

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

**APPROVED  
October 13, 2016**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Mark Alesse, Debbie Driscoll-Davis, Ann Grinnell, Karen Kalmar, Dutch Dunkelberger, Robert Harris, Brett Costa

Staff: Chris Di Matteo, Town Planner

Chair Grinnell stated Items 7 and 8 will be heard before the public hearings and Item 6 will be heard after Item 1.

**MINUTES: SEPTEMBER 29, 2016**

Line 158 – change to “More information such as KLT easements and open space”

**The Board was in consensus to approve the Minutes as amended.**

**PUBLIC HEARING / OLD BUSINESS**

**Item 1 - 91 Route 236 – Major Modification to An Approved Plan – Final Review**

Action: Hold a Public Hearing approve or deny plan. Owner/applicant Arenhall Corp. requests approval for a plan modification to the 2014 approved plans to construct a single, 25,200 square foot building containing a self-storage business office and storage area located at 91 Route 236 (Tax Map 28, Lot 14-1) in the Commercial (C-2) Zone. Agent is Ken Wood, Attar Engineering

Mr. Wood gave a summary of the proposed project. He stated the civil consultants have reviewed and amended the subdivision plan as requested by the Board. Mr. Wood explained they now have a different method of treating stormwater. He also provided the Board with site, grading, stormwater management and architectural plans. The applicants have applied for minor wetland permit and a copy is the package. He has adjusted the parking spaces to 12.

Mr. Di Matteo stated there are some minor changes to the Findings of Fact that were not printed out. Mr. Wood stated he accepted the staff notes and changes.

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

The applicant read and accepted I-M on Page 5 of the staff notes. Ms. Driscoll-Davis questioned if the altered dimensions of the building will maintain the arrears and setbacks. Mr. Di Matteo stated it did. After discussion of landscaping, the applicant agreed to have a life maintenance component added for the planting on the buffer.

**Mr. Dunkelberger moved with conditions the final site plan for owner Synergy Storage Structures, LLC, and applicant, Camall, LLC located at 91 Route 236 (Tax Map 28 Lot 14-1) in the Commercial 2 Zone, upon the review and voting, in the affirmative, on the Findings of Fact.**

**Vice Chair Kalmar seconded the motion.**

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

*Mr. Di Matteo read the changes to the Findings of Fact which will be included in the Minutes.*

**M28 L14-1**

**APPROVED**

**FINDINGS OF FACT**

**For 91 Route 236**

**Major Modification to an Approved Site Plan Review**

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

**WHEREAS:** Owner/applicant Arenhall Corp. propose a single, 3-story building with a total of 75,600 square feet of gross floor area containing a self-storage business office and storage area located at 91 Route 236 (Tax Map 28, Lot 14-1) in the Commercial Zone.

Hereinafter the "Development,"

And pursuant to the Plan Review meetings conducted by the Planning Board as noted ;{*in the Plan Review Notes prepared for 10/13/2016*}

|   |         |            |
|---|---------|------------|
| Determination of<br>Completeness/Acceptance | GRANTED | 7/14/2016  |
| Public Hearing                              | HELD    | 8/11/2016  |
| Preliminary review and approval             | GRANTED | 8/11/2016  |
| Final review and approval                   | GRANTED | 10/13/2016 |

And pursuant to the application, plans and other documents considered to be a part of the plan approval by the Planning Board in this finding consist of the following ;{ *as noted in the Plan Review Notes prepared for 10/13/2016* } (hereinafter the "Plan"):

1. Major Modification to an Approved Site Plan application, dated 6/2/2016
2. Minor Modification to an approved subdivision plan, dated 9/28/2016
3. Wetland Alteration Application, dated 9/28/2016
4. Stormwater Management Plan, Attar Engineering, Inc. dated 6/1/2016, revised 9/28/2016
5. Site Plan Amendment, Attar Engineering, Inc. dated 6/1/2016, revised 9/28/2016

