

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

**APPROVED**  
Thursday, May 14, 2009

Meeting called to order at 6:12 p.m.

Members Present: Russell White, Ernest Evancic, Douglas Muir, Megan Kline (Michael Luekens & Joseph Carleton advised that they would be late)  
Members absent: D. Scott Mangiafico  
Staff: Sandra Mowery, Town Planner

**Minutes: April 23, 2009**

**Ms. Kline moved** to accept the minutes as amended

**Mr. Evancic** seconded

**Motion carries unanimously**

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

**ITEM 1 - Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Post-Construction Stormwater Ordinance – *Public Hearing*** - The mandatory Post-Construction Stormwater Management Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Kittery, Maine through review of post-construction stormwater management plans and monitoring and enforcement of compliance with such plans as required by federal and State law. This Ordinance establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the federal Clean Water Act and State law. The Town administration, endeavoring to incorporate State recommendations for the Post-Stormwater Ordinance proposes to amend Title 16.28.380 through 16.28.500.

**Mike Asciola** read the proposed definitions and Board members discussed whether they are consistent with existing ordinance definitions and whether they should or should not be included in the ordinance.

**Mr. Luekens** arrived at 6:52 pm.

Board members agreed to review in workshop the definitions not yet reviewed during this public hearing.

**Ms. Kline moved** to continue this public hearing at a date to be set by the Town Planner.

**Mr. Muir** seconded

**Motion carries unanimously by members present**

**Mr. Carleton** arrived at 7:06 pm

**ITEM 2 - Site Plan –*Public Hearing/ Preliminary Review***. Town of Kittery, Owner, proposes to construct a new 60' X 84' salt shed building and a new 50' X 48' office and operations building on ±8.25 acres at 200 Rogers Road, located on Map 22 Lot 20A situated in the Commercial 3 (C-3) and Urban Residential (UR) zoning districts. The Owner's agent is Rick Rossiter, Director of Kittery Public Works.

**Rick Rossiter**, DPW Director, summarized the proposed site plan. Following meetings with Don Robinson of Shepards Cove, the plan will include some screening alongside the proposed salt shed. The Kittery Fire Chief requested that the garage include a sprinkler system, which was not included in the plan budget.

**Norman Albert**, DPW foreman, noted that the salt shed building is 50'x84', not 60'x84' as noted, and provided a sample picture of the type of gambrel shed building proposed. Board members asked if the shed could be moved further back on the parcel. **Mr. Albert** stated that there is insufficient room behind the shed to mix sand and salt for storage if the building is moved further back. The current office is too small for employees, files, electronic equipment, etc. The office, and lunchroom above, is exposed to garage fumes. The proposed office is a separate building from the garage and includes larger office space, washrooms for

employees, storage and meeting space and an eating area. All of these proposed improvements must be approved by the voters on June 9, 2009. In preparation, the DPW will have an open house on May 16 and June 6, 2009 so that voters may view the proposal. Discussion followed regarding vegetative planting along the concrete blocks and between the proposed shed, which is approximately 10 feet. Mr. Rossiter suggested a 3-4 foot mound with arborvitae and spruce to help shield the shed.

**Don Robinson**, Shepards Cove, abutter, stated that the 150 feet between his property and the DPW parcel is not well buffered as the area is low and vegetation is not thick. He has attempted to plant vegetation on his own property to shield the buildings, but ledge has prevented adequate buffering, and was pleased that Mr. Rossiter is proposing screening alongside the salt shed. **Greg Ryzda**, General Manager, Kittery Estates requested that the existing oil containers and storage items viewed from Kittery Estates be removed and consider including trees along the grassed property line to help with screening. He also offered the Kittery Estates property that bumps out directly behind the existing DPW garage for tree planting. **Mr. Rossiter** noted that, as an abutter, he is discussing a preservation easement along his property line with Town officials. **Mr. White** requested the applicant work with Kittery Estates on landscaping and buffering.

The Public Hearing closed at 8:56 pm.

The Board discussed the preliminary approval process and outstanding issues regarding the application.

**Mr. Carleton moved** to accept the preliminary plan by the Town of Kittery for a new 50' X 84' salt shed building and a new 50' X 48' office and operations building with the following conditions: that landscape screening be addressed between the sand-salt shed and Shepards Cove retirement community, that the building size be corrected to 50 feet, and that a preservation easement be presented for Board consideration.

**Mr. Luekens** seconded

**Motion carries unanimously**

## **Break**

**ITEM 3 - Landmark Hill – Sketch Plan Review** – Frederick Hart, owner, proposes to add to the existing, developed 5.0 acre site, a fourteen-unit apartment building with parking underneath, a 12-machine laundromat and 36 climate controlled public storage spaces, located at 518 US Route 1 Road, situated on Map 67 Lot 2 in the Kittery Mixed-use (MU) Zoning District. The Owner's agent is Thomas Harmon with Civil Consultants.

