

CALL TO ORDER

ROLL CALL

Present: Karen Kalmar, Ann Grinnell, Dutch Dunkelberger, Mark Alessi, Drew Fitch, Russell White, Ronald Ledgett

Staff: Kathy Connor, Interim Planner

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – March 22, 2018

Line 206 – add “park” after “business”

Line 239 – change “linear” to “liner” building

Line 265 – change end of sentence to “do not have to meet any additional land use”.

Line 211 – change “determined” to “were”.

Line 129 – change “two” to “knew” and take off the “s” off lot.

Line 259 – delete “and” replace with “to see if there is a better way to specify”.

**Vice Chair Kalmar moved to approve the March 22, 2018 Minutes as amended.
Mr. White seconded the motion.**

The motion carried 6-0-1. Mr. Dunkelberger abstained.

APPROVAL OF SITE WALK MINUTES – 459 Route 1, April 3, 2018

**Vice Chair Kalmar moved to approve the site walk minutes for
Mr. Ledgett seconded the motion.**

Mr. Ledgett requested to change question “Would the existing power lines remain?” delete “if so” and reword to “Is there an active easement or right of way for them?”
Mr. White requested to change “stripping” to “striping”.

The motion carried 6-0-1. Mr. Dunkelberger abstained.

PUBLIC COMMENT

The Chair opened the public comment. There being none, the Chair closed the public comment.

OLD BUSINESS/PUBLIC HEARING

ITEM 1 – 459 Route 1 - Site and Subdivision Preliminary Plan Review Action: Hold public hearing, Approve or deny plan. Letter concerns application by owner, DSS Land

Holdings, LLC, and applicant, Michael Brigham of Landmark Hill, LLC, which requests consideration of a mixed-use development for a 20-+/- acre site located on U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Agent is Ken Wood, Attar Engineering.

Mr. Wood explained this building is the Old Homestead Nursing Home located on a 20-acre site. The current plan has 26 detached elderly buildings along with two mixed-use buildings with first floor for retail and office commercial and 16 dwelling units on the upper floors with parking on the first floor. There are no vernal pools on site and they have worked with staff to maintain wetland setbacks. The stormwater management plan is completed. Mr. Wood informed the Board a cemetery was recently discovered, and they will follow the State of Maine requirement of a 25-ft.

Mr. Wood agreed to correct notations regarding building types listed from an earlier version on the plan on 1.2 and 1.3 as pointed out by Mr. Dunkelberger.

Mr. Fitch asked if there is a stipulation to not exceed two bedrooms for the elderly housing units. If there were three bedrooms, they would need two spaces for parking. Mr. Wood replied the units currently have two car garages including two spaces in the driveway. Mr. Wood agreed he will add no parking on the road to the plan.

The Chair opened the public hearing.

Earldean Wells referred Page 6.2 regarding the landscaping and requested the applicant have more diversity of trees than what is listed. She requested evergreens be added. The applicant agreed.

John Thompson, 21 Adams Road asked of the timing of the project and when plans will be available for the public. Mr. Brigham replied they would like to start the project six months after approvals and the documents are available online. He added it is difficult to know exactly when the project will end.

There being no further comments, the Chair closed the public hearing.

The following Planner's notes were reviewed:

- Special considerations – Page 2. There will be a no cut buffer around the wetland of special significance.
- Note 3a Existing trail – Mr. Wood explained there is a trail that runs between the two wetland areas.
- The applicant agreed to add the cemetery to the plan.
- Note 4a – The applicant explained the long tail for the ponds will grab the stormwater and route it to the ponds.
- Note 4b. – The applicant has submitted a waiver request to remove two parking spaces from the 100 ft. setback near the clubhouse.

