depending how the proposed retaining wall is designed; the water will be able to filter
91 through the wall rather than over the top of it. There are no plans to add drainage around either side of the
92 existing cobblestone. Mr. Markley will suggest to Mr. Erkel to consider placing rain gardens on either corners
93 of the house.

94

95 Mr. Alesse asked if the retaining wall be built sooner than the garage. Mr. Markley noted that everything
96 should be built at once and the street will most likely have to be closed down for a few hours at a time.

97

98 Ms. Kalmar confirmed to Ms. Driscoll-Davis that the proposed stone walkway, stairs beside the garage, and
99 walkway to the shed will be removed.

100

101 **Mr. Alesse made a motion to grant approval for the Shoreland Development Plan Application dated**
102 **December 23 2015 from Christopher G. Eckel for 3 Knight Ave (Tax Map 4 Lot 70) located in the**
103 **Mixed Use – Kittery Foreside, Shoreland Overlay and Commercial Fisheries/Maritime Uses Zones**
104 **upon review and voting in the affirmative of the findings and facts.**

105 **Mr. Harris seconded.**

106 **Motion passed 5-0-0.**

107

108 **Findings of Fact**
109 **For 3 Knight Avenue**

110 **Shoreland Development Plan Review**

111
112 **WHEREAS:** Christopher Eckel requests approval of their Shoreland Development Plan to expand an
113 existing non-conforming garage on the property located at 3 Knight Ave (Tax Map 4 Lot 70)
114 located in the Mixed Use – Kittery Foreside, Shoreland Overlay and Commercial
115 Fisheries/Maritime Uses Zones, hereinafter the “Development” and

116
117 Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted {in the plan
118 review notes prepared for 1/14/2016}

Shoreland Development Plan Review	1/14/2016
Site Walk	2/4/2016
Public Hearing	2/11/2016
Approval	2/11/2016

119
120
121 And pursuant to the application and plan and other documents considered to be a part of a plan
122 review decision by the Planning Board in this Finding of Fact consisting of the following
123 (hereinafter the “Plan”): {as noted in the plan review notes prepared for 2/11/2016}

- 124
- 125 1. Shoreland Development Plan Application, received 12/23/2015
- 126 2. Site Plan, Anderson Livingston Engineers, Inc. October 21, 2015
- 127 3. Architectural Sketch, Rykerson Architecture, received February 4, 2016
- 128

129 **NOW THEREFORE,** based on the entire record before the Planning Board and pursuant to the
130 applicable standards in the Land Use and Development Code, the Planning Board makes the
131 following factual findings and conclusions:

132
133 **FINDINGS OF FACT**

134
135 **Chapter 16.3 LAND USE ZONE REGULATIONS**

16.3.2.17.D Shoreland Overlay Zone
<i>1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...</i>
<u>Findings:</u> Maximum devegetated area in the Shoreland Overlay and Mixed Use – Kittery Foreside zone is 60%. The proposed development increases the property’s devegetated area from 20.0% to 21.7%
<u>Conclusion:</u> The requirement appears to be met.
Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining

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138 **Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS**

139 **Article III Nonconformance**

16.7.3.1 Prohibitions and Allowances
<i>A. Except as otherwise provided in this Article, a nonconforming conditions must not be permitted to become more nonconforming</i>
<u>Finding:</u> The existing garage is set back 28.1 feet from the HAT. The proposed garage does not

result in a greater encroachment and therefore does not increase nonconformance.

Conclusion: The requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A. A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more conforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

See 16.6.6.1 and its reference to 16.6.6.2 below.

16.6.6 Basis for Decision

16.6.6.1.B In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.5.5 above] **must use the following criteria as the basis of a decision:**

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

The Board must also give consideration to the factors listed in 16.6.6.2.

Finding: The proposed development does not have an adverse impact on the use of adjacent properties, permitted or legally established uses in this, or adjacent, zones or the health, safety and welfare of the Town.

Conclusion: The requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs [A through C] below.

