

**TOWN OF KITTERY
PLANNING BOARD MEETING**

Thursday, October 27, 2005

APPROVED
Council Chambers
Meeting called to order at: 6:18 p.m.

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

Also Present: Mark Eyerman, Planner Jim Noel, Councilor Dennett, Councilor Schwaery, Councilor Heilshorn, Town Manager Jon Carter

1. ROLL CALL

Roll call noted.

2. WORKSHOP DISCUSSION WITH TOWN COUNCIL: 6:20-8:30

See Action Items 10-27-05.

3. PUBLIC COMMENT ON NON-AGENDA MATTERS (20 MINUTES)

Lisa Comeau came out to take a few minutes of the Planning Board's time. We saw her a couple weeks ago with regard to the Rec Center and the Hospital. She asked the applicants if they had conducted a traffic study and got her hands on a summation of it. She says that when we all went in June to vote on it, we cast uninformed votes because the traffic study was not performed until afterwards. If the Planning Board had a chance to review the traffic study, it's really quite an eye opener. Having an outpatient clinic there will have a huge impact.

Chairman White says that we have seen it. He asks if she had compared trip ends with the ordinance.

Ms. Comeau has not. She says the study only gives the impact on the neighborhood from the outpatient clinic. It does not include people using the Rec. Center. They are talking about 170 more cars a day on Manson Avenue at peak time.

Chairman White says that they are on the agenda for November 7. If she has some focused concerns that she wants to communicate to them at that juncture, that would be the best time for her to come forward. The folks that have done the work will come forward and may have some insight for her.

Ms. Comeau wanted to give the Board a heads up. She lives there and this is another case of the little guy being affected by changes.

Chairman White corrects the date he has given – it will be November 10. We review the application and see if it is complete.

Ms. Comeau asks if the Rec. Center and the York Hospital applications are connected or separate.

Chairman White does not know.

Planner Noel says Ms. Comeau raises an interesting question. Planner Noel thinks that York Hospital will take care of their business with the ZBA first. Planner Noel does not remember

their figures being as high as she has said. Planner Noel remembers there would be over 60 trips in the am and over 80 trips per day in the pm and they compared it to the YMCA at 112 trips. Ms. Comeau says that they put an addendum that the resulting trip end generation is 170. Chairman White says you don't add them together. Ms. Comeau asks whether the highest number is the worst case scenario. Chairman White says it is the average. Ms. Comeau asks whether this will be added to the Rec. Center traffic. Planner Noel says that she has done that already in discussing 70 trips in the am and 92 in the pm. Ms. Kline thinks that includes both of them. Mr. Muir asks what he is doing and how he calculated that. Mr. Ledgett thinks this issue needs to be understood as part of the public hearing. Three events have to occur for York Hospital to have a facility at the Rec. Center. There must be a referendum to give the Town authority to do leasing. This does not bear directly on the Planning Board's authority to approve or deny the application. The ZBA process has not taken place. The Planning Board process has not taken place for York Hospital or for the Rec. Center. This question and probably others will come up. Chairman White says that is why he thought it was important to bring it up at the meeting on November 10. Mr. Muir explains that the scheduling hearing is the time to raise what issues need to be addressed. It lets people know what they have to prepare for the public hearing. He feels Ms. Comeau should let the developer know that there is concern about this issue. Chairman White thinks we have to be concerned about taking information for a public process when the applicant is not here to respond. Ms. Comeau asks what time to come on the 10th and is told to come after 8:30. Ms. Kline says that it was important for Ms. Comeau to come tonight so that she has a better understanding of how the trip ends are calculated.

4. OLD BUSINESS: REVIEW PREVIOUS MEETING MINUTES

After Board review and corrections, Mr. Mangiafico moves to approve the minutes of August 11, 2005. Ms. Kline seconds. All in favor.

After Board review and corrections, Mr. Mangiafico moves to approve the minutes of September 15, 2005. Mr. Evancic seconds. All in favor.

5. PLANNER'S TIME

A. Lewis Farm Conservation Subdivision

Planner Noel has a number of proposed road names for the Lewis Farm Conservation Subdivision on Lewis Road.

Mr. Mangiafico reads them aloud.

Planner Noel has checked with all of the department heads. They would like the name Jerlie Lane changed to anything that does not include Lane. Planner Noel does not know why. It can be road, court, street, etc.

The suggestion is made to have it be Jerlie Court.

Mr. Mangiafico moves to name 5 roads within the Lewis Farm Conservation Subdivision, Map 25, Lot 6, Plan dated March 28, 2005, as follows: Jerlie Court, Jefferson Avenue, Rick's Way, Sara Lane, and Moose Court.

Mr. Evancic seconds.

