

# TOWN OF KITTERY PLANNING BOARD MEETING

**APPROVED**

Council Chambers  
Thursday, June 12, 2008

Meeting called to order 6:05 p.m.

Members Present: Chairman Russell White, Joseph Carleton (Mr. Carleton arrived at (6:20 p.m.), Ernest Evancic, Megan Kline, Michael Luekens, Douglas Muir, and D. Scott Mangiafico (arrived at 6:40)

Also Present: Sandra Mowery, Town Planner, Earldean Wells, Kittery Conservation Commission, and Lisa Goms, Recorder

**APPROVAL OF MINUTES** – Site walk minutes for 5/29/08 and 6/5/08 (2 site walks were held) were approved as amended.

**VOTE:** 6/0 with all in favor of approving minutes as amended.

Planning Board meeting minutes for 4/10/08 and 5/8/08 will be reviewed at the next meeting.

**PUBLIC COMMENT** – Public comment is welcomed on non-Agenda Planning Board matters. The Planning Board is a quasi-judicial Board and issues regarding items on the Board's agendas are subject to comment only during the official review process.

**ITEM 1**      **Amendment to an Approved Subdivision – Public Hearing/Preliminary Review:** Long View Farms, a condominium development: Spruce Creek Ventures II, LLC, Developer and part owner proposes to amend the River Knoll Farms plan, an approved 1988 cluster residential development. The proposed amendment consists of four (4) existing condominium units and ten (10) new condominium units at 9 Cook Street, Map 3, Lots 74, 77 and 77A located in the Urban Residential (UR) District. The owner's agent is Oak Point Associates Engineers and Architect.

**Chairman White** said: As I recall the last appearance before the Board was March 27, 08 and that was to a schedule hearing. We reviewed a sketch plan in November 2007. Since then I believe we have received comment from the Town Attorney. Is the applicant up to speed on what has occurred, that is, issues with how the application has been presented?

**Chairman White** recognized Steve Towne, Oak Point Associates.

**Mr. Towne** approached the podium and said: The Planner has informed us that the land is not a contiguous ownership. Five (5) acres are needed for a cluster subdivision in this zone. Upon reading all the recent legal correspondence, we are given to understand there is an agreement with the condominium ownership that would release the rights to that acreage upon final approval of this proposed project. We are at the stage where we have the opportunity to provide the 5 acres of land required for a cluster development. However, we need to have the opinion of the Board as to whether or not this is going to be an amended application or a new project because the planner says there are some differences between how the project is reviewed.

Board Discussion

After much discussion, it was decided that the application will be considered a new subdivision application and not an amendment to an existing approved subdivision. The board recognized a cluster development on this site was approved in 1988, but the previously approved plans were not constructed, except for the first four units. In the mean time, part of the land included in the approved site plan was sold off. The discussion regarding plans not constructed within the required three-year period and modifications made to the approved site plan without subsequent planning board approval led to the negation of any prior approval.

**Chairman White** asked if there was any more material needed to find the application substantially complete. Is this application substantially complete?

**Planner Mowery** said yes.

**Chairman White** stated this will be considered a new application and a site walk and Public Hearing are to be scheduled.

**Mr. Towne** gave an extensive project presentation including the recent history.

**Chairman White** asked for comments from the public.

**Officer Jay Durgin** – A Cook St abutter, commented that he was concerned about the slope of the proposed road.

**William Pierce** – Old Post Road abutter commented that a crosswalk might be needed. If this was made into a one way road, there would be more parking.

**Officer Durgin** said: I have three quick questions: the blasting...how much is there going to be, how long will the project take once it is started, and with the blasting, how will the existing abutters be impacted by it.

**Steve Orkin** – 10 Bridge St. I would like to echo the concern about the blasting. I just want to make sure that all the abutters are up to speed with that. The house that is being demolished is next door to mine and I want to be assured (*proper procedures are followed*) and kept informed. About a year ago, the developers approached me with some concerns about fitting the road in, and there was a question of needing a portion of my property to do that in order to get the

setbacks, but I have not heard anything since. I am wondering where that is at. Mr. Orkin also asked about the fencing.

