

**Town of Kittery
Planning Board Meeting
March 24, 2016**

Kittery Foreside Committee

Action: TBD. The Planning Board will hold a discussion on the need, scope, and direction of the proposed revitalization of the Kittery Foreside Committee.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Initial Planning Board Meeting	11/19/2015	HELD
NO	Secondary Planning Board Meeting	12/10/2015; 1/28/2016; Scheduled for 3/24/2016	HELD
YES	Review/Approval/Recommendation to Town Council		TBD

Background

Ms. Terry Lochhead and Ms. Cathy Wolff approached the Planning Board on 11/19/2015 and 12/10/2015 seeking support in requesting Town Council to consider a revival of the Foreside Neighborhood Committee, formally the Foreside Design Review Committee.

A letter of support was presented to Town Council for review on 1/25/2016. It was recommended by the Town Manager that the Planning Board continue working with Staff to develop a charge and determine any code changes that may be necessary prior to the creation of the Committee.

In order to avoid confusion with the existing code, it was determined the proposed committee should be referred to as the Kittery Foreside Committee, instead of the Foreside Neighborhood Committee. The Planning Board had a lengthy discussion regarding the committee on 1/28/2016. Minutes of that discussion are attached. The Board continued the discussion and agreed to study the role of the Kittery Foreside Committee as it currently exists within the code in order to determine how to proceed: a committee that advises on both regulatory requirements and advocacy issues, as proposed, or something different.

Review

The Board needs to determine whether they are in favor of reviving the Kittery Foreside Committee, with the powers and responsibilities as envisioned and described in Title 16.3.2.15.A and F. If so, it may be appropriate to create a new charge, so as to tailor the desired composition, purpose and empowerment to the modern needs of the Foreside Neighborhood. If the Board determines they are not in favor of reviving the Kittery Foreside Committee with powers and responsibilities currently described in the code, Staff recommends the Board consider a code amendment to remove KFC from the code in order to eliminate any potential confusion with future advisory or advocacy groups.

The proposal presented to the Board on 11/19/2015 by Ms. Lochhead and Ms. Wolff includes both advocacy and regulatory roles. These can often be in conflict with one another and may not be a good fit under one committee. Staff recommends the Board consider exploring the two roles, advocacy and regulatory, independent from one another.

An advocacy committee may seek to address concerns related to the long-term vision of the neighborhood. This could be achieved through working directly with the Comprehensive Plan Committee to include a

vision for the Foreside neighborhood, or by addressing the Planning Board during the application review process for specific development proposals, or during the public comment portion of the Planning Board meetings. This could be accomplished through either a formal town committee, an association or informal collective.

A design committee could be responsible for advising the Planning Board as to a project's conformance to the design standards within Title 16. The Board should first determine whether they feel advisory review is warranted. If it is, the Board can then determine whether review is more appropriate by means of a formal committee with a designated member(s) of the community that meet specific qualifications or a peer-review, similar to the review done by CMA for engineering. With the latter a qualified professional architect would be engaged to do the review paid by the applicant as with the engineering peer-review.

ITEM 2 – Board Member Items / Discussion

Ms. Grinnell reviewed the following items included in the Board member packets: Town Manager report; Building permits issued in December 2015; A letter from Southern Maine Planning & Development detailing Town dues and benefits; And a list of the recent and current applications that have been presented to the Planning board. Ms. Grinnell asked Mr. Di Matteo for an update on the Memorial Circle project that was last presented as a public informational presentation on October 22, 2015. Mr. Di Matteo stated the consultants reviewed the suggestions gathered at the informational presentation and concluded a reorder of the development tiers is not possible due to the amount of resources that have been invested in the project and the priorities of the State in creating a bicycling route around Memorial Circle. The consultants are continuing to work to make smaller modifications to accommodate the concerns of the individual property owners who spoke at the October 22, 2015 meeting. Ms. Grinnell expressed disappointment in the change in scope from the original project objectives and the danger of bicyclists and pedestrians traversing along Route 236 without a path. Ms. Driscoll-Davis noted sewer has recently expanded to that area of Route 236, therefore, development along that area is anticipated in the future. Ms. Driscoll-Davis further questioned if there is a way to prevent the engineering of a project to utilize a large portion of the project funds and avoid a similar situation in the future. Mr. Di Matteo agreed to work closely with the Planning Board, the State and developers to avoid future unnecessary project delays.

