

**CALL TO ORDER**

Chair Grinnell called the meeting to order at 6:00 p.m.

**ROLL CALL**

Members Present: Robert Harris, Dutch Dunkelberger, Karen Kalmar, Ann Grinnell, Debbie Driscoll-Davis, Mark Alesse, Marissa Day

Staff Present: Chris Di Matteo

**PLEDGE OF ALLEGIANCE**

**AGENDA**

The Board was in consensus to amend the agenda as follows: Item 1 – Bowen Street, Item 2 – Huntington Run; Item 3 Yankee Commons Mobile Home Park; Item 4 – Florence Lane; Item 5 – Seward Farm Lane; Item 6 – 88 Pepperrell Cove; and Item 7 – Code Amendment.

**APPROVAL OF MINUTES – June 1, 2017 Site Walk - 9 Bowen Road.**

**Mr. Dunkelberger moved to accept the Minutes of the June 1, 2017 Site Walk at 9 Bowen Road.**

**Mr. Alesse seconded the motion.**

**The motion carried 6-0-1.**

**June 22, 2017 Workshop.**

Add David Lincoln's name  
Check spelling of other names

**Vice Chair Kalmar moved to approve the Minutes of the June 22, 2017 workshop as amended.**

**Mr. Alesse seconded the motion.**

**The motion carried 5-0.2.**

**June 22, 2017 Regular Meeting**

Line 115 – delete street  
Line 138 – amend applicant's name in Findings of Fact

**PUBLIC COMMENT**

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

**OLD BUSINESS / PUBLIC HEARING**

**ITEM 1 – 9 Bowen Road – Shoreland Development Plan Review.**

Action: Hold a public hearing; approve or deny plan. Owner/applicant Lee Reinhold requests consideration of plans to expand an existing two-family dwelling and detached accessory structure located within the 100-foot setback from a protected water body. The site is located at 9 Bowen Road (Tax Map 17 Lot 3) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Peter Agrodnia, North Easterly Surveying

**Vice Chair Kalmar moved to reschedule a public hearing for 9 Bowen Road for August 10, 2017 for consideration of plans to expand an existing two-family dwelling and detached accessory structure located within the 100-foot setback from a protected water body. The site is located at 9 Bowen Road (Tax Map 17 Lot 3) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones.**

**Mr. Dunkelberger seconded the motion.**

**The motion carried 5-0-2.**

**NEW BUSINESS**

**ITEM 2 – Huntington Run (formerly “Betty Welch Road”) Cluster Subdivision Completeness Review.**

Action: Accept or deny application. Schedule a public hearing. Owner, Landmark Properties, LTD. And Kingsbury and Veronica Bragdon, and applicant, Chinburg Builders, Inc., request consideration of a 20-lot cluster subdivision on 86.6 +/- acres located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A) in the Residential Rural Zone (R-RL) and a portion located in the Shoreland Overlay (SH-250'-OZ) Zone. Agent is Jeff Clifford, P.E., Altus Engineering.

Mr. Harris recused himself of this item.

Jeff Clifford, from Altus Engineering, explained the sketch plan was approved in April. He added the width of the road has been changed to 60-ft. as required and the lot sizes have not changed. He further explained there will be 20 house lots with a minimum size of 10,000 feet. The homes will have septic systems and waste water will be pumped to adequate areas. Mr. Clifford further explained the wetland crossings. One is culverted and one is a ford or a ditch which will be filled with stone. The applicant has submitted a waiver for the wetlands. The entire parcel is 86 acres. Mr. Clifford pointed out on the map the area where the soils were surveyed and asked for a waiver to not be required to survey areas that will not be developed. Habitat studies for cotton tail rabbits and long-eared bats were done by the State. The studies did not show any signs of habitat. Vernal pools on the site have been surveyed. The pools are from the logging operations which caused deep wheel ruts. The Army Corps of Engineers are aware of this. A study was also done of the directional migration of species in the vernal pools.

The project will have public water and the applicant received a letter from the Kittery Water District stating their ability to serve the 20 homes. The applicant would like the roadway to be public with waivers for sidewalks and eight-foot shoulder.

A waiver for lot shapes will be addressed at the next meeting and will be included in conformance of standards.

Mr. Di Matteo believes the package is complete and suggested Board members discuss additional information they need. A letter from the Conservation Commission will be addressed with staff.

The Board was in consensus to require a wetlands delineation as referred in Staff Comment 2. The applicant will need to obtain a new letter from Public Works since the previous letter was dated December 16, 2015. Because the nature of the septic system and proximity to the York River and Libby Brook, a third-party will be required to give an environmental analysis of the plan to verify there is no risk. The applicant stated a hydrological study has been done. Chair Grinnell requested the York River Study Committee be notified of the location of the waste water area and to give their opinion. She also requested a better drawing of the location to the brook and river.

Chair Grinnell requested a document, other than home owners, explain the sewage treatment plan to new owners. Mr. Clifford stated the applicant will have this referenced in the deed.

