

Town of Kittery
Planning Board Meeting

APPROVED
Thursday, November 16, 2006
Council Chambers
Meeting called to order at 6:15pm

Present: Doug Muir, Megan Kline, Chairman White, Ernest Evancic, Scott Mangiafico,
Janet Gagner

Also present: KCC Chair Earldean Wells, Bill Straub of CMA Engineers

1. Roll Call

Roll call noted.

2. Public Comment: Non-Agenda Planning Board Matters

None

**3. Public Hearing: Easterly Surveying, Inc. for Philip Doucette, 64 Norton Road.
Applicant is requesting review and approval for a Town approved Right of Way to
provide frontage for one building lot. Map 61 Lot 4, zoned Rural Residence.**

Peter Agrodnia of Easterly Surveying, representing property owners Philip and Christine Doucette presents the project. The parcel is located between 65 and 75 Norton Road on currently vacant land. The parcel is 11.39 acres. They are seeking approval for a 40-foot wide ROW to service one parcel, the back parcel of land. Initially they came before the Board in July, proposing a three-lot minor subdivision ROW, which was determined to be too close to shoreland overlay district. They scaled back project and are now simply looking for a division of land and approval of a ROW. The revised proposal was presented in October. There have since been some minor changes: they realigned the ROW as it approaches Norton Road at the recommendation of DPW. This change results in better safety and sight distance, and cuts down on headlight glare across street. They plan to follow the woods road, which is in excellent condition. It has an existing wetlands crossing with a 12-inch corrugated pipe. There will be no wetland alterations. The Doucettes live at 64 Norton Road across the street and eventually want their sons to build on the properties. They want it developed attractively and responsibly. They are asking for two waivers. One is a waiver request for control of erosion and sedimentation as endorsed by the York County Soil and Water Conservation. Note 9 on the plan addresses BMPs and talks about installation of hay bales and fencing. They are not 100% sure where the driveway will go. The second waiver is for disposal of storm water and other surface drainage. He reminds the Board that they are using the established woods road and are planning only minor improvements.

Chairman White asks the Board for immediate questions and then asks if any members of

public are here to speak. No one speaks. They move on to Board deliberation. The Board looks at the waivers

Mr. Mangiafico says he doesn't recall any major issues with the waivers.

Mr. Muir reminds him there was an issue about the steepness of the road.

Mr. Mangiafico says following the existing woods road is the less steep way than the way it was originally proposed.

Mr. Agrodnia says the modification at the Norton Road end of it is going to help with the grading. They will have no problem getting a driveway in there now and while it is steep they can do it within regulations.

Chairman White says he had a concern about the wetland alteration. It seems that a wetlands permit could be avoided as long as activity falls under 16.28.410, which is permitted activities. He reads the ordinance. He says to make that into a driveway, you'll have to add some side slope and some fill will go into the wetland, which doesn't alter it but it could be a permitted activity.

Mr. Mangiafico asks, can we request a wall be there to avoid this problem, in some cases it can be done with cement block or rip rap. That would avoid any encroachment on the wetland, which makes it a non-issue.

Chairman White says there is really only one portion where the crossing is.

Mr. Agrodnia says the crossing width at that point is 12 feet. He says you are looking at such a minor amount of fill that retaining walls would have a greater impact.

Mr. Mangiafico asks during construction would you be using best management practices?

Mr. Agrodnia says yes, that is in Note 9 on plan. The Gove group will be installing the driveway and they know the drill. It's a small project for them.

Mr. Muir asks how will the driveway differ from the woods road?

Mr. Agrodnia points out the proposed and existing portions on the plan. He says they want to remove as few trees as possible to limit impact.

Mr. Mangiafico discusses his interpretation of ordinance 16.28.410, asserting he doesn't think it would be a substantial alteration to the wetland.

Ms. Kline asks for clarification.

Mr. Agrodnia says the road may be 14-foot wide, he hasn't looked at that for months, so he's not sure the exact width.

Chairman White asks if there is a notation of proposed driveway dimensions on the plan?

Mr. Agrodnia says I don't believe so, that is a good idea.