**Kelly Glenn** – Old Post Road abutter – concerned about the additional traffic the project would bring.

**Jackie Cook** – 22 Bridge St. Abutter – Concerned with wooded buffer... will trees be preserved. How far will they be from my back yard.

**Mr. Towne** addressed each of the abutters' comments. Regarding the crosswalk, we will definitely add a crosswalk to Cook St. It will be a gravel path, not an actual paved sidewalk. It will not disrupt the drainage in that area. I also think it would be a good idea to include a handicap access at the crossing if it is acceptable to the Town.

In response to the blasting, any contractor that is licensed to do blasting has to do a pre-blast survey of the surrounding properties within a certain (*calculated*) distance of the blasting site. As part of this process, he might have to do a pre-construction video to document the condition of the existing foundations. After the blasting he is required to do a second (*follow up*) video to verify that nothing is changed. They (*contractor*) have to do a pre-blast survey and a post-blast survey. If there are any wells, the well casings have to be monitored. They (*contractor*) are going to use as little blasting material as possible to do the job. I don't believe there will be any large scale blasting.

When this house is removed, we will have to pay particular attention to how the contractor dismantles it, particularly on the side where Steve Orkin's house is situated. There will probably be some fencing involved. We will provide a supplemental plan to the Town for review and approval for a vegetated buffer between this site and the adjacent property.

**Mr. Contella** 12 Bridge St was concerned about the lighting into his house.

**Mr. Towne** assured him that the new structure is about 20' above his home and the lighting would not affect him. You might see a little light on the second floor, but we plan on putting some buffers, some shrubs, along there.

**Chairman White** asked if there were any other comments from the public.

**William Pierce** asked if there was any way they (*contractor*) could use a Medicine Ball instead of blasting.

**Mr. Towne** responded: It depends on the contractor. They may use a ram hoe instead. Mr. Towne said he will check out the pricing of this (*medicine ball*).

**Chairman White** said: I think we are ready to proceed to the review process.. If there are any more questions that come along, we will address them. Are there any waivers?

The applicant is requesting 3 waivers.

**Mr. Towne** explained the request for waivers.

1. Roadway cross section. The typical Town roadway section requires 3-foot gravel shoulders. Due to the nature of the roadway and the fact that we are trying to minimize impact to the surrounding land, we want to control surface run off by curbing the shoulders rather than doing an open gravel shoulder. We are requesting a waiver from the 3-foot gravel shoulder to a 3-foot grass shoulder with curbing.
2. Roadway standard. The minimal allowable radius of the curve is 100 feet. We are requesting a 10 foot difference: to reduce the curve radius to 90 feet. Basically, we will condense the development into a reasonable minimum footprint on top of the hill. In support of this, CMA said that this seemed to be a reasonable approach.
3. We are requesting a waiver from the review by York County Soil & Water Conservation District, because CMA, Inc. is performing a peer review of the storm water and erosion control plans. At this time and they have agreed with the design. We just feel it is redundant to have them (*York County Soil & Water Conservation District*) review it as well.

Board Discussion

**Ms. Kline** made the motion to continue this item. **Mr. Muir** seconded the motion.

**VOTE:** Unanimous 7/0.

BREAK

**ITEM 2**      **Request to Name a Private Way – Discussion with Action:** Devon Woods Subdivision (*formerly* Pentuckett Woods Subdivision): Contoocook River Loft, LLC, owner/developer has submitted a request to name the approved rights-of-way. The applicant proposes to name the right-of-way serving Lots 1 through 3 Kings Court and the right-of-way serving Lots 4 through 12 Devon Woods Drive, said rights-of-way being situated in the Rural Residential (RR) zoning district. Map 54, Lot 16. Stephen B. Shuster of VP Development Chinburg Builders is the owner's agent.

Applicant was not present.

**Planner Mowery** stated: I have a 'Request to Name a Street' form signed by, Fire, Police, Public Works, CEO, Tax Assessor, Town Clerk and the Registrar. All concur that the proposed street name are acceptable. The request is to name them Devon Woods Drive and Kings Court, unless the Planning Board has some reason to disagree.