Discussion of developer's responsibility of the sewer system ensued. Ms. Driscoll-Davis asked the applicant to document who is responsible for the septic system for an extended period. Mr. Clifford explained the OxyPro system is costlier for the applicant than having a traditional system for community septic.

Earldean Wells, Conservation Commission, pointed out the area where the hydraulic study was done is not much higher than the wetlands around it. Her concern is what could happen if a storm event occurs. The area will become saturated with stormwater and would be unable to leach properly. She has spoken to other communities regarding the OxyPro system and was informed these systems are designed for the number of bedrooms in a home and, if there are additions, the system needs to be changed to adapt.

**Mr. Dunkelberger moved to accept the cluster development and wetland alteration application dated June 22, 2017 from owners Landmark Properties & Kingsbury and Veronica Bragdon, and applicant, Chinburg Development, for a 20-lot cluster subdivision located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A in the Residential Rural and Shoreland Overlay Zones.**

**Vice Chair Kalmar seconded the motion.**

**All in favor 6-0-0.**

**Mr. Dunkelberger moved to schedule a public hearing for the subdivision plan dated June 22, 2017 from owners Landmark Properties & Kingsbury and Veronica Bragdon, and**

applicant, Chinburg Development, for a 20-lot cluster subdivision located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A in the Residential Rural and Shoreland Overlay Zones. to August 24, 2017.

Vice Chair Kalmar seconded the motion.

All in favor 6-0-0.

Vice Chair Kalmar moved to schedule a site walk for August 14, 2017 at 9:00 a.m. for the subdivision plan dated June 22, 2017 from owners Landmark Properties & Kingsbury and Veronica Bragdon, and applicant, Chinburg Development, for a 20-lot cluster subdivision located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A in the Residential Rural and Shoreland Overlay Zones.

Ms. Driscoll-Davis seconded the motion.

The motion carried 6-0-0.

**ITEM 3 – Yankee Commons Mobile Home Park Expansion – Street Naming Application.**

Action: Approve or deny application. Owner/applicant Stephen A. Hynes Real Property Trust Agreement requests consideration of a street naming application for the previously approved 78-lot expansion of the Yankee Commons Mobile Home Park, known as Yankee Settlement, for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones.

Vice Chair Kalmar moved to approve the application of owner/applicant Stephen A. Hynes Real Property Trust Agreement requests consideration of a street naming application for the previously approved 78-lot expansion of the Yankee Commons Mobile Home Park, known as Yankee Settlement, for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones.

The motion was seconded by Mr. Alesse.

The motion carried 7-0-0.

**ITEM 4 – Florence Lane – Street Naming Application**

Action: Approve or deny application. Owner/applicant Nancy Philbrick requests consideration to name an existing, unnamed private Right-of-Way accessing her property (Tax Map 58 Lot 55-3) and located off Goodwin Road, Florence Lane.

Mr. Dunkelberger moved to accept the application of owner/applicant Nancy Philbrick requests consideration to name an existing, unnamed private Right-of-Way accessing her property (Tax Map 58 Lot 55-3) and located off Goodwin Road, Florence Lane.

Vice Chair Kalmar seconded the motion.

Condition of Approval

The approved street name “Florence Lane” is for the approximate 600-foot ROW as depicted on the plan approved 12/10/1990 (book 196, page 14). Florence Lane provides legal frontage for

Map 58 Lots 55-2, 55-3 and 55-4 only. Florence Lane does not provide legal frontage for Map 58 Lot 55.

**The motion carried 7-0-0.**

**ITEM 5 – Seward Farm Lane – Major Subdivision Completeness Review**

Action: Accept or deny application. Schedule a public hearing. Owner/Applicant Gary Seward, Gregg Seward and Patti Parsons request consideration of a 14-lot conventional subdivision on remaining land along a previously approved private Right-of-Way (Seward Farm Lane) located at Picott Road (Tax Map 46 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones. Agent is Stephen Haight, Civilworks New England.

Stephen Haight, Civil Works of New England, reviewed the facts from the preliminary hearing. The 14 lots will have town water and individual septic. The Maine DEP has given a previous permit. so, the road does not need further DEP approval. A topographical study should be included in the packet. Mr. Haight pointed out the stormwater analysis was for 12 lots not 14, which does not change the analysis data because the same area is being proposed. The drainage memo was updated to 14.