Ms. Kline says because of the woods road, we should require 16.32.220 regarding easements. She says there should be a drainage easement with a 30-foot no-cut buffer on the upland side. It is a building setback anyway. She asks for clarification, there are two lots right?

Mr. Agrodnia says yes, one of the lots is in the front and will come right off Norton Road.

Chairman White asks where they would want that building easement to go?

Ms. Kline says it needs to be installed in case it ever becomes a driveway.

Mr. Agrodnia says it can never become a driveway. It's not allowed.

Mr. Muir asks where the lots are located.

Mr. Agrodnia explains it's a division of land, one lot being divided into two. The first parcel has frontage on Norton Road and is three acres. The plan is to divide land for their sons.

Mr. Muir says we have to think about future use and whether there will be any further subdivision because a different configuration of the ROW might make more sense. You don't think there is any likelihood of a further subdivision.

Mr. Agrodnia says there is really no place to go with further development; it is at its limit because of all the wetlands.

Chairman White says you could further subdivide after five years; that is a note you could add to the plan.

Mr. Agrodnia says they don't want to do that at this time.

Mr. Mangiafico says right now the ROW wouldn't support another lot.

Chairman White says they should add a note on plan that further subdivision requires Planning Board review.

Mr. Mangiafico says you probably want to see a profile on there.

Chairman White says, so the waivers look okay? I don't see a problem.

Ms. Gagner has a question about tree removal. Which five trees will be removed?

Mr. Agrodnia shows her on the plan.

Ms. Gagner says, so the entrance next to Norton Road will not be used as an entrance?

Mr. Agrodnia says no and the pine tree won't be removed.

Ms. Gagner asks if the test pits had some limiting factors that were less than 24 inches?

Mr. Agrodnia says there were several good test pits out there, only a few had limiting factors.

Mr. Mangiafico moves to accept the waivers for the division of land and ROW plan for Philip Doucette of Norton Road, Tax Map 61 Lot 4, zoned Rural Residential. Having reviewed the request for waivers from the ROW plan requirements, he moves to approve them. The first waiver would be for 16.36.0603.d, plan for control of erosion and sedimentation endorsed by the York County Soil and Water Conservation District; Waiver 2, 16.36.0603.e, plan for disposal of storm water and other surface drainage repaired by a professional engineer.

Ms Gagner seconds.

Mr. Mangiafico says we don't need to have this run by the York Country and Soil Conservation district because no wetland alterations are anticipated and it is an existing woods road that will be upgraded to a driveway. He sees no issues with the disposal of storm water and surface water drainage. I note that best management practices will be used.

All in favor. Waivers are approved.

Mr. Mangiafico recommends adding a note on plan that no further division of land will occur without Planning Board review.

Mr Mangiafico says having reviewed the Kittery Land Use and Development Code and the Kittery Comprehensive Plan, he finds the division of land and ROW plan of Philip and Christine Doucette substantially compliant and moves to approve the plan for the 64 Norton Road parcel for the ROW plan to add frontage for one building lot on Map 61 lot 4, zoned Rural Residence with the following conditions: 1) add a road design profile to plan, and clarify the same on Note 8 of the plan; 2) Add a note to plan clarifying that no further division of land for the proposed lot 1 will occur without Planning Board review. Plan drawn by Easterly Surveying, dated May 8, 2006, latest revision date August 22, 2006, sheet one of one, division of land and ROW plan, and sheet one of one for the high intensity soil map and topographic plan.

Ms. Kline seconds

Chairman White adds that he will sign the plan for the Board

Ms Gagner asks about the official name of Easterly Surveying. He clarifies that they do business as Easterly Surveying.

Mr. Muir points out a problem he sees on the two plans regarding trips, noting the two numbers are different.

Mr. Agrodnia says they will correct that note

Mr. Mangiafico says that should be covered under the modifications made to Note 8.

Mr. Agrodnia says all the improvements are shown on the first sheet.

All Board members are in favor on main motion. Motion passes.

Chairman White says any aggrieved party can appeal the decision at the Superior Court within 45 days and asks if the applicant accepts the minutes as finding of fact?

Mr. Agrodnia says yes. He thanks the Board.