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6. Subdivision Plan Amendment, Civil Consultants, dated 4/18/2013, revised 9/23/2016
7. Landscaping Plan, Attar Engineering, Inc., dated 6/1/2016, revised 9/29/2016
8. Grading and Utility Plan, Attar Engineering, Inc., dated 6/1/2016, revised 9/28/2016
9. Site Details, Attar Engineering, Inc., dated 6/1/2016
10. Original Site Plan, Civil Consultants, dated 4/18/2013, revised 2/20/2014

**NOW THEREFORE**, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by section **16.10.8.3.4** and as recorded below:

**FINDINGS OF FACT**

Action by the Planning Board must be based upon findings of fact which certify or waive compliance with all the required standards of this Code, and which certify the development meets the following requirements:

**A. Development Conforms to Local Ordinances.**

*The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.*

Finding: The proposed storage facility conforms to the ordinances of Title 16, with the exception of Title 16.8.9.4, Off-Street Parking Standards. A traffic and parking analysis has been provided by Eaton Traffic Engineering to support a reduction in the required parking from 151 parking spaces to 12, due to the nature and intensity of the proposed development. The planning board has reviewed the analysis, and concurs with the findings of Eaton Traffic Engineering.

Conclusion: The requirement appears to be met.

**Vote of 7 in favor 0 against 0 abstaining**

**B. Freshwater Wetlands Identified.**

*All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.*

Finding: Wetlands are identified along Route 236 and to the rear and side of the property. All wetlands and wetland setbacks are depicted on the plan.

Conclusion: The requirement appears to be met

**Vote of 6 in favor 0 against 1 abstaining**

**Mr. Harris abstaining**

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| <b>C. River, Stream or Brook Identified.</b>   |
| <i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i> |
| <u>Finding:</u> A stream to the northerly portion of the property has been identified.   |
| <u>Conclusion:</u> The requirement appears to be met   |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>D. Water Supply Sufficient.</b>   |
| <i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>  |
| <b>E. Municipal Water Supply Available.</b>  |
| <i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>   |
| <u>Findings:</u> The Kittery Water District provided a letter verifying its capacity to supply the proposed development with both domestic and fire protection water service.  |
| <u>Conclusion:</u> The requirement appears to be met   |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>F. Sewage Disposal Adequate.</b>  |
| <i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>  |
| <u>Finding:</u> The location of a subsurface wastewater disposal system and a reserve system have been located on the plan and a completed HHE-2000 application has been submitted.  |
| <u>Conclusion:</u> The requirement appears to be met.  |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>G. Municipal Solid Waste Disposal Available.</b>  |
| <i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>   |
| <u>Finding:</u> The proposed development accommodates a dumpster.  |
| <u>Conclusion:</u> The requirement appears to be met.  |

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| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>H. Water Body Quality and Shoreline Protected.</b>  |
| <i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>  |
| <u>Finding:</u> The development is not situated within 250-feet of any regulated (non-forested) wetland.<br><u>Conclusion:</u> The requirement appears to be met   |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>I. Groundwater Protected.</b>   |
| <i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>   |
| <u>Finding:</u> As referenced in F. Sewage Disposal Adequate, the proposed development will not adversely affect the quality or quantity of groundwater.<br><u>Conclusion:</u> The requirement appears to be met   |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>J. Flood Areas Identified and Development Conditioned.</b>  |
| <i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i> |
| <u>Finding:</u> The development is not located within a flood prone area<br><u>Conclusion:</u> The requirement is not applicable.  |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |