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure

will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

C. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

Finding: The majority of the existing structure is located within the 75-foot setback from the upland edge of the tidal wetland where volume and area calculations are required. Development on structures located within the required setback from a protected water source is subject to a lifetime limit of thirty percent (30%). The proposed development is 29.2% floor area expansion and 15.9% volume expansion and conforms to this standard.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. *Maintain safe and healthful conditions;*

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: 5 in favor 0 against 0 abstaining

2. *Not result in water pollution, erosion or sedimentation to surface waters;*

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: 5 in favor 0 against 0 abstaining

3. *Adequately provide for the disposal of all wastewater;*

Finding: The proposed development does not require a connection to an existing septic system.

Conclusion: This requirement is not applicable.

Vote: 5 in favor 0 against 0 abstaining

4. *Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife*

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habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: 5 in favor 0 against 0 abstaining

5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

6. Protect archaeological and historic resources;

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The proposed development does not adversely affect existing commercial fishing or maritime activities.

Conclusion: This requirement is appears to be met.

Vote: 5 in favor 0 against 0 abstaining

8. Avoid problems associated with floodplain development and use;

Finding: The property is located within a flood zone. The proposed development occurs at the highest elevation on the property.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

9. Is in conformance with the provisions of this code;

Finding: The proposed development complies with the dimensional and regulatory standards of Title 16, including nonconforming structure expansion.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

10. Be recorded with the York county Registry of Deeds.

Finding: A plan suitable for recording has been prepared.

Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.

Vote: 5 in favor 0 against 0 abstaining

143
144 Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the
145 review standards for approval and, therefore, the Planning Board approves the Shoreland
146 Development Plan Application of Owner/applicant Christopher G. Eckel's plans to remove and
147 reconstruct an unattached garage and implement several improvements within 75 feet of a protected
148 water body in the Mixed Use – Kittery foreshore (MU-KF), Shoreland Overlay (OZ-SL-250') and
149 subject to any conditions or waivers, as follows:

150
151 **Waivers:** None

152
153 **Conditions of Approval** (to be depicted on final plan to be recorded):

- 154
- 155 1. No changes, erasures, modifications or revisions may be made to any Planning Board
156 approved final plan. (Title 16.10.9.1.2)
 - 157 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work
158 associated with site and building construction to ensure adequate erosion control and slope
159 stabilization.
 - 160 3. Prior to the commencement of grading and/or construction within a building envelope, as
161 shown on the Plan, the owner and/or developer must stake all corners of the envelope. These
162 markers must remain in place until the Code Enforcement Officer determines construction is
163 completed and there is no danger of damage to areas that are, per Planning Board approval,
164 to remain undisturbed.
 - 165 4. Prior to the issuance of a certificate of occupancy any unpermitted development must be
166 removed and the area returned to its original state of grade and vegetation.
 - 167 5. No trees are to be removed without prior approval by the Code Enforcement Officer or the
168 Shoreland Resource Officer. Efforts to protect existing trees must be in place prior to
169 construction.
 - 170 6. All Notices to Applicant contained herein (Findings of Fact dated 2/11/2016).

171
172 **Conditions of Approval** (not to be depicted on final plan):

- 173
- 174 7. Final plan must not depict the unpermitted retaining wall, gravel area and stairway leading
175 to the dwelling.
 - 176 8. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or
177 Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

178
179 The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings
180 of Fact upon confirmation of required plan changes.

181
182 **Vote: 5 in favor 0 against 0 abstaining**

183
184 APPROVED BY THE KITTERY PLANNING BOARD ON February 11, 2016
185
186
187
188

189 _____
Ann Grinnell, Planning Board Chair
190

191 **Notices to Applicant:**
192

- 193 1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or
194 Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.
- 195 2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated
196 with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper
197 advertisements and abutter notification.
- 198 3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal
199 documents that may be required, must be submitted to the Town Planning Department for
200 signing. Date of Planning Board approval shall be included on the final plan in the Signature
201 Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy
202 of the signed original must be submitted to the Town Planning Department.
- 203 4. This approval by the Town Planning Board constitutes an agreement between the Town and the
204 Developer, incorporating as elements the Development Plan and supporting documentation, the
205 Findings of Fact, and any Conditions of Approval.