4. Public Hearing: CLD Consulting Engineers for Fuller Brook Estates, applicant is proposing an eight-lot subdivision to be located at 161 Haley Road. Map 39 Lot 17a-1, zoned Rural Residence.

Ms. Joanne Fryer from CLD Engineers presents the project. The intention of the project is to minimize impacts to site and retain the rural characteristics. Total lot size is 23 acres with over 8 acres of open space. The project includes an 18-foot wide road with wetland crossings and box culvert for wildlife crossing. She presents the plan, identifying open space, roadway and driveway locations, etc.

Chairman White asks her if there is anything else she wants to say before public comment.

Ms. Kline asks about the November 2, 2006 CLD letter, which talks about the changes that they made as a result of last month's meeting.

Ms. Fryer summarizes the changes. They increased slide slopes, realigned the roadway slightly to provide the minimum setback to the edge of the travel way to the wetlands, investigated putting together a landscaping plan, added a Note to Sheet B saying new trees will be added to make up for cut trees. Selected clearing will be done with the consultation of DOC. The majority of northern border is within open space and one of the requirements was not to clear here. They will provide drainage easements per the zoning ordinance. That requires easements for drainage located outside the public way. Each of the wetlands areas do not have defined drainage channels, this was discussed over the course of planning. They do not need easements for existing wetlands areas because of this.

Chairman White asks for public comment.

Mr. Mike Kalik at 139 Haley Road steps forward. He says Fuller Brook runs between his property and the development. How close are you going to get to the brook?

Ms. Fryer points out the location of Fuller Brook on the plan, as well as the existing driveway, Haley Road, and the open space, and she shows him the proposed roadway.

Mr. Kalik asks is there anywhere along Fuller Brook where you are going to fill?

Ms. Fryer answers no. The runoff from the site will be less than it currently is.

Mr. Kalik asks where are the proposed lots?

Ms. Fryer points them out on the plan.

Mr. Kalik asks if they will be doing any blasting?

Ms. Fryer says no blasting will be required for the roadway and none normally for the house sites.

Mr. Kalik asks if they will be notified if they do blast.

Ms. Fryer explains that they are required to notify abutters.

Mr. Kalik thanks the Board.

Ms. Wells asks how much is the wetland fill and impact?

Ms. Fryer says it is 10,026 square feet, they changed the slopes making them steeper to stay within limits.

Ms. Wells says the flood plain is close to the road, how far from road is it exactly?

Ms. Fryer says it is approx. 25 feet at the closest place.

Ms. Wells says we have failed to mention wetland signage up to this point. We usually have that with wetlands so close to lots. This is being referred to as open space rather than conservation land, which has two different meanings.

Chairman White says the open space is dedicated and deeded?

Mr. Greg Orso answers for the purposes of project, that is open space. There is nothing that is going to be put there in future. It will be essentially left alone. He can provide more details for the Board.

Chairman White says you would actually permanently record the deed restrictions?

Mr. Orso says yes.

Chairman White says as far as language, you should work that out with the KCC.

Ms. Wells asks about the road that will connect to Operation Blessings land. Is this road automatically approved if the plan is approved tonight?

Ms. Fryer says we will be happy to remove it from our plan.

Mr. Mangiafico says by having it in the plan it won't affect anything, it is simply there for informational purposes.

Chairman White says when you make a motion, be sure to list which sheets are in the motion for clarification.

Ms. Wells asks is 25 feet from 100 year flood plain in the ordinance?

Ms. Kline references ordinance 16.32.960 on page 428 to answer her question. It is a section of the Code that wasn't addressed in CLD's letter.

Mr. Muir asks does it apply to the flood plain?

Ms. Kline says we have it crossing a preexisting crossing in the 100-year flood plain.

Ms. Fryer says this is not so, she explains there was some confusion, but this is the State's location.

Ms. Kline asks the Board to go to drawing 1 and 2A to further examine the issue.

Ms. Fryer points out the 60 foot ROW, which is very close to the boundary. The ROW is outside the 100-year flood plain. The only area within the flood plain is a no cut area and open space area.

Ms. Kline asks how close to the ROW do you get?

Ms. Fryer says approx. five feet from the edge of the ROW. The road surface is 25 feet from there. Does that answer your question?