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| <b>K. Stormwater Managed.</b>  |
| <i>The proposed development will provide for adequate stormwater management.</i>   |
| <u>Finding:</u> The applicant has provided a stormwater management plan resulting in adequate stormwater management.<br><br><u>Conclusion:</u> The requirement appears to be met.  |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>L. Erosion Controlled.</b>  |
| <i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i>   |
| <u>Finding:</u> The proposed development conforms to Title 16.8.8, Surface Drainage, and will provide adequate erosion and sediment control measures on site.<br><br><u>Conclusion:</u> The requirement appears to be met.   |
| <b>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>  |
| <b>M. Traffic Managed.</b>   |
| <i>The proposed development will:</i><br><br><i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i><br><br><i>2. Provide adequate traffic circulation, both on-site and off-site.</i>   |
| <u>Finding:</u> A review of traffic generation and sight distances has been completed. The proposed development will create a minimal impact on highway or public road congestion.<br><br>A traffic and parking analysis has been provided by Eaton Traffic Engineering to support a reduction in the required parking from 151 parking spaces to 12, due to the nature and intensity of the proposed development. The planning board has reviewed the analysis, and concurs with the findings of Eaton Traffic Engineering.<br><br><u>Conclusion:</u> With consideration of condition of approval #5, the requirement appears to be met |
| <b>Vote of <u>6</u> in favor <u>0</u> against <u>1</u> abstaining</b><br><br><b>Mr. Harris abstaining</b>  |
| <b>N. Water and Air Pollution Minimized.</b>   |
| <i>The proposed development will not result in undue water or air pollution. In making this</i>  |

*determination, the following must be considered:*

- 1. Elevation of the land above sea level and its relation to the floodplains;*
- 2. Nature of soils and sub-soils and their ability to adequately support waste disposal;*
- 3. Slope of the land and its effect on effluents;*
- 4. Availability of streams for disposal of effluents;*
- 5. Applicable state and local health and water resource rules and regulations; and*
- 6. Safe transportation, disposal and storage of hazardous materials.*

Finding:

1. The development is located outside of a Flood Hazard Area.
- 2 An completed HHE has been submitted for subsurface wastewater disposal systems
- 3 thru 6. Not applicable to the proposed development.

Conclusion: The requirement appears to be met

**Vote of 7 in favor 0 against 0 abstaining**

**O. Aesthetic, Cultural and Natural Values Protected.**

*The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

Finding: There is no significant change proposed in the use of the property that would have an undue adverse impact on aesthetic, cultural or natural values

Conclusion: The requirement appears to be met

**Vote of 7 in favor 0 against 0 abstaining**

**P. Developer Financially and Technically Capable.**

*Developer is financially and technically capable to meet the standards of this section.*

Finding: The developer will provide an inspection escrow in an amount suitable to cover the costs of on-site inspection by the Peer Review Engineer to ensure the proposed development is constructed according to the approved plan.

Conclusion: The requirement appears to be met

**Vote of 7 in favor 0 against 0 abstaining**

**16.6.4.4 Special Exception Use Request.**

*B. The Planning Board will review, decide and may approve an applicant's Special Exception Use request where the proposed project requires Planning Board review as defined in Section 16.10.3.2 or is located in a Shoreland or Resource Protection Overlay Zone. The Planning Board must find the proposed project and use meets the criteria set forth in Section 16.10.8.3.4 and 16.6.6.*

Finding:

The proposed use of a storage facility appears to have no adverse impact with consideration of the conditions and factors outlined in 16.6.6, including:

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

Conclusion: The requirement appears to be met

**Vote of 7 in favor 0 against 0 abstaining**

**Title 16, Chapter 9, Article III Conservation of Wetlands Including Vernal Pools**

**16.9.3.7 Wetlands Alteration Approval Criteria**



**A. In making the final determination as to whether a wetland application should be approved, the Planning Board will consider existing wetland destruction and the cumulative effect of reasonably anticipated future uses similar to the one proposed.** Preference will be given to activities that meet wetland setbacks, have a reasonable stormwater management plan (subject to Planning Board review and approval), and that dedicate easements for the purposes of maintaining the wetland and the associated drainage system. Approval to alter a wetland will not be granted for dredging or ditching solely for the purpose of draining wetlands and creating dry buildable land areas. An application for a wetlands alteration will not be approved for the purpose of creating a sedimentation or retention basin in the wetland. Increased peak runoff rates resulting from an increase in impermeable surfaces from development activities are not allowed.

