

**TOWN OF KITTERY  
PLANNING BOARD MEETING**

**APPROVED**

Council Chambers

Thursday, September 11, 2008

Meeting called to order 6:15 p.m.

Members Present: Russell White, Douglas Muir, Megan Kline, Ernest Evancic, Michael Luekens, D. Scott Mangiafico

Members Absent: Joseph Carleton

Staff: Sandra Mowery, Town Planner

Minutes: July 10, 2008 Sitewalk

Ms. Kline moved to approve the minutes as amended

Motion carries unanimously

August 14, 2008 Meeting

Mr. Mangiafico moved to approve the minutes as amended

Mr. Luekens seconded

Motion carries unanimously

August 28, 2008 Meeting

Ms. Kline moved to approve the minutes as amended

Mr. Mangiafico seconded

Motion carries unanimously

**PUBLIC COMMENT**

**Earldean Wells**, Conservation Commission, spoke to the Board regarding the Town Attorney's opinion regarding the ZBA decision to relax wetland setbacks at the August 12, 2008 meeting. A wetland ordinance is currently under construction, and language regarding relaxation authority can be included in the draft language. The Town Planner advised Ms. Wells that the ZBA had discussed and decided not to re-consider their decision at the September 9, 2008 meeting. There was a brief discussion about the time-frames for appeal and the review responsibilities of the Zoning Board of Appeals and the Planning Board.

**ITEM 1 - Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Schedule a Public Hearing** - The Town administration, endeavoring to define zoning in accordance with the Comprehensive Plan and to update the official zoning map, proposes to amend Title 16 *Land Use and development Code* as follows:

- The amendment of Title 16.12.060 - Urban residential (UR)
- The amendment of Title 16.12.100 - Local Business (LB)
- The amendment of Title 16.12.101 - Local Business 1 (LB1)
- The amendment of Title 16.12.110 – Commercial (specifically zone C-3)
- The amendment of Title 16.12.150 – Kittery Foreside (KF)

The Town Planner provided information that in the 2000 draft of the Comprehensive Plan, there was an Item 11 on page 250 that noted concern about lot lines not clearly defined and how this was to be addressed. In the 2002 amendment, Item 11 was removed. Councilor Dennett's concern that the Comp Plan addressed zoning lines that would be contradictory to this amendment appears not to be an issue addressed in the Comprehensive Plan.

**Ms. Kline** moved to schedule a public hearing for the proposed ordinance amendment for the remaining zoning districts to be held October 9, 2008.

**Mr. Luekens** seconded

**Motion carries unanimously**

**ITEM 2 – Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Fences and Retaining Walls - Schedule a Public Hearing.**

The Town Planner asked the Board if they would prefer to remove the fence and retaining wall ordinance from consideration. In response to Councilor Dennett's comments from the previous workshop, the Board agreed to continue the workshops with less emphasis on fences and more specifically related to retaining walls and similar structures.

**Item 2 was withdrawn.**

**Planner's Time and Board discussion** on general issues took place while the Board awaited the arrival of the applicant for Item 3.

There was discussion of the Comprehensive Plan review, adoption and implementation process. The Board also discussed the upcoming meeting dates during November and December and scheduling of Shoreland Zoning workshops and required public hearings. **Mr. Muir** pointed out that Board By-laws call for meetings on the 2<sup>nd</sup> and 3<sup>rd</sup> Thursdays of November and December. The tentative plan is to have one meeting each month but this will be determined at the first meeting of each month. **Mr. Mangiafico** asked about the public comment statement used in the Board agenda. The Town Planner will confirm wording with the Town Attorney.

10 Minute Break

**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 on 1.29 acres at 240 US 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.

**Chris Baudo** presented and discussed the changes made to the proposed plans since the prior presentation, specifically the elimination of proposed parking spaces adjacent to the existing residence in order to retain the existing vegetation in the area. Drainage plans have been submitted and are under review by CMA and will be addressed by CLD Engineering. New grading and landscaping is proposed to replace the area where the building is to be demolished. Proposal is to berm the area along the frontage to block headlights rather than construct a solid wall. The proposed landscaping would include evergreen and deciduous plantings compatible with street planting. The intent is to provide attractive flowering through the spring and summer though some chosen materials do not meet the design manual guidelines.

There was general discussion about materials, but it was agreed that the manual is a guideline meant to recommend materials that are hardy to the area and location. The Board would be agreeable to recommended plantings by a peer review landscape architect should the applicant's selection not be appropriate. Applicant offered to install burlap fencing to help protect the plantings during the winter.

In meetings with the municipal sewer department, the sewer connection plan is acceptable. **Ms. Kline** asked about the electrical connections to the site. Applicant stated power would be provided by an overhead pole, but that if the Board preferred, an underground connection could be made.

**Mr. Luekens** asked about a lighting plan. The applicant stated it would be submitted.

**Chairman White** asked the Town Planner if this application was substantially complete. The Town Planner said it is and that the remaining information needed for approval will be provided prior to scheduling a final review.

**Ms. Kline** read Section 16.32.980 (pg. 350) regarding underground utilities installation. Because the applicant will be tapping into an existing pole, the impact may make underground installation unfeasible. **Chairman White** stated, and the Board agreed, that the applicant should reference the requirement and should present in writing their justification for their proposed connection, rather than waiving the ordinance requirement.

**Mr. Mangiafico** moved that the application by B & F Land Development, proposing to remove the existing building and parking lot and to construct two new office buildings and parking lot on 1.29 acres at 240 US Route 1, located on Map 22 Lot 13 situated in the Commercial 1 (C-1) is substantially complete with following condition:

Items noted on page 15 of staff notes (lighting plan and photo-metrics plan) must be submitted prior to a public hearing.

Mr. Luekens seconded.

**Motion carries unanimously**

**Mr. Baudo** requested that the Board call a public hearing for this item on 10/9/08. **Planner** included item on the October 9, 2008 agenda as Item #3.

**Mr. Mangiafico** asked about the sidewalk on the plan. Applicant will include sidewalk clearly on the site plan for the next meeting.

Town Planner reminded the applicant that:

1. plan sheets should not be larger than 2'x3';
2. any conditions must be on the plan mylars prior to signature.

**Chairman White** requested that the applicant mark the areas on the site where the "no disturbance" vegetative buffers will be located. The Applicant said that prior to demolition of the building he will install temporary fencing in order to protect the area; that the area will be clearly marked and visible and protected from construction work.

**Ms. Wells** asked about the height of the landscaped berm, maintenance, and fence color.

Applicant stated that the berm is gradual and will be well vegetated to prevent erosion. The proposed fence color is white vinyl for ease of maintenance, but he will look into black fencing that will better blend into the landscape.

**Ms. Kline** suggested that the applicant re-visit the hardiness of the plants proposed to be used.

#### **ADJOURNMENT:**

**Mr. Mangiafico** moved to adjourn

Mr. Luekens seconded

**Motion carries unanimously**

Meeting adjourned at **8:00 pm**

Submitted by Jan Fisk, Recorder

September 15, 2008