TOWN OF KITTERY, Maine **UNAPPROVED**
PLANNING BOARD MEETING **SEPTEMBER 29, 2016**
Council Chambers

Chair Grinnell called the meeting to order at 7:05 p.m.

ROLL CALL

Board Members Present: Robert Harris, Dutch Dunkelberger, Debbie Driscoll-Davis, Mark Alesse, Vice Chair Karen Kalmar, Chair Ann Grinnell
Board Members Absent: Brett Costa
Staff Present: Chris Di Matteo, Town Planner

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES FROM SEPTEMBER 8, 2016

Line 146 – Motion should read 4-0-2.

Mr. Dunkelberger moved to accept the September 8, 2016 Minutes as amended.
Vice Chair Kalmar seconded.

The motion carried 6-0-0.

PUBLIC COMMENTS

Chair Grinnell opened the floor for public comment. There being no comments, the Chair closed the public comment section.

PUBLIC HEARING

ITEM 1 – Town Code Amendments – Town Code Amendments – 16.2.2 Definitions.
Action: Hold a public hearing. Recommend to Town Council. The proposed amendment addresses language and organization within the definitions chapter of Title 16.

Chair Grinnell opened the public hearing. There being no public in attendance, the Chair closed the public hearing.

Chair Grinnell stated the date should be changed from August 25, 2016 to October 27, 2016.

Mr. Dunkelberger moved to recommend to Town Council adoption for Town Amendments – 16.2.2 Definitions for October 27, 2016.
Vice Chair Kalmar seconded the motion.

The motion carried 6-0-0.

ITEM – 2 – Town Code Amendments – 16.4.4.14 – Non-stormwater Discharge; 16.9.7 Non-stormwater Discharge.
Action: Review amendment. Schedule a public hearing. The proposed amendments provide clarity concerning restrictions related to non-stormwater discharges required under the Town's MS4 obligations.

Chair Grinnell opened the public hearing. There being no public in attendance, the Chair closed the public hearing.

The Town's Shoreland/Environmental Resource Officer, Jessa Kellogg, was present to explain non-stormwater discharge for chlorinated swimming pools as requested by the Board from a previous meeting. Ms. Kellogg explained an owner can use a simple test to determine the chlorine level of a pool. The test strip will read zero. Ms. Kellogg explained she checked with an MS4 consultant and discovered other communities do not have an actual number listed in the amendment. Ms. Driscoll-Davis stated her concern of using a zero because the Town's water has chlorine. Ms. Kellogg commented after two days of using chemicals the reading should be zero and pools can be drained. There is no guidance from the State for salt water pools. She also stated bromine and chlorine are treated similarly.

After further discussion, the Board made the following amendments:

Lines 145-146 – Add sentence – "Pools may only be emptied 48 hours after the last chemical treatment."

Line 264 – Spell out the acronym NPDES and reference it.

Lines 134 and 135 - Pluralize verbs.

Line 324 – After the word premises add "for purpose of stormwater regulation".

Line 264 – Town Planner will review this section to find out if applies to stormwater definition.

Line 398 – Delete the date.

Make font consistent throughout document.

Mr. Alesse moved to recommend to Town Council adoption for Town code Amendments, Title 16.4.4.14 Non-stormwater discharge; Title 16.9.7 Non-stormwater Discharge and Title 16.2.2.
Vice-Chair Kalmar seconded the motion.

The motion carried 6-0-0.

ITEM 3 – Town Code Amendment 16.7.3 Nonconformance 16.2.2 Definitions.
Action: Review amendment. Schedule a public hearing. The proposed amendment is a reorganization of the Nonconformance provision within Title 16 and updates to ordinance pertaining to the expansion of nonconforming structures within the Shoreland or Resource Protection Overlay Zones.

Mr. Di Matteo mentioned this Item will also tie into Item 5 regarding the changes the state has added to Chapter 1000 guidelines.

Vice Chair Kalmar requested Chapter 1000 be identified in this ordinance.