206 Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the
207 Planning Board to the York County Superior Court in accordance with Maine Rules of Civil
208 Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning
209 Board was rendered.

210
211 **ITEM 3 – Yankee Commons Mobile Home Park Expansion – Final Subdivision Plan Review**

212 Action: Approve or deny plan. Owner/applicant Stephen A. Hynes Real Property Trust Agreement requests
213 consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property
214 located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones.
215 Agent is Thomas Harmon, Civil Consultants.
216

217 Thomas Harmon – Civil Consultants representing Yankee Commons

218 Cliff Lippitt – Hydrologist, S.W. Cole Engineering

219 Mr. Lippitt's presentation from his hydro-geological report included the following statements:

- 220 • Mr. Lippitt assessed the hydrologic soil group C and D used by soil conservation to evaluate
221 infiltration mounts. After calculation, the total proposed development of 20.66 acres will generate a
222 5% increase of runoff year to year. Given the average rainfall of 47" per year, the current runoff is
223 estimated at 16,472,000 gallons per year. Considering the impervious layers and lawn use, the total
224 run off of the proposed plan is estimated at 17,352,000 gallons. The 5% difference in runoff becomes
225 virtually insignificant when considering the variable levels of runoff, infiltration, and evaporation.
- 226 • The drainage pattern map (Map C4) portrays the overall drainage basin of roughly 140 acres. The
227 proposed development covers only 15% of that area making the area an insignificant contributor.
- 228 • The bedrock cut is less than 20 feet and most being less than 10 feet. The primary cut is at the south
229 end of the site from the hill. The potential mounding of the plan will not change the infiltration to fall
230 to the sides of the mounding.

- 231
- The closest well is over 1,000 feet away on Parsons Road and has 80 feet of casing making the bedrock roughly about 75 feet.
- 232
- Mr. Lippitt assessed as a whole the overall drainage basin, surface flow, and infiltration of both the current soil bedrock state and with the proposed development. There is no interpreted adverse impact on the bedrock. The lowering of the bedrock surface will allow the water infiltration to remain localized. The bedrock removal and/or re-contouring of the ground will not significantly change ground water flow or recharge to the wetlands and streams.
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239 Don Moore, Conservation Commission

240 Mr. Moore stated that the facts provided by Mr. Lippitt well support his findings and requests that Mr. Lippitt state those facts in writing for his committee to review.

241

242

243 Mr. Harris pointed out the water level and runoff will not change once the proposed plan is complete.

244

245 Mr. DiMatteo asked if any section would have an adverse impact on the existing site. Mr. Lippitt responded he would be most concerned if; the cut were cutting a sand and gravel aquifer, there were seeps and streams surrounding the hill, or the adjacent wetland sat at a high elevation. None of those circumstances apply in this plan since the infiltration system is not being changed, but instead lowered.

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250 Ms. Driscoll-Davis requested a written report from S.W. Cole Engineering to assess how it will tie in with the blasting.

251

252

253 Brian Rayback - Pierce Atwood

254 Mr. Rayback requested that any specific conditions that the Planning Board requests to include it under the conditions of approval of the subdivision plan. In example, if equipment is swapped shouldn't need a permit amendment. These conditions should be pulled out of the plan and made explicit to understand what their company is obligated to do and avoid confusion.

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258

259 Mr. DiMatteo agreed that the certain aspects of the plan not pertaining to the public should not have to be scrutinized by the town or boards. It's suggested that the applicant clearly state what those items are and compile them into a list. Ms. Driscoll-Davis asked for changes since last meeting to be highlighted in the plan. Mr. Harmon stated the plan notes highlight those changes and that he will itemize them to include suggestions from Mr. DiMatteo.

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264

265 Mr. Harmon stated that a phasing plan will not be included since only one contractor will perform most of the blasting, utility installation, and roadwork. It is tentative that the homes construction will be phased by dividing each road into a phase. Mr. Harmon and Mr. DiMatteo clarified the duration of the plan for roads and infrastructure is 3 years and the entire proposed development is 5 years.