The Board had no issues with this request.

**Ms. Kline** made the motion to approve. **Mr. Carleton** seconded the motion.

**VOTE:** 7/0 motion passes.

**Chairman White** suggested switching items 3&4. All were in favor.

**ITEM 4 Plenary Site Plan/Sketch Plan:** Kittery Hotels, Inc. Owner proposes to remodel and expand the existing hotel and hotel parcel located at 2 Gorges Road. Map 13, Lot 8 situated in the Commercial 3 (C-3) zoning district. The owner's agent is Wayne Morrill, Jones & Beach Engineers, Inc.

**Chairman White** recognized Wayne Morrill, Jones & Beach Engineers, Inc.

**Mr. Morrill** approached the podium and said: The site you have in front of you is the Roadway Inn, formerly the Days Inn. Our proposal is to take the existing building and site which has 108 rooms, a 3,200 square foot conference center in the basement, and a total of 243 parking stalls. Our proposal is to move the entire westerly wing which is about 32 rooms off the existing structure. We have currently submitted an application to the Building Department reconstruct the entrance way into the existing hotel. **Mr. Morrill** continued describing the proposed project.

Questions we have before this Board are regarding the exterior elevations and setbacks to parking and such. The building plan we are showing you shows the proposed roof line at elevation 37 feet and 9 inches, but there are protrusions above this roof that are upwards of 47 feet and 7 inches. The ordinance for this district is 40 feet maximum roof height. We would like an interpretation of the ordinance from the Board regarding the architecture of this building, because of the hip roof requirement, and the setbacks for landscaping and parking along Gorges Road where there is currently pavement. If we are required to meet the minimum setbacks, we would have to remove a significant amount of the existing parking lot, and it would probably take this project under the required parking spaces needed for both uses. These are the two items we have before the Board and we would like any advice the Board can give us.

**Planner Mowery** recommended that the CEO and the Town Planner discuss the height issue of this project and get back to the Board as to what the decision is. **Chairman White** agreed.

Discussion regarding the parking situation and the landscaping issue continued.

The planner asked the applicant to submit a new site plan with both the proposed plan and the existing site improvements so the board could more easily understand the proposed changes to the site.

**Chairman White** asked the applicant to respond to the issues discussed and resubmit a plan for further review.

**ITEM 3 Plenary Site Plan – Determination of Completeness/Preliminary Review:** B&F Land Development. Owner proposes to remove the existing building and parking lot and to construct two new office buildings and parking lot at 240 U.S. Route #1 located on Map 22, Lot 13 situated in the Commercial 1 (C-1) zoning district. The owner's agent is Christopher Baudo, RA.

**Chairman White** recognized Christopher Baudo.

**Mr. Baudo** approached the podium and stated: The last time I had made presentation before the Board, the Board had given me some input about some of the items they would like to see on the next application as far as dumpster location, lighting, machinery screening (*buffering*) and drainage. We also addressed the crosswalk with the walking path at the north and south end of the property. What we have basically done is provided a crosswalk with pedestrian access and another crosswalk to the southerly part of the site along the U.S. Route #1 bypass. We have also shown two dumpster locations which are screened; one behind the two-story building and the second behind the three and a half-story building. Mr. Baudo continued in length and in great detail with the project presentation.

**Chairman White** asked if there was any Public Comment.

**Dave Durling**, abutter, commented that the developer has done a good job in putting a 50 foot buffer so as not to see a parking lot when sitting on the deck. That was the concern.

**Chairman White** suggested the need for a site walk, and afterwards a scheduling of a public hearing.

A site walk was scheduled for June 18, 2008 at 3:30pm.

**ITEM 5 Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Workshop:** The Town Administration endeavoring to establish the size, location and type of perimeter fences, freestanding walls, and retaining walls proposes to amend Title 16 Land Use and Development Code.

Due to the lack of time this item was postponed.

#### **PLANNER'S TIME**

No Planner comment.

#### **ADJOURNMENT**

Meeting was adjourned at 10:00 p.m.