All in favor.

B. 178 Haley Road

Planner Noel says that 178 Haley Road is presently owned by Dersimonian and his wife.

Chairman White says it is the one with the art gallery.

Mr. Ledgett says it is half-way down Haley Road from Route 1.

Chairman White says it used to be two lots, then they made into one, and now they want to make it into two.

Planner Noel says that the CEO insists that they have taken out one of the dwelling units. They would like to reestablish that lot as a stand alone lot.

Chairman White says they have it for sale contingent on our approval.

Planner Noel says that it would be conforming now, but not once the new ordinance goes into effect. Planner Noel did not know how the Board wanted to handle this. Planner Noel reminds the Board that Mr. Marhaven from TFM was here a couple meetings ago and made a pitch for this. It is a previously approved lot.

Mr. Ledgett says that is irrelevant because they combined it. It is a modification to an approved plan and they keep juggling it back and forth. If this is conforming, he thinks this is straightforward.

Planner Noel does not know what the soils are. There is swamp over there.

Mr. Ledgett asks where the trench is where the people are draining the field improperly. He shows where it is wet.

The Board determines that we need a public hearing on this. We would like the checklist items on it.

C. Yankee Commons

Planner Noel has also received something from the new manager of Yankee Commons. Planner Noel told him that the Board requires an applicant to request an expansion before the permit expires. There is a new manager. Planner Noel has worked with Mr. Pines, who owns the property, and his agent is a broker named Peter Quinn. Their intent is to make this for elderly housing. As required under the new zoning criteria, elderly housing has to be part of a mixed use and they dispute that as well.

The Board thinks they have to do it over again.

Planner Noel says the applicant may be back to plead his case, but he will advise them of the Board's decision.

D. Weathervane Mylars

Planner Noel has the Weathervane mylars with the awning and the dining for signature by Chairman White.

E. Meetinghouse Village Mylars

Planner Noel has the mylars for Meetinghouse Village. He does not know whether Chairman White can sign the plan when the ZBA has not approved it.

Chairman White says that one of the conditions of approval was approval by the ZBA.

Mr. Mangiafico says that if we don't sign it, then the approval goes on indefinitely, like in We Care.

Planner Noel found that should not have happened because they are supposed to get their mylar in within 6 months.

Mr. Ledgett thinks that if we have an approval conditioned on approval by another Board, the clock would stop after 6 months. If the mylar is signed by Chairman White, it would be an exhibit if they went to court. Planner Noel asks if it was a condition or just understood by the Board. It was a condition listed on 5/26/2005.

The Board decides that Chairman White should not sign the mylar.

F. Reporting by Delegates

Chairman White has had a suggestion that we get a report from our delegate to the KPA once per month. He thinks we should also get a report from our delegate to the Kittery Open Space Committee.

Mr. Evancic provides a report.

Mr. Mangiafico says the KPA put the community pier definition out there. It will not have any effect until the ordinance changes.

Chairman White thinks that is such an important use that he thinks it should go to public hearing.

Mr. Mangiafico knew that the issue would matter on the KPA side. The KPB will have to go through all sorts of waterfront issues that will take up a lot of time.

Mr. Ledgett asks if there will be a joint effort on this between the KPA and KPB. The Comprehensive Plan has direction. There was a harbor plan. Now there is not. There is only the Comprehensive Plan language.

Chairman White thinks there is movement toward having a process where the KPA collaborates with the Town Council and Planning Board. There was concern as to whether the KPA has authority over private piers. With the acquiescence of the Town all these years, it seems that KPA does.

Mr. Ledgett says it is granted to them in 16.32.490. The problem is when they apply their standards and they are not Town standards. They also have a provision that says they don't have to follow their rules.

Mr. Mangiafico says that there are no standards in LUDC that are applicable to KPA decisions except those small, very vague ones. Without the KPA regulations, everyone could have 12' wide piers.

Chairman White says the Town of Eliot thinks we are better off with a Port Authority. Chairman White thinks that some more collaboration is in the offing.

Mr. Ledgett thinks the issue here is what the town attorney is working on.

Chairman White says that Attorney McEachern is trying to clean it up.

G. KPB Board Composition

Ms. Kline asks about the status of having the ordinance changed to reflect that the KPB is not a

5-member Board, but rather a 7-member Board.

Chairman White communicated that to Town Council and they are proceeding with it. He thinks it is on the agenda for public hearing for the Council. We don't have to go.

Mr. Ledgett says it will make it consistent with the charter. There is a distinctive additional requirement which states that each applicant needs four votes to pass. That means that if you only have four present, you must have unanimous approval.

6. ADJOURNMENT

Meeting ends by rule at 10:00 pm.