Findings: The 231 square foot wetland impact does not appear to have an adverse impact on the remaining wetland

Conclusion: This requirement appears to be met.

Vote of 7 in favor 0 against 0 abstaining

**B. It is the responsibility and burden of the applicant to show that the proposed use meets the purposes of this Code and the specific standards listed below to gain Planning Board approval to alter a wetland.** The Planning Board will not approve a wetlands alteration unless the applicant provides clear and convincing evidence of compliance with the Code.

Findings: The proposed use is a commercial storage facility and business office, which is a special exception use in the C-2 Zone.

Conclusion: This requirement appears to be met.

Vote of 7 in favor 0 against 0 abstaining

**C. In evaluating the proposed activity, the Planning Board may need to acquire expert advisory opinions.** The applicant must be notified in writing, by the Town Planner at the Planning Board's request, that the applicant will bear the expenses incurred for the expert persons or agencies. The Planning Board will consider the advisory opinion, including any recommendations and conditions, provided by the Conservation Commission.

Findings: Considering the extent of the impact, a wetland report does not appear to be warranted

Conclusion: This requirement is not applicable.

Vote of 7 in favor 0 against 0 abstaining

**D. When the Planning Board finds the demonstrated public benefits of the project as proposed, or modified, clearly outweigh the detrimental environmental impacts, the Planning Board may approve such development, but not prior to granting approval of a reasonable and practicable**

**mitigation plan**, (see Section 16.9.3.9) and not prior to the completion of all performance guaranties for the project, (see Section 16.10.8.2.2).

Findings: Per condition of approval #4 and #8, the preservation of an undisturbed upland buffer zone adjacent to the wetland boundary equal in size to the wetland alteration (231 square feet) is depicted on the final plan. A wetland mitigation fee in the amount of \$924.00 (231 sf x \$4/sf) is required.

Conclusion: This requirement appears to be met.

Vote of 7 in favor 0 against 0 abstaining

**E. The applicant must submit applicable documentation that demonstrates there is no practicable alternative to the proposed alteration of the wetland.** In determining if no practicable alternative exists, the Board will consider the following:

The proposed use:

1. Uses, manages or expands one or more other areas of the site that will avoid or reduce the wetland impact;
2. Reduces the size, scope, configuration or density of the project as proposed, thereby avoiding or reducing the wetland impact;
3. Provides alternative project designs, such as cluster development, roof gardens, bridges, etc., that avoid or lessen the wetland impact; and
4. Demonstrates that the proposed development meets or exceeds best management practices for stormwater management in the wetland areas.

Finding: Due to the building size and setback requirements, there is no practical alternative to the proposed alteration.

Conclusion: This requirement appears to be met.

Vote of 7 in favor 0 against 0 abstaining

**F. In determining if the proposed development plan affects no more wetland than is necessary the Planning Board will consider if the alternatives discussed above in subsection A of this section accomplish the following project objectives {described in 16.9.3.7.F}:**

The proposed use will not:

1. Unreasonably impair or diminish the wetland's existing capacity to absorb, store, and slowly release stormwater and surface water runoff;

2. *Unreasonably increase the flow of surface waters through the wetland;*
3. *Result in a measurable increase in the discharge of surface waters from the wetland;*
4. *Unreasonably impair or diminish the wetland's capacity for retention and absorption of silt, organic matter, and nutrients;*
5. *Result in an unreasonable loss of important feeding, nesting, breeding or wintering habitat for wildlife or aquatic life; all crossings must be designed to provide a moist soil bed in culvert inverts and to not significantly impede the natural migration of wildlife across the filled area;*
6. *Result in a measurable increase of the existing seasonal temperature of surface waters in the wetland or surface waters discharged from the wetlands.*
7. *Result in a measurable alteration or destruction of a vernal pool.*

Findings: The 231 square foot wetland impact does not appear to have an adverse impact on the remaining wetlands or any vernal pools located on the property.