Ms. Kline says that answers the 100-year flood plain question.

Ms. Fryer points out the flood plain boundary according to FEMA.

Ms. Kline now asks where are we as far as elevation of station 9 of Fuller Brook? How close are we?

Ms. Fryer says at station 9 they are approximately five feet higher than the wetland crossing.

Ms. Kline says so that is not considered a part of the 100-year flood plain?

Ms. Fryer says correct, based on FEMA.

Ms. Kline says this doesn't refer to strictly a 100-year event but when it starts out it is traversed by a natural drainage way, where is it going to drain? Probably there. Am I right that the wetlands you are crossing will drain towards the brook?

Mr. Straub comments, he asks Ms. Fryer to point to Station 9 and the crossing. He was looking at grading Plan sheet 4a, it is not clear that that is not flood plain.

Ms. Kline says that is correct, but it drains towards the brook. This road should still have a natural drainage easement attached to it. The crunch comes because it says such easement or ROW should not be less than 30 feet.

Mr. Mangiafico asks it is not a natural drainage easement, it is going towards a culvert under the road?

Ms. Kline says we are not talking about the current crossings, these are not preexisting?

Ms. Fryer says there are currently culverts in the road.

Mr. Peck explains the drainage path of water along the road.

Chairman White asks do you think the plan would be improved with the addition of a drainage easement? If so, where would it go?

Ms. Kline says it would run 30 feet from edge of wetland to road, if someone wanted a bumpout, it should be very clear where to put anything.

Chairman White says that would essentially run the whole length of the road? That would leave the wetland undisturbed except for driveway cuts?

Ms. Fryer asks for clarification about where the drainage easement would go.

Ms. Kline explains it would run along the length of the road. Sometimes people use the edge of the road for storage, etc. If you have a drainage easement present, you have a buffer area that is not for any other activities except for drainage. At this point, I'm not ready to change the road course; the Board gave you an opinion that 18 foot was appropriate.

Mr. Orso asks would this run along either side of the road?

Ms. Kline says where wetland is involved.

Mr. Orso says I don't think it is anticipating having a 30-foot easement.

Ms. Kline says so when you cross it, you would have a 30-foot easement around it. If you measure 30 feet on either side of it, you get your easement. She explains it decreases the chances of things happening there.

Ms. Fryer says would it have to be within the limits of...?

The Board looks at the ordinance.

Mr. Mangiafico says I think it might be a bit of overkill, but I don't see any problem with what you are saying.

Ms. Kline says once it is established, we like it to remain stable because of the length of the road and amount of drainage from Fuller Brook.

Mr. Straub asks Ms. Fryer, where are the areas where you will steepen the roadways?

We are not comfortable with that, could you compensate by putting in walls, etc. rather than road slopes.

Ms. Fryer says it was our intention to put in jute matting. We could look at headwalls, but that involves maintenance.

Mr. Straub says I don't see what maintenance issues would come up with headwalls. It seems like a simple way to solve the problem. There was some housekeeping regarding landscaping, which they have addressed. A hydro analysis does not need to be completed. He asks whether a waiver was requested for the erosion control plan?

Ms. Fryer says that was reviewed, it is in section 2 of the white notebook.

Mr. Straub says the box culvert needs to be designed and stamped by an engineer. A simple note on the plan should be there.

Mr. Orso says we plan to do that.

Mr. Straub says the location of guard rails should be noted on plan as well. He asks what material the culverts will be?

Chairman White closes the public comment section and proceeds to Board deliberation

Ms. Kline asks about road maintenance.

Mr. Straub says the ordinance requires that a maintenance agreement be supplied and provided by the Board.

Chairman White says that can be a condition of approval. We need to look at waivers first. He asks was the street standards issues dealt with?

Ms. Fryer discussed the private roadway and private lane standards.

Chairman White says you still need a waiver for that.

Mr. Mangiafico summarizes the main issues from the last meeting regarding waivers.

The roadway, open space issue and the setback requirement for road, which they decided should be 10 feet.