The Board was in consensus to have the amendment reorganized and place Shoreland Development in one area.

Vice Chair Kalmar requested the DEP changes from April 1st be added to lines 376-378 and lines 422-423. Vice Chair Kalmar also requested Title 16.7.3.3.1 include letters at the end for clarity. Mr. Di Matteo stated he needs to double check the formatting and number in this section.

Other Board amendments are as follows:

Line 290 – Add the reference 16.7.3.4.

Line 83 – "Planning Board" ahead of "Board of Appeals".

Line 103 – Reword sentence to "All of the stakes, caution tape, silk fences and such materials used during construction to remain until all of onsite work is completed. Written permission to remove such must be given by the Code Enforcement Officer.

Line 175 - Change "must" to "may" or "in order to proceed, the application must be submitted".

Line 250 - Add "or destroyed".

Line 266 – Take out "will".

Line 215 – Remove extra "g" in the word within.

Lines 4 and 5 - Take out the comma after "and".

Lines 135 and 136 – Add a period after Board of Appeals. Take out "or" so sentences read "Except in cases where structures are located in the Shoreland Overlay or Resource Protection Overlay Zone. In such cases, review will be conducted by the Planning Board."

Line 138 – Place colon after Code Enforcement Officer and delete "proposed expansion".

Line 176 – Change sentence to "and then may approve the proposed variation to the dimensional requirements herein the code".

Line 183 – Change to "In addition to the standards in the above subsection".

Line 232 – Take out the word "structure".

Line 286 – Take out "on" and take out the comma after "and".

Line 287 - Add the word "permitted".

Mr. Alesse moved to schedule a public hearing for Town Code Amendments Title 16.7.3 Nonconformance and 16.2.2 Definitions, for October 27, 2016.
Vice Chair Kalmar seconded the motion.

The motion carried 6-0-0.

ITEM 4 – Town Code Amendment 16.10.5.2 Planner Review and Confirmation of Submittal Content – Preliminary Plan.
Action: Review amendment. Schedule a public hearing. The proposed amendment addresses requirements for a preliminary plan application submittal.

Paragraph 12 will be reformatted.

Mr. Alesse moved to schedule a public hearing for Town Code Amendments, Title 16.10.5.2 Planner Review and Confirmation of Submittal Content – Preliminary Plan for October 27, 2016.
Ms. Driscoll-Davis seconded the motion.

The motion carried 6-0-0.

ITEM 5- Town Code Amendment – Title 16, Land Use and Development Code.
Action: Review amendment. The proposed amendment updates provisions associated with the Shoreland and Resource Protection Overlay Zone ordinances to comply with state regulatory standards.

Mr. Dunkelberger moved to continue the Town Code Amendment Title 16 Land Use and Development Code to October 27, 2016.
Mr. Alesse seconded the motion.

The motion carried 6-0-0.

BOARD MEMBER ITEMS

Ms. Driscoll-Davis stated the Comprehensive Plan Committee met the previous evening. She shared a flyer for the Maine Active Community Environment Workshop that will be held on October 27th.

Ms. Driscoll-Davis reported the Committee continued to review chapters including the Land Use. She handed out copies of a draft of a map and explained the Committee would like comments from the Planning Board. More information, such as easements, will be added at a later date.

Ms. Driscoll-Davis stated the last public forum will be held at the Kittery Community Center on November 3rd. There is meeting October 3rd from 6:00 -7:30 p.m. and she encouraged Planning Board members to attend. Ms. Driscoll-Davis also stated the next full Comprehensive Plan Committee will meet on October 19th.

Action List
Chair Grinnell questioned if No. 11 on the Action List is correct.

TOWN PLANNER COMMENTS

Mr. Di Matteo reported the RFP news.

Mr. Alesse made a motion to adjourn the meeting.
Mr. Dunkelberger seconded the motion.

The motion carried 6-0-0.

The Kittery Planning Board meeting of September 29, 2016 adjourned at 8:13 p.m.

Submitted by Mary Mancini, Minute Recorder, on October 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