Conclusion: This requirement appears to be met.

**Vote of 7 in favor 0 against 0 abstaining**

85

86 **NOW THEREFORE** the Kittery Planning Board adopts each of the foregoing Findings of Fact and, based on these  
87 Findings, determines that the proposed Development will have no significant detrimental impact, and the  
88 Kittery Planning Board hereby grants Final Approval, including approval for a Special Exception Use Request,  
89 Wetland Alteration Application and Minor Modification to an Approved Subdivision for the Development at the  
90 above referenced property, including any waivers granted or conditions as noted.

91 Waivers:

92 None.

93 Conditions of Approval (to be depicted on the final site plan):

- 94 1. No changes, erasures, modifications, or revisions may be made to the approved plan, including no  
95 further land division or additional dwelling units established prior to Planning Board-approval.
- 96 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site  
97 and building construction to ensure adequate erosion control and slope stabilization.
- 98 3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the  
99 Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in  
100 place until the Code Enforcement Officer determines construction is complete and there is no danger of  
101 damage to areas that are, per Planning Board approval, to remain undisturbed.
- 102 4. A wetland Preservation Fee per 16.9.3.9 Mitigation Plan to be paid to the Town prior to the start of  
103 construction or any earthmoving activities.

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- 104 5. If there are any changes to the intensity of use and/or if it becomes evident to the Code Enforcement  
105 Officer that there is insufficient parking on site, available parking must be increased as determined and  
106 approved by the Planning Board  
107 6. All Notices to Applicant contained in the Findings of Fact (dated: October 13, 2016).  
108

109 Conditions of Approval (NOT to be depicted on the final plan):

- 110 7. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer  
111 Review Engineer, and submit for Staff review prior to presentation of final Mylar. The amended  
112 subdivision plan must be submitted to Staff for review prior to recording with the York County Registry  
113 of Deeds within 90-days of approval.  
114 8. Revise the final plan to depict an undisturbed upland buffer zone adjacent to the wetland boundary  
115 equal in size to the wetland alteration (231 square feet).  
116 9. Prior to any earthwork and clearing, all required Maine Department of Environmental Protection  
117 permits must be approved and submitted to the Town for recording.  
118

119 Notices to Applicant (NOT to be depicted on the final plan):

- 120 1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with  
121 review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and  
122 abutter notification.  
123 2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or  
124 variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.  
125 3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all  
126 related state/federal permits or legal documents that may be required, must be submitted to the Town  
127 Planning Department. Date of Planning Board approval shall be included on the final plan in the  
128 Signature Block.  
129 4. This approval by the Town Planning Board constitutes an agreement between the Town and the  
130 Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any  
131 Conditions of Approval.  
132 5. Where required the applicant must provide to the Town a performance guaranty and an inspection  
133 escrow to cover the construction of all improvements that will be utilized in common use or by the  
134 general public.  
135

136 The Planning Board authorizes the Planning Board Chairperson, or Vice Chair, to sign the Final Plan and the  
137 Findings of Fact upon confirmation of compliance with any conditions of approval.  
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139 **Vote of 7 in favor 0 against 0 abstaining**  
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APPROVED BY THE KITTERY PLANNING BOARD ON October 13, 2016

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Ann H. Grinnell, Planning Board Chair

Per Title 16.6.2.A – An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

**NEW BUSINESS**

**Item 2 – 450 U.S. Route 1 – SITE PANE – COMPLETENESS REVIEW**

Action: Accept or deny application. Schedule a public hearing. Owner/Applicant Kitterydom, LLC requests consideration to develop a two-unit commercial building on a 19.58 vacant lot located at 450 U.S. Route 1 (Tax Map 61 Lot 28) in the Mixed Use (MU) Zone. Agent is Paul Avery, Oak Consulting Group, LLC.