Mr. Di Matteo and Ms. Grinnell described the Action List to Mr. Dunkelberger and explained it as a Planning Board to-do list that is reviewed at the second meeting of each month to outline project priority and responsible party. Ms. Kalmar added the Planning Board and Town Council have three standing meetings each year to discuss code amendments.

ITEM 3 – Town Planner Items:

A. Ms. Grinnell asked the board if they have any comments on the storm water management code amendment draft that will be discussed at Monday's workshop with Town Council. Ms. Kalmar noted on Title 16.8.8.2.3 – Applicability, the wording "does alter" should be changed to "alters" in the second sentence.

B. Ms. Grinnell asked the Board if they have any comments on the shoreland application code amendments that will be discussed at Monday's workshop with Town Council. Mr. Dunkelberger commented line 28 is confusing and suggested a revision. Mr. Di Matteo explained the intent of the statement is to identify what is exempt from Planning Board approval by offering a list with the assumption that all development other than what is exempt requires approval. Ms. Kalmar suggested modifying 16.10.3.2.A so it reads "A. Single and duplex family dwellings. This exemption does not apply in the Shoreland or Resource Protection Overlay Zones." Mr. Di Matteo agreed to review this.

Ms. Driscoll-Davis requested a revision of lines 23-26 for clarity. Ms. Grinnell agreed and questioned why "the Shoreland and Resource Protection Overlay Zones" are specified in the list of exemptions when the title paragraph includes that disclaimer. Ms. Kalmar differentiated between Shoreland Development review and Shoreland and Resource Protection Overlay Zone, and noted both need to be addressed in the code to meet DEP standards. A consensus not to alter lines 23-26 was reached.

C. Ms. Grinnell asked to clarify the name of the committee as names are currently used interchangeably, which can be confusing. Ms. Driscoll-Davis suggested continuing with the name Foreside Design Review Committee because that is how it is referred to in the code.

Mr. Di Matteo distributed minutes from a conversation that occurred in January 2015 regarding the dissemination of the Foreside Design Review Committee. Mr. Di Matteo encouraged the Board to decide whether they want to revive the committee as it is defined in the code, or remove the committee from the code and use the peer review model that was discussed at previous Planning Board meetings. Ms. Driscoll-Davis stated she believes the residents of the Foreside have a right to representation in the form of a committee, or there should be a zoning change to offer Foreside residents protection from mixed-use businesses. Mr. Di Matteo differentiated between advisory and advocacy feedback, and questioned whether these should come from the same body, or have independent sources. Ms. Kalmar agreed advisory input in relation to design review would be beneficial, and would need to have resident and expert opinion but an advocacy group is best-fit working with the Comprehensive Plan Committee. Ms. Driscoll-Davis confirmed they were invited to the Comprehensive Plan Committee meeting held on January 20th, 2016, unfortunately they were unable to attend due to another commitment. Mr. Di Matteo stated the Comprehensive Plan Committee is breaking down to smaller groups so there is a possibility to shift the schedule so it meets the needs of the residents interested in the Foreside Design Review Committee.

Ms. Grinnell stated she is in favor of an advisory committee, but that she does not believe it should be referred to as a design review committee, because they will not have any voting or regulatory authority. Ms. Grinnell suggested the title Kittery Foreside Committee. Ms. Driscoll-Davis agreed and stated the original Foreside Committee was established with the intent to “revitalize” the Foreside, and noted the scope of the new committee would focus on the types of development and how that interacts with the Foreside residents. Ms. Driscoll-Davis is also in support of an advisory, Kittery Foreside Committee and recommended they work closely with the Comprehensive Plan Committee. Mr. Dunkelberger read Title 16.3.2.15 which states “KFC advisory design review is required for any project involving the construction of a new building, or enlargement or modification of an existing building”. Mr. Dunkelberger noted this definition does not match the intent the Board is stating they would desire from an advisory group. Ms. Grinnell asked if the Board would be in support of this. Mr. Alesse stated he would support a group working collaboratively with the Comprehensive Plan Committee.

Ms. Grinnell suggested taking the feedback from this conversation and placing this on the February 25, 2016 agenda to discuss further while the invested residents work to meet with the Comprehensive Plan Committee. Ms. Driscoll-Davis asked Mr. Di Matteo to reach out to invested residents to express the sentiments of this conversation to them. Mr. Di Matteo agreed.

Mr. Alesse made a moved to adjourn

Mr. Harris seconded

Motion carried 7-0-0

The Kittery Planning Board meeting of January 28, 2016 adjourned at 8:17 p.m.

Submitted by Rebecca Spitko, Assistant Town Planner, on February 5, 2016

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