**Mr. Dunkelberger moved to accept the application for the subdivision plan dated 6/22/2017 for owner/applicant Gary Seward, Gregg Seward and Patti Parsons request consideration of a 14-lot conventional subdivision on remaining land along a previously approved private Right-of-Way (Seward Farm Lane) located at Picott Road (Tax Map 46 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones.**

**Ms. Driscoll Davis seconded the motion.**

**The motion carried 7-0-0.**

**Mr. Dunkelberger moved to schedule a public hearing for the subdivision plan dated 6/22/2017 for owner/applicant Gary Seward, Gregg Seward and Patti Parsons request consideration of a 14-lot conventional subdivision on remaining land along a previously approved private Right-of-Way (Seward Farm Lane) located at Picott Road (Tax Map 46 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones for August 10, 2017.**

**Ms. Driscoll-Davis seconded the motion.**

**The motion carried 7-0-0.**

**Item 6 – 88 Pepperrell Cove – Special Exception Use**

Action: Review Application. Approve or deny special exception request. Owner, Chatham Street, LLC, and applicant, Ann Kendall, requests consideration of a special exception use to operate a small store and take-out ice cream restaurant located at 88 Pepperrell Cove (Tax Map 27, Lot 49A) in the Business Local (B-I.) and Shoreland Overlay (OZ-SL-250) zones.

Donna Ryan, one of the partners of the project, explained the plan to open a small provisions store on the bottom floor of the Captain Simeon, building. They will sell coffee, tea, muffins and

other small items including boater items. The Ms. Ryan handed out a picture she received from Mr. Frisbee showing a store existed in the building in the past.

**Mr. Dunkelberger moved to approve special exception request dated July 6, 2017 for owner, Chatham Street, LLC, and applicant, Ann Kendall, requests consideration of a special exception use to operate a small store and take-out ice cream restaurant located at 88 Pepperrell Cove (Tax Map 27, Lot 49A) in the Business Local (B-L) and Shoreland Overlay (OZ-SL-250) zone.**

**Mr. Alesse seconded the motion.**

Ms. Driscoll-Davis expressed her pleasure that they are in Kittery Point and on this project. The applicant has negotiated a long-term lease a parking lot less than a mile away and is considering bringing valet service. Septic has been looked at and has been approved for what they are planning. Trash will be located in a small shed.

**The motion carried 7-0-0.**

#### **Findings of Fact**

#### **Item 7 – Town Code Amendment – 16.2.2 Definitions, 16.3.2.15 Mixed use Kittery Foreside Zone, 16.3.2.17 Shoreland Overlay Zone.**

Action: Discussion. Nor forma action. Applicant, Wallingford Square, LLC, requests consider of an amendment to Title 16, land use and Development Code to allow hotels in the Mixed-Use Kittery Foreside Zone.

Chair Grinnell stated the Board had a workshop on this item in June. The Applicant is asking to have the code changed to allow a 35-room hotel in the foreside zone.

Ms. Driscoll-Davis asked if there was a determination of how many B & B's and accessory dwelling in the foreside now. Mr. Di Matteo replied the applicant indicated they would be willing to provide the information. Vice Chair Kalmar stated her concern with the residential quality of the foreside and would like to know how they will mitigate the impact to the residential character of the area. Mr. Dunkelberger suggested first determining if they want hotels in the foreside.

Ms. Driscoll-Davis stated she has not heard any residents from the foreside in favor. She reviewed the current and upcoming accommodations in the area and questioned the need for hotels in the foreside. She has heard from residents they do not want Kittery to be a tourist town. Mr. Alesse is in favor of organic and slow growth. He would like to hear from the applicant what the minimum number of rooms could be.

Mr. Harris is not in favor and believes there would be traffic and parking issues.

The Chair opened the public hearing.

Tom Emerson, Economic Development Committee and Comprehensive Plan Committee believes the Board needs to define hotel on the potential impact to the character and community.

Terry Lochhead, foreside resident, explained scale came up with the foreside planning meetings and she urged the Board to look at that. She believes 35 rooms would be too large.

Durward Parkinson, representing the applicant, asked when this item can be moved to a public hearing. Chair Grinnell stated the Board has not decided what to do and is not ready. Mr. Di Matteo explained the reason of this meeting is to solicit questions for the applicant who can return at the next meeting. Chair Grinnell stated she does not want this to be a timeframe item because it is a major item.

Chair Grinnell commented the Town has taken 20 years with ordinances that are well crafted and in place from public comment to preserve the character of the foreside. She hears from residents they don't want to be Portsmouth. She added Kittery invited tourists in 1980 for the malls and most buildings in the zone are filled with residents. She has spoken with businesses and they are thriving and growing.

Mr. Dunkelberger read a section from the 2002 Comprehensive Plan which is encouraged growth opportunities. Mr. Di Matteo reviewed the purpose of the zone for the foreside and stated the question should be how do hotels fit into the definition of the code.

Ms. Day would like the applicant to expand on what the demand analysis is for a 35-room hotel and a justification of the location. Chair Grinnell stated if they build it people will come. She added the applicant is welcome to develop in Kittery with a plan that is within the code.

## **ADJOURNMENT**

**Mr. Alesse moved to adjourn the meeting.**

**Mr. Dunkelberger seconded the motion.**

**The motion carried 7-0-0.**

The Kittery Planning Board meeting of July 27, 2017 adjourned at 7:45 p.m.

Submitted by Mary Mancini, Minute Recorder, on August 3, 2017.

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>