**Tom Harmon** presented the sketch plan for Board consideration and summarized the intended uses, noting that the plan will not require DEP review because the parcel's impervious surface is pre-existing. The applicant is requesting a reduction in the buildable land area requirement in the mixed use district based on 16.12.130.E.9 [page 256m] as they are proposing to integrate some of the required parking in the proposed apartment building. Proposal would place parking on the lower level, laundromat, storage and six apartments on the second level, and eight apartments on the third level. Members discussed parking requirements and advised the applicant that the density bonus applies only to those units that provide integrated parking. **Mr. White** asked if the existing parking area is ever filled. **Mr. Hart** stated that it is not. **Mr. Muir** stated that the Board could relax the parking requirements for the proposed uses if it can be clearly demonstrated that it is an unnecessary burden on the environment and the applicant. **Mr. Hart** asked if all the required parking for the apartments must be integrated to receive the density bonus. **Mr. Carleton** noted that the ordinance could be interpreted to say all required parking spaces must be integrated or, more practically, to the extent parking is integrated in the building, the density bonus is calculated. For instance, if there are 10 spaces integrated in the building, the density bonus would apply to five apartments. The **Town Planner** asked if the law requires handicapped accessible units in the mix. **Mr. Harmon** will look into this, but noted that the storage units and laundromat would be accessible. The storage units will require ZBA approval as a special exception, and the applicant plans to apply to the ZBA shortly. A discussion followed regarding an abutting property developed with a residence, lobster pound and a boat building and repair business. It was stated that the owner of the property does not have any objections to the proposed development and will submit that in writing.

A site walk was scheduled for Thursday, June 4, 2009 at 4:30 pm.

**ITEM 4 - Cutts Ridge Lane – Division of Land – *Sketch Plan Review*** – Ann M. Colson, Owner, proposes to extend Cutts Ridge Lane and create Parcels A, B and a remaining parcel. The property located off 2 Cutts Ridge Lane is situated on Map 65 Lot 13 in the Kittery Rural Residential (**RR**) Zoning District. The Owner's agent is Michael Livingston of Anderson Livingston Engineers.

**Mike Livingston**, agent, summarized the proposal to divide the 26 acre parcel into 3 lots, including the existing house lot, responded to the outstanding items in the staff notes, and reviewed the waiver requests. The proposal is not a subdivision, as the parcel has been the principal residence of the owner since 2000 and the division is creating only two new lots. The new wetland ordinance impact fee was briefly discussed with the applicant.

A site walk was scheduled for Thursday, June 4, 2009 at 5:15 pm.

**ITEM 5 – Frog Hollow Lane – Division of Land – *Sketch Plan Review*** – Peter Thomas, Owner, proposes to gain planning board approval for the division of the remaining land, approved January 8, 1998 by the Planning Board, to bring the amendment creating parcels B and C, approved by the Kittery Code Enforcement Officer on January 18, 2007, into compliance with the Kittery Ordinance; and then proposes to construct 2 dwelling units on parcel C. The property located at 2 Frog Hollow Lane is situated on Map 57 Lot 7 in the Kittery Rural Residential (**RR**) Zoning District. The Owner is his own agent.

**Peter Thomas**, owner, requested Board direction to proceed. It was determined that the division of land was approved by the CEO as depicted on a copy of a 1998 approval by the Planning Board that included a note stating that “no more than two dwelling units will be allowed on the remaining land”. It is unclear why that note was originally included and the Board requested that the Town Planner research Board minutes in an effort to determine why the restriction was included. **Mr. Carleton** stated that, based on the information provided, the divisions that have occurred do not create a subdivision. Members discussed buildable area and wetland areas on the remaining parcel.

The applicant was advised that it would be one month before this request could be reviewed again.

**Mr. White moved** to extend the meeting until 10:15 pm.

**Mr. Luekens** seconded

**Motion carries 4-2 (Mr. Carleton and Mr. Muir against)**

**ITEM 6 - Spruce Creek Subdivision – a Major Subdivision –*Determination of Completeness/ Preliminary Review*** – Terry Gagner, Owner, proposes to construct a 10-lot cluster residential development consisting of single-family dwelling units on ±15.2 acres, Tax Map 38 Lots 13 B through 13 F, situated in the Rural Residential (**RR**) zoning district. The owner's agent is Thomas Harmon of Civil Consultants.

**Mr. Harmon** summarized the proposed plan design. **Ms. Kline** noted that she did not receive a landscape plan, but requested that mature landscaping be included in the proposed plan. The Town Planner stated that, while there are numerous items that must be addressed, the application has sufficient information for the Board to proceed with further review.

A Public Hearing on this item will be scheduled for July 9, 2009.

A site walk was scheduled for Thursday, June 18, 2009 at 4:30 pm.

**Mr. White moved** to find the application substantially complete.

**Mr. Carleton** seconded

**Motion carries unanimously**

**Mr. Luekens** moved to adjourn.

**Mr. White** seconded

**Motion carries unanimously**

The Planning Board meeting of May 14, 2009 adjourned at 10:11 p.m.

Submitted by Jan Fisk, Recorder, May 17, 2009