- No.8 Landscaping and plant spacing - Mr. Wood will contact CMA and review.
- No 9b Traffic flow at Lewis Road – Ms. Connor explained the report from CMA’s traffic engineer will be ready for the next meeting. Mr. Wood added there is an entrance permit from the Maine Department of Transportation and he will send them the revised traffic analysis. He also explained the conditions for the permit include restriping the lane and he will give DOT’s response to the Board at final.
- Note 10 – Mr. Ledgett asked what the number of parking spaces are and pointed out there is a requirement for 100. Ms. Connor replied there are 98 and explained the two missing spaces have to do with a misunderstanding of the requirements for the building that is commercial and club so the total number would be 94 . She added part of the clubhouse parking area is within the 100 ft setback and staff suggested a parking waiver for two spaces would be the best solution. She explained the clubhouse would have mostly people that live nearby and would not need the parking. The applicant will need a waiver for four spaces. Ms. Connor explained why this is not a Board of Appeals jurisdiction as outlined in 16.9.8.4C. She added the Findings of Fact will quote the section. Mr. Wood added none of the spaces taken away include those for the elderly residents. The clubhouse will not have a swimming pool. The Chair asked if the clubhouse will be open to the public. Mr. Brigham responded it is for the use of the residents and not meant to be rented out.
- Snow storage – Applicant agrees with this note.
- Page 5 of CMA comments – The applicant agrees, and the road will be kept private with a note added to the plan.
- No.14 – Applicant will use same language as Seward Farm. The road will be private
- Page 2 - 16.8.4.2(F) - The applicant will work on the two proposed entrances and Mr. Wood will send the DOT permit to CMA when confirmed valid. Ms. Connor reminded the Board it is not in their purview to waive road design standards. Mr. Wood reported the peak hour trips for retail and residential.
- Lighting – The applicant will provide a lighting plan and added the only existing active utility easement is underground sewer. Mr. Ledgett suggested finding out the owners of the utility poles. The applicant will have the surveyor look at the easements.
- Sidewalks – The Board would like sidewalks. Mr. Wood will need to request the DOT for a utility location permit to allow the sidewalks to be constructed close to Route 1. Ms. Kellogg verified the Town would be responsible for the maintenance of the sidewalks once they are completed.

Ms. Connor recommended the Board wait to vote on the waiver for parking and expansion of the mixed-use zone after the plans have been revised according to CMA and the tonight’s comments.

After a poll was taken, the Board was in consensus to favor the waivers.

Vice Chair Kalmar moved to continue the preliminary site and subdivision plan application dated March 28, 2018 from applicant, Michael Brigham of Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed Use Zone not to exceed 90 days.

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

OLD BUSINESS

ITEM 2– 506 U.S. Route 1 (Estes Business Park) – Site and Subdivision Sketch Plan Review Action: Accept or deny application, Approve or deny plan.

Owner/Applicant, M&T Realty LLC, request consideration of a mixed-use development for a 28-+/- acre site located on U.S. Route 1 (Tax Map 67, Lot 4) in the Mixed-Use (MU), Shoreland Overlay (OZ-SL), Resource Protection (OZ-RP) and the Residential-Rural (R-RL) Zones. Agent is Ken Wood, Attar Engineering.

This item was tabled.

NEW BUSINESS

ITEM 3 – Miller Road – Major Subdivision Sketch Plan Review Action: Accept or deny application, Approve or deny plan. Owners Paul E. and Peter J. McCloud and Applicant Joseph Falzone requests consideration of a 6-lot conventional subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering.

Vice Chair Kalmar recused herself for this item.

Mr. Wood explained the proposed plan is for a conventional six lot subdivision. Lot 1 and Lot 2 will have access of the private road to reduce curb cuts. A special exception will be needed because the ordinance only allows for cluster subdivisions in this district. Mr. Wood explained a cluster subdivision would not work for the zone and would create more pavement. Mr. Wood presented a diagram of a cluster subdivision for the site to show there would be more road which wouldn't benefit the area.

Mr. Ledgett commented he understands the disadvantages, but the advantage of the cluster would eliminate Lot 6 which is mostly in the Resource Protection (RP) Zone and he explained why the Board would not be permitted to approve the waiver. Mr. Wood explained he is expecting the flood study for this area being approved and he will receive the Letter of Map Amendment (LOMA). Mr. Ledgett believes the wetland in this RP Zone is one of the important and contiguous resource protection zones in Kittery. Mr. Wood drew the building envelope for Lot 6 as presented if LOMA is approved. Ms. Kellogg asked if Mr. Wood could redesign the proposed right of way to provide access for lots 1, 2 and 6 including the cul de sac outside the existing RP line if LOMA was not

approved. He replied that if LOMA is not approved, he will not ask the Board to approve the plan. If approved, he would ask to have the RP District readjusted. Ms. Kellogg commented the designation of the RP Zone is up to the State.

Chair Grinnell asked how much more impervious surface would be created with the cluster subdivision. Mr. Wood replied he would need to increase approximately 18 ft. of gravel and pavement width and increase the length of the road approximately 250 ft. He added he would need a paved cul de sac with a cluster subdivision. Mr. White suggested incorporating shared driveways into the plan. Mr. Wood commented there would be no issue having two lots with a shared driveway.

After further discussion, the Board requested to have two plans drawn up for comparison and include Mr. White's suggestion of shared driveways. Ms. Kellogg commented it appears the stormwater difference with a cluster would create more disturbance leading to more stormwater impacts. Mr. Dunkelberger commented he could support the conventional design but requested the applicant give more thought to the cluster design and meet with the planner to come up with a different idea. Mr. Alesse asked what the house orientation would be with a cluster design. Mr. Wood explained he has struggled with this and the cluster design will bring houses closer to Miller Road. Mr. Wood agreed to create a cluster site plan including shared driveways.