New business.

Paul Avery stated they were before the Board in July to review the sketch plan and has refined the design. He stated the curb cut on Route 1 has been changed slightly. The total number of parking spaces is 58 and two signs have been added on Route 1 and Lewis Road. Mr. Avery stated they will need a traffic movement permit and has filed one with the Department of Transportation. He discussed the configuration of the curb cut on Route 1. Mr. Avery reviewed the utilities plan and will have sewer and water from Lewis Road.

Ms. Driscoll-Davis questioned if stacking would be a problem on the left side of the business. Mr. Avery explained they do not anticipate much stacking because the left side will be a pick-up window only. Vice Chair Kalmar questioned the size of the parcel that qualifies for Permit by Rule. Mr. Avery explained the building parcel comes out to the 1.8 acres and 3 acres is the buildable site. Vice Chair Kalmar stated there should be a boundary survey. The applicant stated it was sent electronically but is not in the packet. It will be with the next submission. Vice Chair Kalmar also stated the snow storage plan is required to be shown on the plan. Mr. Avery stated he will add that to the plan.

Mr. Avery stated they do not have issues with the staff notes and recommendations.

**Mr. Dunkelberger moved to accept the preliminary site plan application dated September 22, 2016 from owner, BJP Corp., and applicant Kitterydom, LLC, for 450 U.S. Route 1 (Tax Map 61 Lot 28) in the Mixed Use (MU) Zone.**

**Mr. Alesse seconded the motion.**

The site walk was scheduled for 4:30 p.m. on November 4<sup>th</sup>. Ms. Driscoll-Davis will take minutes because Mr. Di Matteo is unable to attend.

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

**Mr. Dunkelberger moved to schedule a public hearing for the preliminary site plan, BJP Corp., and applicant Kitterydom, LLC, for 450 U.S. Route 1 (Tax Map 61 Lot 28) for November 17, 2016. The motion was seconded by Vice Chair Kalmar.**

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

**Item 3 – 518 U.S. Route 1 – Major Subdivision Preliminary Sketch Plan Review – Completeness Review.**

Action: Accept or deny application; Owner, Landmark Properties, LTD, and applicant, Mike Arata, requests consideration of a 14-unit subdivision within two existing structures located at 518 U.S. Route 1 in the Mixed Use (MU) Zone. Agent is Tom Harmon, Civil Consultants.

*The Board amended this Item to a Sketch Plan Review.*

Mr. Harmon explained the plan is to provide 10 elderly housing units and add 3 more to the second story in the rear building. There will be no site changes.

Chair Grinnell questioned why they are applying for age-limited apartments. Mr. Harmon replied the site is adequate and will be able to add two extra units. Discussion ensued of the definition in the Town's code of elderly housing. Mr. Di Matteo stated the definition in the code states a community space should be included.

Mr. Harmon stated there is no plan to incorporate greenspace in the plan now other than upgrading. The buildings will have a sprinkler system. The rear building is currently on a septic system but will be changing to sewer.

Chair Grinnell stated the applicant needs to look at which definition to use either elderly or age-restricted.

**Mr. Dunkelberger moved to accept the sketch plan application from owner, Landmark Properties, LTD, and applicant, Mike Arata, for 518 U.S. Route 1 in the Mixed Use (MU). Mr. Harris seconded the motion.**

Mr. Costa asked if there is a difference between elderly-care and an adult-community. Mr. Harmon stated they will go back into the Code Office and have another meeting to proceed forward.

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

**Vice Chair Kalmar moved to continue the sketch plan application from owner, Landmark Properties, LTD, and applicant, Mike Arata, for 518 U.S. Route 1 in the Mixed Use (MU, no more than 90 days. Mr. Dunkelberger seconded the motion.**

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

The site walk will be November 3<sup>rd</sup> at 4:00 p.m.

