

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

APPROVED
June 24, 2010

Meeting called to order at 6:10 p.m.

Board Members Present: David Kelly, Michael Luekens, Joseph Carleton, Russell White, Ernest Evancic, George Burke

Members absent: Scott Lincoln

Staff: Gerry Mylroie, Town Planner, Mike Asciola, Assistant Town Planner

Minutes: May 27, 2010 Planning Board Meetings (the June 10, 2010 minutes were not available)

Mr. Evancic moved to accept the minutes as presented

Mr. Kelly seconded

Motion carries by all members present

PUBLIC COMMENT – Earledean Wells, Kittery Conservation Commission, spoke to the Planning Board about a wetland identification and mapping grant. Ms. Wells requested the Board motion to support the Commission's effort to secure grant funding for the Piscataqua Region Estuaries Partnership (PREP) Grant.

Mr. Carleton motioned that the Planning Board express its support for the efforts of the Kittery Conservation Commission and take the lead for the Town of Kittery, in order to secure funding through the Piscataqua Region Estuaries Partnership Grant program.

Mr. Kelly seconded

Motion carried unanimously by all members present

Earledean Wells spoke to the need for inspection of silt fences and hay bales installed during construction, and left in place after construction, to assure they are maintained or removed. To that end she suggested an escrow account be established on projects equal to \$200 per 100 linear feet of erosion control materials installed. If these are maintained and removed according to plan, the escrow fees would be returned. **Chairman White** suggested a plan note should be worded and followed by the applicant, but a new fee can only be endorsed by Council. Discussion regarding the size of the development should be considered. **Mr. Kelly** proposed that a draft policy be developed by the Planning Office for Board consideration and possible recommendation to Council.

ITEM 1- Development Plan - Naval Ship Yard Gate 2 – Postponed.

ITEM 2 – Development Plan - Sidewalks. Presentation by the Town Planner and Public Works Commissioner.

Mr. Mylroie summarized grant application efforts for sidewalks throughout the community. A capital improvement plan will be presented to Council by the Planner and Public Works Commissioner. The Public Works Commissioner did not attend this meeting.

ITEM 3 - Zoning Boundary Line Extension – BJP Corp - Application Completeness /Acceptance / Schedule Public Hearing. Bill Conda, owner, proposes a zone boundary change on Tax Map 61 Lot 28 by moving the Mixed Use/Rural Residential boundary currently 1,500 feet from the centerline of US Route One north near the southwest corner of US Route 1 and Lewis Road thereby enabling the development of residential units north of Zakayla Lane.

Mr. Asciola summarized the applicant's request for a zone line change by extending the Rural Residential zone boundary line (along Zakayla Lane) to the north by 50', thus permitting residential use not currently permitted in the Mixed Use zone. **Mr. Mylroie** further explained the remaining lot area is primarily wetland and there is no additional development. Board members reviewed plans and staff notes presented at the meeting. **Ms. Wells** noted a letter from Rick Rossiter stated there was not sufficient distance between Zakayla Lane and a proposed driveway to the property.

Mr. Conda explained he provided Zakayla Lane rights to cross his property under a previous agreement if he could use the Lane at a later date. However, that agreement has not been supported by the current owners of Zakayla Lane. If he cannot come to an agreement with the current owners, he will need to run a driveway from Lewis Road to the area he wishes to build a single family home. **Mr. Mylroie** read Title 16.28.060, criteria for a boundary extension. Board members agreed their review at this time is for a zone boundary extension, and a future driveway would be reviewed by the Code Enforcement Officer and public works for code compliance. Discussion followed regarding the proposed location for the single family home and the length of a driveway. **Mr. Evancic** recommended a site walk be scheduled. The Board agreed to schedule a site walk for Thursday, July 1, 2010 at 5:00 p.m. **Mr. Carleton** requested a clear plan be presented for review at the public hearing.

Mr. Carleton moved to find the application from BJP Corporation substantially complete and authorize the planner to schedule a public hearing.

Mr. Kelly seconded

Motion carries unanimously.

ITEM 4 - Town Code Amendment to Title 16 – Plan Review Findings of Fact Basis for Decision - Planning Board Acceptance/Schedule Public Hearing.

Mr. Mylroie explained the Planning Board and the Board of Appeals utilize separate criteria to make decisions under Special Exception review. A draft was provided to the Board illustrating how these separate criteria can be changed to reference the criteria used by the Planning Board. Further review and re-wording is needed. **Ms. Wells** noted a plan often does not show the extent of a wetland, and requirements and rules change from a small wetland area to one that is 10 acres or more. The extent needs to be included so the Board of Appeals or Planning Board can make an informed decision. **Chairman White** suggested it would be reasonable to include that information which can be found on the Town's GIS mapping database. This item will be further reviewed and returned for discussion.

ITEM 5 - TOWN PLANNER'S TIME

Required Board action to grant waivers for the approved York Hospital site plan project were not completed prior to approval of the project on April 8, 2010. **Mr. Mylroie** requested the Board consider granting the waivers at this time. **Chairman White** suggested that waiver requests on all future projects be included on the project status grid on the first page of the staff notes so the Board can reference any action taken.

Mr. Carleton moved to grant a waiver to the requirements of Title 16.32.390.G and 16.32.470.C, endorsement of an erosion control and stormwater management plan by YCSWCD for the York Hospital site plan project.

Mr. Kelly seconded

Motion carries unanimously

Mr. Carleton moved to grant a waiver to the requirements of Title 16.12.101.E.1.c.6, providing for a minimum of 1 street tree per 25 feet of frontage for the York Hospital site plan project.

Mr. Kelly seconded

Motion carries unanimously

Break

OTHER BUSINESS

ITEM 6 - Planning Board Workshop – Community Growth Management / Comprehensive Planning and Design (continuation).

The Board and staff met in workshop to continue discussion of the Growth Management Program, comprehensive community planning process and principles and possible application in Kittery.

The Planning Board meeting of June 24, 2010 adjourned at 8:35 p.m.

Submitted by Jan Fisk, Recorder – June 27, 2010