Mr. Mangiafico says the waiver for the roadway is appropriate with CMA recommending 16 foot width; Waiver #2, 2,500 versus 1,200 foot road length, you need to look at what you'll do with road in the long-term. We need a note on the plan that connection be allowed, a through road in the future.

Mr. Straub says a big mitigating factor is the provision of public water.

Mr. Mangiafico says does that solve all safety issues?

Ms. Kline says another reason not to make it a through road, is that it is part of designated deer yard, though they are not asking for a through road.

Mr. Mangiafico says we did do this on High Point Estates. We don't want to ruin the potential for a through road.

Ms. Kline says it is not to the benefit of the brook to make it a through way. It is better to support that as a cul-de-sac.

Mr. Muir agrees with Ms. Kline.

Chairman White is a little uncomfortable about requiring future connection; he asks Craig Wilson if his recollection is the same as to the Board's past practice.

Mr. Wilson agrees with what Chairman White says.

Chairman White says we don't want to impede future connection but I don't want to compel it.

Ms. Kline says it keeps us in compliance with the Comprehensive Plan because future land use in this plan is for rural conservation. I feel it should stay a cul-de-sac.

Mr. Mangiafico says I don't think waiver 3 is applicable.

Waiver 3 is withdrawn.

Ms. Gagner says number 2 has emergency access, should we leave that in?

Chairman White says that was written in as potential justification for that waiver. Really they are seeking a waiver for the length of the road.

Mr. Mangiafico moves to approve the waiver requests for Fuller Brook Estates for an 8-lot subdivision located at 161 Haley Road, Map 39 Lot 17a-1, zoned Rural Residence. The first waiver 16.32 110 and the second waiver Figure 1 of 16.32 cul-de-sac length. He moves to approve them as requested noting the reasons stated in the June 13, 2006 submittal. Ms. Kline seconds. All in favor. The waivers are approved.

Mr. Mangiafico asks about the conservation issues.

Chairman White recommends that the applicant meet with the KCC to discuss the language as a condition of approval.

Mr. Mangiafico asks is that acceptable to the KCC Chair?

Ms. Wells says yes.

Mr. Orso says we would be happy to do that.

Chairman White says you can also discuss the wetland signage issue with them as well.

Mr. Mangiafico asks if there are any additional notes on plan for restricted cutting?

Ms. Fryer says that applies to certain lots, those between the drainage areas, which provide buffer for storm water. She says the areas not shown as buffer are being collected and treated in drainage swales before they get to wetlands.

Mr. Mangiafico recommends a note on the plan that they are doing their best to minimize impact.

Mr. Mangiafico recommends that they work with KCC to come up with language for this note.

Mr. Mangiafico says for me you are talking about five wetlands crossings, I think it's a very minor thing.

Chairman White says the plan should dictate building requirements to safeguard from someone clear cutting a lot because different builders will be working here.

Mr. Orso says we do have buffers for many reasons, security, safety, etc, but we want people to be able to have a yard.

Chairman White says we don't want them to not have a lawn.

Ms. Kline asks do we leave this to the KCC to foster the language?

Ms. Wells asks I would like some guidance on that.

Chairman White says we would review it at a future meeting.

Ms. Fryer asks if they are ok with the proposed road name?

Chairman White says yes.

Mr. Mangiafico says by approving the application, we are not approving the name.

Ms. Kline says the Chief of Police gives the final approval. It usually comes before Board during Planners time.

Mr. Mangiafico says there is a note on sewage disposal, which should be included on plan.

Ms. Fryer says that is not currently on the plan but we will provide it.

Mr. Muir asks who is the owner of the open space?

Mr. Orso says ultimately it will be part of the homeowners association.

Mr. Mangiafico asks Mr. Straub about the requests for the headwalls.

Mr. Straub says if they want to mitigate the amount of wetlands impacts, that should be done with headwalls rather than slopes.

Chairman White says it sounds like there is a difference of opinion on the headwalls.

Does the Board have any ideas on that?

Mr. Mangiafico says the headwalls are something that normally would not wash out. Mr. Muir asks what material the headwalls can be made of? He asks wouldn't riprap work?

Chairman White says leave the decision up to the applicant to decide which they prefer. Mr. Muir asks how do you know that this will be done?