**Item 4 – 24 Goodwin Road – Shoreland Development Plan Review**

Action: Accept or deny application. Approve or deny plan. Owner/applicant Greg and Laurie Smith request consideration to demolish and reconstruct a nonconforming structure in an expanded footprint, and construct a new carport and storage shed within the 100-foot setback located at 24 Goodwin Road (Tax Map 58 Lot 19) in the Shoreland Overlay (SH-OZ-250') and Residential – Rural Conservation (R-RLC) Zones. Agent is Tom Emerson, Studio B-E.

Tom Emerson stated the plan is to remove the existing building, which is a summer cottage, and build a new, year-round home with a 30% expansion. Mr. Emerson stated the proposed carport is an attached structure and, therefore, part of the house. Mr. Emerson also described the proximity of the proposed house to the water. An updated septic system was recently added.

Chair Grinnell pointed out the plan is making the east side of the proposed structure closer than the current building is now. Mr. Di Matteo he has spoken with a DEP consultant who stated the whole yard is in a protected shoreland setback. Mr. Di Matteo explained the DEP ordinance standards states an overlay zone for a new structure is to be set back at least 100 feet from the normal high waterline of any water bodies.

Mr. Emerson reviewed the staff notes and agreed to identify decks and patios more precisely. He stated he is proposing putting in a driveway due to a dangerous curve. Chair Grinnell suggested the carport be moved to the other side of the building if possible. The applicant explained he did not want to do that because trees would need to be removed and that side is closer to the septic.

The Board requested clarification from DEP. Mr. Di Matteo read comments from an email he received from Mike Morris of DEP which stated the site plan does not support the carport and does not meet with the setback requirements.

Mr. Di Matteo recommended maintaining the existing façade. Mr. Emerson stated they are willing to reposition the building and move or removed the carport to comply.

**Vice Chair Kalmar moved to accept the Shoreland Development Plan application dated September 22, 2016 from owner/applicant Greg and Laurie Smith for 24 Goodwin Road (Tax Map 58 Lot 19) in the Residential – Rural Conservation and Shoreland Overlay Zones. The motion was seconded by Mr. Alesse.**

The site walk is scheduled for November 9<sup>th</sup> at 8:00 a.m.

Mr. Harris suggested the applicant build a garage underneath the new home.

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

**Vice Chair Kalmar moved to schedule a public hearing for owner/applicant Greg and Laurie Smith for 24 Goodwin Road (Tax Map 58 Lot 19) in the Residential – Rural Conservation and Shoreland Overlay Zones on November 17, 2016. Mr. Dunkelberger seconded the motion.**

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

**Item 5 – 74 State Road – Sketch Plan Review**

Action: Accept or deny application. Approve or deny sketch plan. Owner, PB ‘R’ Us, and applicant, Christopher Baudo requests consideration of a mixed use building consisting of business offices and residential units, located at 74 State Road (Tax Map 8 Lot 41A) in the Business Local (B-L) Zone.

Mr. Baudo explained the project is a to be an owner-occupied, mixed use building located on 1.6 acres. The proposed building is intended to have 3.5 stories with the ground floor used for building materials, the first floor used for retail business and the second and third floors for rooming units. He also explained the proposed plot plan will have 15 parking spaces and the daytime and nighttime parking would offset each other.

Mr. Baudo explained a small wetland and stream bed were recently discovered from topography. The entrance is planned to be on the corner and bring roadway off Village Green Drive removing the ledge that is sticking out. The proposed parking would be place in the back on an upper level.

Vice Chair Kalmar asked what is meant by rooming units. Mr. Baudo responded the intention of the rooms is for workforce housing which will be for workers looking for temporary, affordable housing. He referred to Code 16.3.2.8 which gives the definition of a rooming house and the plan is to have a manager on site. He also explained he recently designed a 25-unit workforce building with 90% occupancy. Mr. Dunkelberger expressed his concern with the number of parking spaces because the workforce residents may not have conventional hours. Mr. Baudo explained the lot is vertical with ledge and that is why he planned the parking in that area. He does plan to add pedestrian access.

