

**TOWN OF KITTERY  
PLANNING BOARD MEETING  
Council Chambers**

**APPROVED**  
Thursday, November 13, 2008

Meeting called to order at 6:08 p.m.

Members Present: Russell White, Douglas Muir, Megan Kline, Ernest Evancic, Michael Luekens, D. Scott Mangiafico, Joseph Carleton  
Members absent: None  
Staff: Sandra Mowery, Town Planner

Minutes: October 23, 2008

**Mr. Carleton** moved to approve the minutes with no changes

**Ms. Kline** seconded

**Motion carries unanimously**

**PUBLIC COMMENT** – There was no public comment.

In the interest of time, Chairman White asked if the Board would like to review the town's acceptance letter for the Community Development Block Grant (CDBG) project at the beginning of the meeting. Board members concurred.

**Mr. Carleton** moved to accept the CDBG project for the Community Planning Grant Program as the project is consistent with Kittery's Comprehensive Plan and Land Use Development Ordinance and recommends that the Board forward their concurrence to the Town Council for acceptance.

**Mr. Luekens** seconded

**Motion carries unanimously**

**ITEM 1 - Lot Line Adjustment - Sketch Plan Review** - Ann Grinnell, Applicant and Owner of a parcel of land situated at 481 Haley Road, Map 41 Lot 6A, proposes to acquire a portion of land from William R. & Frances M. Holly, Owners of Map 41 Lot 7; the proposed land area being ±3,795 square feet is situated in the Rural Residential (**RR**) District. The owner/agent for the land exchange is Ann Grinnell.

**Chairman White** noted that the applicant is a friend, but believes he can review the application based on its merits. Board members raised no concerns.

The **Town Planner** summarized that the applicant is before the board because the lot line adjustment affects a previously approved subdivision. There are no wetlands involved with this request. **Mr. Evancic** asked if the stone wall would be moved? **Mr. Mangiafico** stated that, in the past, the Board has stated that stone walls should be protected and not permanently removed. **Ann Grinnell** stated that she does not intend to alter the stone wall, but that the adjustment is to increase the depth of her side yard. The **Town Planner** stated that the application is complete and can be scheduled for a public hearing. This adjustment technically modifies an approved subdivision and all members of the subdivision will be notified of the public hearing and the adjustment would need to be recorded in the York Country Registry of Deeds.

**Mr. Mangiafico** moved that the application to adjust a lot line at Map 41 Lot 6A is substantially complete based on the check list dated October 30, 2008 and staff notes provided by the Town Planner, and recommends that the item be scheduled for a public hearing.

**Mr. Luekens** seconded

**Motion carries unanimously**

Board members reviewed the remaining meeting schedule. The Planning Board will meet again on November 20, 2008 and then again on December 11, 2008. Chairman White also reminded Board members that the December meeting will require election of officers for the New Year.

**ITEM 2 - Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Workshop – Shoreland Zoning** –The mandatory Shoreland Zoning Act (Act), 38 M.R.S.A. Section 435-449 and the guidelines for the Board of Environmental Protection (Board) require municipalities to adopt shoreland zoning ordinances consistent with, or no less stringent than, the minimum guidelines set forth in the Act and by the Board. The Town administration, endeavoring to incorporate State recommendations for the Shoreland Zoning ordinance proposes to amend *Section 16.08.20 – Definitions, General Development Requirements - Article III. Nonconformance and Section 16.32.490 – Shoreland Zoning.*

The Town Planner began the workshop by summarizing the format of the draft ordinance and asked the Board how they wanted to proceed logistically. The Planner said the CEO does not recommend retaining the existing section of the ordinance related to Timber Harvesting. If Kittery does not propose to administer the timber harvesting ordinance, the State will do so. It was suggested that the Board read the related article in the *Shoreland Zoning News*, Spring/Summer 2008. Members of the Conservation Commission and the Spruce Creek Association will be attending the workshops on the shoreland zoning ordinance.

**Mr. Carleton** stated that, while the input of individuals is appreciated, this is a planning board workshop and the physical setup for review is important so the board remains in control of the process.

**Mr. Mangiafico** inquired about the definition of wetland in the proposed ordinance, and whether the wetland ordinance would apply if there is an overlap between the wetland and shoreland ordinances.

**Mr. Carleton** stated that definitions in the existing ordinance could be affected by shoreland zone definitions. It was recommended by Craig Wilson that certain definitions apply only to the shoreland zone. Additionally, this important ordinance appears to be buried in the title. Consideration should be given to assigning this ordinance a separate section.

Break - Mr. Carleton left the meeting at 7:40 pm

There followed further discussion regarding the state definitions and requirements, thresholds for permits, non-conformance and appeal avenues, and the 30% coverage rule.

PLANNERS TIME – There were no items presented.

**Mr. Mangiafico** moved to adjourn

**Mr. Muir** seconded

**Motion carries unanimously**

The Planning Board meeting of November 13, 2008 adjourned at 8:56 pm

Submitted by Jan Fisk, Recorder

November 17, 2008