Chairman White says we will make a condition that a design detail and note be part of the plan.

The Board goes through the list of conditions and how they should read. They include: add headwalls; plan for wastewater disposal system be included on plan; drainage easements added to plan per 16.32.960 at each wetland crossing; meeting with KCC to formulate open space conservation land language, review addition of cut limitation language, wetland signage; include note on plan noting box culvert at station 17 to be designed by an engineer licensed by the State of Maine; grid lines with elevations be provided on the profiles; locations of guard rails to be placed on plan; the maintenance agreement and homeowner association documents be provided to planning board for approval; remove the reserve septic areas from buildable area as shown on plan

Mr. Mangiafico asks if everything has been submitted for the final plan?

Mr. Mangiafico moves to approve the Fuller Brook Estates Plan as submitted. He then withdraws the motion so the Board can look at the wetland alteration permit.

The Board looks at the wetland section in the CLD book and the ordinance.

Ms. Kline says to be compliant with the ordinance, they need to look at page 350. We need to review that the applicant has shown that there is no practical alternative to the proposed. She reviews the notes on the plan.

The wetlands permit application motion is seconded. All in favor of wetlands permit application motion.

Mr. Mangiafico moves to approve the subdivision plan for Fuller Brook Estates for an 8-lot subdivision located at 161 Haley Road, Map 39 Lot 17a-1, zoned Rural Residence. Plans dated January 2006 and latest revision November 2, 2006, including sheet c, cover page, sheet 1, lot consolidation plan, 4 a and b high intensity soils plan, omitting sheet number six .with the following conditions: 1) a design detail be added to plan regarding headwalls to help with wetland mitigation and those designs to be approved by town planner; 2) plans for design of wastewater disposal included on final plans; 3) drainage easements be noted on plan for each wetland crossing per ordinance requirements; 4) the applicant meet with KCC to formulate three areas of concern, a potential cut limitation be added on each lot, review wetland signage and placement noted on final plan, and conservation space language be noted on plan and deeds and covenants, 5) grid lines with elevations be provided on plan profiles; 6) plan notes on plan noting station 17 box culvert; 7) locations of guard rails be noted on plan; 8) anywhere corrugated metal culverts shown on plan be replaced with RCP; 9) maintenance agreement homeowner association documents be provided to Planning Board for approval; 10) and reserve septic areas from buildable areas be shown on plan. The Chairman will sign for Board. The motion is seconded. All in favor.

Chairman White says any aggrieved party can appeal the decision at Superior Court within 45 days. He asks if the applicant accepts the meeting minutes as Findings of Fact. Mr. Orso accepts and thanks the Board.

5. Preliminary Plan/Scheduling Hearing: Appledore Eng. and Gawron Turgeon Architects for Kittery Commons, LLC. Applicant is proposing a nursing facility/convalescent center to be located off Lewis Road. Map 61 Lot 27, zoned Mixed Use.

Chairman White briefly addresses with Board regarding completeness issue. He received an email from Planner Noel saying that the application is substantially complete.

Mr. Bill Gillis stands up to speak. He says this is like preliminary hearing number two and will try not to reiterate too much. He would like an approval tonight so they can go to final hearing.

Mr. Brad Mezquitta from Appledore Engineering speaks. He says there have been no changes with the layout since the last meeting.

Ms. Kline says at end of last meeting we were discussing the entrance road and the drainage difficulties (finding a place for storm water). You have a 35% requirement in mixed use, if you could explain why you wouldn't want to use your utility easement as an entrance road? It would make sense to have the two in one place, then you meet the 35% open space requirement. That is my proposition to you.

Ms. Charlotte Mulroneo asks Chairman White if he's comfortable with the details of the plan.

Chairman White asks for a quick summary.

Mr. Mezquitta summarizes the plan for him, noting the location, parking details, water drainage, etc.

Chairman White asks Mr. Straub to review CMA's issues.

Mr. Straub says there are only two issues addressed with the revised plan: the open area delineation, which they have addressed; the ordinance requires that secondary road standards be met, which would require a sidewalk and driveway. They are proposing a 4-foot paved shoulder. The exterior lighting plan was submitted and there is a minor modification: they want 18 foot high poles. There were a number of other issues from last time that have not been addressed with the revised plans. The big thing was how it connects to Route 1 and how utilities should connect. The water service in its current state is not satisfactory so major improvements need to be made. Sewer could go the same way.