Board members stated the application is not complete and they need more information. They are also concerned with the position of the entrance to the building. They recommended having a more complete drawing of what the building will look like to determine if the location will work.

Mr. Baudo stated he will return with plans for the Board to choose what they like for the entrance. He will also meet with the planning office and come back with more concrete ideas and visuals.

**Item 6 - 519 U.S. Route 1 – Sketch Plan Review**

Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant Michael Estes requests consideration of plans to develop a mixed use facility consisting of business, storage and residential uses located at 519 US Route 1 (Tax Map 67 Lot 4) in the Mixed Use (MU), Residential – Rural (R-RL), Shoreland Overlay (SH-OZ-250’) and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering, Inc.

Ken Wood stated this plan was before the Board in 2013 and the sketch plan has changed to a mixed use development. The applicant changed their sketch because of the discovery of wetlands.

**Mr. Dunkelberger moved to accept the sketch plan application dated September 7, 2016 from owner/applicant Michael Estes for a mixed-use development located at Tax Map 67, Lot 4 in the Mixed Use, Shoreland Overlay and Resource Protection Overlay Zone.**

**The motion was seconded by Mr. Alesse.**



The site walk was scheduled for 4:30 p.m. on November 3<sup>rd</sup>.

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

**Mr. Dunkelberger moved to continue the sketch plan application dated September 7, 2016 from owner/applicant Michael Estes for a mixed-use development located at Tax Map 67, Lot 4 in the Mixed Use, Shoreland Overlay and Resource Protection Overlay Zone no more than 90 days. Mr. Alesse seconded the motion.**

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

**ITEM 7 – BOARD MEMBER ITEMS / DISCUSSION**

- Vice Chair Kalmar – The York River Study Committee will be making a presentation at Town Council on October 24<sup>th</sup> and she encourages everyone to tune in. They are trying to get a grant for public support for maintaining the Park River as part of a National Park Service. The presentation will be at 6:00 p.m.
- Ms. Driscoll-Davis stated the Comprehensive Plan Update Committee is having the final public forum on November 3<sup>rd</sup> from 6:00 p.m. to 8:30 p.m. at the Kittery Community Center.
- Mr. Di Matteo stated there will be a joint workshop with the Comprehensive Plan Update Committee on the 27<sup>th</sup> and prior to this workshop, the Board will receive the revised implementation chapters. Mr. Di Matteo asked the Board to look at what they have been given previously and make sure paperwork is up-to-date. Chair Grinnell requested a hard copy of the complete document. Discussion of the process for the meeting ensued. Mr. Di Matteo suggested the Board have consensus with the main topics and any formatting-type questions be emailed to him. Chair Grinnell will contact the Chair of the Comprehensive Plan Update Committee beforehand to go over the procedure for facilitating and create ground rules.

Mr. Di Matteo requested the Board reschedule the November meeting because the Town is closed on the 10<sup>th</sup> in observance of Veteran's Day. Deadline for submittals would be October 27<sup>th</sup>.

**Vice Chair Kalmar moved to reschedule the November 10, 2016 Planning Board meeting to November 17, 2016.**

**Mr. Dunkelberger seconded the motion.**

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

**ITEM 8 - TOWN PLANNER ITEMS**

Mr. Di Matteo requested to postpone the public hearing for the Swards' application because the applicants are still working with Town Council on the road and land issues. Mr. Di Matteo stated the code allows for this. The Board was in consensus to allow the Seward's to postpone their public hearing to a later date.

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

**Mr. Dunkelberger seconded the motion.**

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

The Kittery Planning Board meeting of October 13, 2016 adjourned at 8:30 p.m.

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

**APPROVED  
October 13, 2016**

364  
365 Submitted by Mary Mancini, Minute Recorder, on October 19, 2016.  
366

367 *Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made*  
368 *to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting,*  
369 *but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on*  
370 *the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>*  
371