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269

270 Ms. Kalmar extended appreciation for the cross walk lights, offer to submit permitting and monitoring reports, and providing rabbit habitation.

271

272

273 Mr. Alesse asked if the air quality will be continuously monitored. Mr. Harmon responded that this operation will not have actual testing and equipment will be wet down to reduce the dust.

274

275

276 Ms. Wells asked if there was water being used in the extraction process of the rocks. Mr. Lippitt explained that the water used during the extraction process is primarily for dust control.

277

278

279 Ms. Kalmar asked if the adjacent mobile home parks will be monitored. Mr. Harmon finds no reason why the applicant should not. She also stated that the wetland alteration application and the street naming application should be submitted at the next review.

280

281

282

283 Mr. Harmon asked to postpone the street naming application until prior to occupancy as a condition of approval.

284

285

286 Mr. Harmon confirmed they are not opposed to having a preconstruction meeting.
287

288 **Ms. Driscoll-Davis made a motion to continue the application for the Yankee Commons Mobile Home**
289 **Park Expansion – Final Subdivision Plan Review until March 10, 2016.**

290 **Ms. Lynch seconded.**

291 **Motion passed 5-0-0.**
292

293 **ITEM 4 - Town Code Amendments – 16.8.11 - Cluster Residential and Cluster Mixed-Use**
294 **Development. 16.8.11.1 Purpose; 16.8.11.3 Dimension Standards Modifications; 16.8.11.5**
295 **Application Procedure; 16.8.11.6 Standards; 16.8.20.1 Green Strip; 16.9.1.7 Buffer areas; and**
296 **16.2.2 Definitions**

297 Action: review and schedule a public hearing. The proposed amendments provide clarity with regard to
298 open space and other requirement standards in cluster residential and cluster mixed-use development.
299

300 Mr. DiMatteo explained the biggest change resulting from the workshop with the Town Council is the
301 definition of reserved open space. This is a new provision focused on ecological conservation efforts.
302

303 Ms. Kalmar asked to define “scenic vista” to replace all written as “viewscape”, “viewshed”, and “view
304 corridor”.

305
306 Line 188-189 - Ms. Kalmar feels it fails to address an actual development obstructing a scenic view
307 which is an issue that likely cannot be addressed in cluster ordinance. There is currently not any
308 legislative mechanism in place to preserve these scenic views over private property. This will be
309 discussed with the comprehensive planning board.
310

311 Line 72 – The question was raised if the ordinance can make reference to the comprehensive plan and if
312 so, would it be adequate. Also, the question was raised to find the opinion on legal ramifications to
313 varying upland requirements by zone. Ms. Kalmar asked Mr. DiMatteo to inquire with MMA for those
314 answers. The board wants to be able to encourage growth versus discourage growth in other areas. Ms.
315 Lynch added the concern that some areas may not qualify for cluster development. Mr. DiMatteo
316 suggests bringing up various concerns in the future and focus on the existing condition now.
317

318 The board discussed several minor formatting and grammatical edits to be changed in the Town Code
319 Amendments.
320

321 **ITEM 5 – Board Member Items / Discussion**

322 The next Comprehensive Planning Board committee meeting will be held on February 17, 2016 from 5:00-
323 7:00pm.
324

325 The first public forum for comprehensive planning will be held on March 12, 2016 from 10:00-12:30pm at
326 the Kittery Community Center. Food and beverages will be provided.
327

328 **ITEM 6 – Town Planner Items:**

329 A. The next meeting’s agenda will include the public meeting for the continuation of the Memorial Circle
330 improvements and two public hearings for the code amendments.
331

332 B. The Old Post Road development plan will return in March.
333

334 **Mr. Alesse made a moved to adjourn.**

335 **Ms. Driscoll-Davis seconded.**

336 **Motion carried 5-0-0.**
337

338 The Kittery Planning Board meeting of February 11, 2016 adjourned at 8:13 p.m.
339

340 Submitted by Marissa Day, Minutes Recorder, on March 3, 2016

341
342 *Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been*
343 *made to ensure the accuracy of the information the minutes are not intended as a verbatim transcript of comments at*
344 *the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the*
345 *video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*