Mr. Mezquitta says as far as the water goes, there is an agreement to upgrade the water line along Route 1 to a 12-inch line. They are proposing to bring the water line up to the easement and then to the site. There is a proposed development being planned across the street and cost-sharing would occur. Should they bring sewer down they would run a gravity system.

Mr. Straub says there is an opportunity for them to have public utilities, though if they go for the easement it will not be done.

Mr. Mezquitta comments on Figure 1 (16.32) the roadway, the entrance now is 24 feet wide curb to curb. The reason for placing driveway in current location was to avoid the town's buffers to each one of the wetlands. Should they go to a six foot shoulder, which is 33 feet of pavement, versus the 24, they will be in those buffers. As a compromise, they will use the 24-foot, stripe it at 20 feet and then use a four-foot paved shoulder. It is not a heavy pedestrian area.

Ms. Mulroneo explains most of the people in the facility will not be ambulatory. The

employees have 15 minute breaks (three shifts), they have provided a long walking course, a picnic area with shelters. If this were a different population, they would provide more walking area like sidewalks on Lewis road. They have decided to put the money into the buildings with pleasant surroundings, landscaping. They met with the KCC earlier and they originally graded it with no curbs but every time they were within the wetland buffers. They prefer to stay out of buffers.

Mr. Straub adds if the facility is not connected to Lewis Road, no improvements will ever connect as well.

Mr. Mangiafico says eventually there may be a sidewalk down Route 1.

Chairman White explains the Board's thinking regarding the pedestrian issues.

Mr. Mangiafico asks if there are currently walking paths on the property?

Ms. Mulroneo says there is an extensive series of sidewalks in front of the building.

Mr. Mezquitta says there are some remaining paths from the former Christmas tree farm on the property.

Mr. Mangiafico says it looks like the abutting property has a walking trail that connects.

Chairman White says there are three abutting properties here that wish to have some type of interconnection of walking trails. That is something we need to explore and consider.

At some point having those walking connections might be appreciated.

Mr. Muir thinks we should think in terms of providing larger areas of public water and sewer to other areas. Could the town give some type of relief if they shared the extension?

Chairman White asks who makes the decision?

Ms. Kline says I think it is the water district and sewer department.

Mr. Muir recommends the applicant explore this possibility with the town.

Mr. Gillis says you have to look at future developments along Route 1.

The Board recommends that they talk to the town and report back to the Planning Board at public hearing.

Ms. Mulroneo comments that the easement is strictly for the utilities and she's not sure the owner of the land would view it as a travel way.

Mr. Mezquitta says it was specifically located there because the remaining landowners wanted them out of the way of future development.

Ms. Kline says it looks like you are using setbacks for wetlands. You are building a road through the first two. The parcel next to you will not be able to use it anyway. It would so lighten the load for that end of Lewis Road. Any of the modern intersections try to use that setback that the parcel already has along Route 1. It just looks so much better to me. You could put a narrow driveway across the section for which you have to do so much engineering for.

Mr. Gillis says they are not interested in selling us the land to put a driveway across.

Chairman White says the family has to be willing to sell the land.

Ms. Kline says it meets the owners needs in a way. I'd like you to research that with the owners of the parcel.

Mr. Gillis says what drove the whole thing is not having any wetland infringements.

Ms. Kline says I'm just asking you to review your options. I need to know that answer in order to move forward with the application. To me it's a no-brainer and I don't see how that would limit future development for the landowner.

Ms. Wells says she noticed that the rock walls are not shown at all. The last time they

talked about taking out a portion of the rock wall and reusing it at the entrances.

Ms. Mulroney says the rock walls should show on the existing conditions, that plan is an addition.

Ms. Wells asks if they have a landscaping plan.

Ms. Mulroney says yes.