Mr. White commented the materials and information and good and suggested a site visit might help before seeing the new sketch plan.

Mr. White moved to continue the sketch plan dated March 22, 2018 from owners Paul E. and Peter J. McCloud and applicant Joseph Falzone for a 6-lot subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones. the sketch plan not to exceed 90 days.

Mr. Ledgett seconded the motion.

The motion carried 6-0-0.

Mr. Ledgett agreed with Mr. White to have a site walk. Mr. Wood explained he could stake out the plan options. Mr. Dunkelberger was not in support of a site walk before the site plan is accepted.

Mr. White move to schedule a site walk for May 1st at 10:30 a.m.

Mr. Ledgett seconded the motion.

The motion carried 5-1-0. Mr. Dunkelberger opposed.

ITEM 4 – 50 Chauncey Creek – Shoreland Development Plan Review Action: Accept or deny application, Approve or deny plan. Owners and applicants, Thomas and Michele Jordan, request consideration to expand a nonconforming single family

dwelling on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones. Agent Tom Emerson, studioB-E.

Tom Emerson explained the site of the project is known as the Estes House. He added nonconformance is the proximity of resource, lack of front yard setback and the devegetated area of the lot. He is planning to add a 177 sq. ft. addition to the west side of the structure and extend the porch on the east side. The 177 sq. ft. is an allowable building coverage and he will also be removing asphalt and materials that need to be cleaned out at the entrance to the public right of way. He added they are planning to blast ledge and he will reuse the rock for pathways and steps. The intention is to have stone steps to the waterfront and the current ramp will be removed. Mr. Emerson added there hasn't been any expansion to the building to his knowledge and there is a full foundation.

Mr. Ledgett pointed out the reasons he believes the structure has been expanded and suggested the Planner review the file to see if building permits were issued after January 1989. The planner will look at file to find out if there has been any enlargement to the structure.

Ms. Connor asked for clarity of the structure height. Mr. Emerson explained the existing ridge will stay the same and the area where the porch is now will expand higher by 2 ft. Total height will be 24 to 25 ft. and will not exceed the height limit. Ms. Connor pointed out the height cannot be more than 20 ft. or the height of existing structure if it is 25 ft. from the highest annual tide. After discussion, Mr. Emerson agreed to lower the gable and not expand 2 ft. Mr. Dunkelberger referred to 16.7.3.3.2E 2 and 3 on Page 163 of the Code regarding expansion. After discussion, the Board was in consensus that the expansion as proposed by the applicant is not allowed and suggested Mr. Emerson work with staff to resolve the issue.

Mr. Dunkelberger moved to continue the application dated March 21, 2018 from owners and applicants, Thomas and Michele Jordan, who request consideration to expand a nonconforming single family dwelling on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones and not to exceed 90 days. Vice Chair Kalmar seconded the motion.

The motion carried 7-0-0.

Staff agreed to review paragraph E in the Code and the building permit record.

BOARD MEMBER DISCUSSION ITEMS

The Board reviewed the amended action list and made the following changes:

- Move No. 5 to No. 1 (sign ordinance changes);
- The definition for No. 3 was discussed and Ms. Kellogg explained she believes this is regarding sea level rise and the implication to the coastline. The Board will defer this item until the research from the Climate Adaptation Study is completed. Ms. Connor will strike “level 6” from this item; and
- No. 9. Chair Grinnell would like to add Mr. White and Mr. Fitch are on the Affordable Housing Workshop Committee which is now called Inclusionary.

Vice Chair Kalmar informed the Board that the Vernal Pool Workshop is full but there is a waiting list.

Ms. Connor explained the next Board meeting will include the business park. She added the York River Study presentation will be on May 24th. Ms. Connor will check with the Town Manager regarding when the Foreside Plan Review will happen.

Discussion of the Frisbee Complex parking ensued. Ms. Connor informed the Board it is being handled through the Code Enforcement Department. Attar Engineering is the engineer for the project and they will be looking at the parking as each component goes to the Code. Mr. Ledgett referred to previous Planning Board Minutes stating there is a requirement that the owners need to come back to the Board before the last business opens. Ms. Connor will look in to this. Vice Chair Kalmar would like to know who is supposed to sign off.

PLANNER ITEMS

None.

ADJOURMENT

**Mr. Alesse moved to adjourn.
Mr. Ledgett seconded the motion.**

The motion carried 7-0-0.

The Kittery Planning Board meeting of April 12, 2018 adjourned at 8:05 p.m.

Submitted by Mary Mancini, Minute Recorder, on April 17, 2018.

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

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

**APPROVED
April 12, 2018**

refer to the video of the meeting on the Town of Kittery website at
<http://www.townhallstreams.com/locations/kittery-maine>.