Mr Mangiafico moves that they find the plan substantially complete for Appledore Engineering and Gawron Turgeon Architects for Kittery Commons, LLC for a nursing facility/convalescent center located off Lewis Road, Map 61 Lot 27, zoned Mixed Use. Noting we have peer review letters from CMA Engineers and an email from the town planner that the application is substantially complete. Motion is seconded. All in favor. Chairman White says the scheduling is between the applicant and the planner.

Mr. Mangiafico recommends that the applicant look at some neighboring developments regarding the interconnectivity issue of walking trails.

Ms. Mulroney thanks the Board for their time.

6. Preliminary Plan/Scheduling Hearing: Ambit Engineering for Kelm 3 lot minor subdivision located at 36 Pocahontas Road on Gerrish Island. Map 51 Lot 2, zoned Rural Conservation.

Ms. Holly Clark from Ambit Engineering introduces herself and briefly summarizes their previous time before the Board. She has put together a color sketch of what was talked about at the site walk.

The original plan included a road improvement to provide access to the back lot. One road would only be serving one lot and they just need an access deeded ROW. If they continued to use the existing road with town private ROW they can have minimal impact. Because it is serving four lots, it could meet the private road regulations. The other three lots would use the existing road. That would have far less impact for tree cutting, wetland setbacks, drainage issues, etc. It makes more sense to leave things close to the way things are.

Chairman White says he did not receive an email from Planner Noel on the completeness of the application.

Ms. Clark says they can fully prepare the revisions if the plan meets with what the Board requested. They can put together a full package and have that reviewed by CMA and have it ready for Public Hearing.

Chairman White explains if we find your application complete, public hearing has to happen within 30 days.

Ms. Clark says they are fully comfortable in revising the plans as long as CMA is comfortable with it.

Mr. Straub says most of the issues are minor.

Ms. Clark says there are some drainage issues that need to be addressed. She says they can meet the drainage requirements with the approved road.

Chairman White asks whether the Board is comfortable with finding this complete? It doesn't seem like a very complicated proposal.

Mr. Mangiafico says he would like to hear from Mr. Joslin as he wrote a memo to the Board.

Mr. Joslin had a thought about proposing the elimination of the road. This road has a

drainage problem. It was a thought to help solve the problem. If the Board would consider waiving road requirements, all problems would go away. He says it makes sense to him and his fellow abutters agree also. He asks why not let them enter from the other side?

Ms. Clark says it is a nice idea if you can get rid of the road. Unfortunately, the reason they are widening this area (points to plan), it is servicing four lots. It ends up being more impact and they can't meet the wetland setback requirements. It is a worthy alternative, but she doesn't see an advantage to cut new woods to reclaim other woods.

Ms. Kline asks why would you have to cut anything?

Ms. Clark points out the fire truck access works well.

Mr. Mangiafico says but you are not upgrading the road to the standard that a fire truck would want to drive on the road.

Ms. Clark says it is a connected loop and you can have vehicles coming in one side and going out other.

Mr. Mangiafico says what other objections would there be if you didn't have to improve the road?

Ms. Clark says if the hydrant is here, I don't know how they would get a hose up to the house.

Ms. Kline asks so there is no fire hydrant?

Ms. Clark points out the fire hydrant.

Ms. Kline asks about the abutters, are they using the same fire hydrant?

Mr. Mangiafico says they need to talk with the Fire Chief to see what he would be comfortable with.

Chairman White says the larger drive does run close to wetlands and if you are improving it, it would impact trees, etc.

Ms. Clark asks so you would have to have a platted and dedicated access route with no road?

Mr. Mangiafico says they have done it in the past.

Chairman White says it is up to the applicant what they want.

Ms. Wells asks for clarification, are not all the wetlands delineated in here (the plan)?

Ms. Clark says there is a very large wetland here. We can't build a road within the resource protection area according to the ordinance. There is an impact with marketability and I don't think the owner of the lot will want someone driving along their driveway and along their shoreline.

Chairman White asks for a motion of completeness.

Mr. Muir asks about the 30 day requirement to public hearing and whether they are overloading the agenda for December.

Mr. Muir moves that the application is substantially complete. It is seconded, all in favor.

Ms. Clark thanks the Board.

7. Adjournment

The meeting is adjourned by motion at 9:55pm.

