

CALL TO ORDER

ROLL CALL

Present: Dutch Dunkelberger, Mark Alessi, Drew Fitch, Ronald Ledgett, Ann Grinnell

Absent: Karen Kalmar, Russell White

Staff: Kathy Connor, Interim Planner; Adam Causey, Director of Planning and Development; Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – June 28, 2018

Mr. Dunkelberger moved to accept the Minutes of June 28, 2018 as written.

Mr. Alesse seconded the motion.

The motion carried 5-0-0.

PUBLIC COMMENT

Chair Grinnell opened the public comment segment of the meeting. There being no comments, Vice Chair Kalmar closed the public comment.

PUBLIC HEARING

OLD BUSINESS

ITEM 1 – Miller Road – Major Subdivision Preliminary Plan Review Action: Re-schedule public hearing date. Owners Paul E. and Peter J. McCloud and Applicant Joseph Falzone request 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.

Chair Grinnell announced the public hearing for this item was rescheduled for July 26th due to a notice error.

Brian Neilson, representing Attar Engineering, explained there are new design changes to maintain the natural landscape and reduce impact to the area. The new design has significant reductions in grading along the road and they have added 50-ft buffers where possible. Mr. Neilson explained the plan is to preserve the trees where they can.

Mr. Dunkelberger asked Mr. Neilson to comment on the LOMA (letter of map amendment) request as it relates to the resource protection overlay boundary. Mr. Neilson explained the original flood line on the map which was along an exterior lot. The LOMA requesting the flood line and the resource protection line be moved was accepted by FEMA on May 10, 2018. Mr. Neilson added since the 100-year flood plan and resource protection boundary shared the same line previously, they would like to request to have this continue as the same line. Ms. Connor explained staff contacted the DEP to ensure the adjustment was satisfactory. The representative at DEP informed staff that legal counsel needs to advise when adjustments are more than a 100-ft. and a formal map modification is to be made. She added Ordinance 16.3.2.19 allows the Board to consider Lots 1 and 6 as single-family resident lots through a special exception in a resource protection area. Staff is advising the Board to also consider a Special Exception use for Lots 1 and 6 and include in the approval process. The Town will proceed to making the change to the Shoreland Zoning Map, which is a separate process.

Chair Grinnell asked what waivers will be requested. Ms. Connor explained the applicant is requesting a waiver for sidewalks. The written request was included in the Board's packet.

Ms. Connor asked the applicant to address CMA's comment 16.7 – General Development Requirements. Mr. Neilson explained they need to clarify the calculation for net residential acreage. The 100-year flood plan was not included in the calculation and he explained why. They have identified the exposed bedrock and soil classes where presented as unsuitable soils. He explained drainage easements were added for the new ROW and another driveway and they are cleared for six lots. Mr. Neilson explained they have added the proposed well and septic locations on the map and pointed them out to the Board. Language regarding restricting tree clearing are outlined in Note 10 and Note 11.

Mr. Neilson read the language pertaining to no disturbance buffers in Note 11. Ms. Wells questioned if mowing will be allowed in the 50 ft. buffer area as buffers are normally considered a no cut, no clear areas. Ms. Kellogg explained the Town considers trees less than 2 inches are saplings and she will work with the applicant on language for this note. Ms. Wells pointed out Lot 4 only has one test pit not in the buffer zone and questioned if the Town would allow the applicant to go into the buffer if the septic for this lot fails. Mr. Neilson will have the answer for this for the next meeting.

The applicant will provide the impervious surface calculations for the next meeting.

Mr. Dunkelberger moved to reschedule a public hearing formerly set for July 12th to July 26, 2018 for the preliminary subdivision application dated May 23, 2018 with revisions dated June 20, 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. Mr. Ledgett seconded the motion.

The motion carried 5-0-0.

Chair asked if any of the resident presented wanted to comment.

Jeff Clifford, 27 Miller Road, shared the process has been good and the developer has been forthcoming. The developer has met with the abutters and listened to their comments. He requested the Board add restrictions on ledge removal during the construction period. Mr. Clifford added it is important to provide rural aspect of the scenic road and asked that some underbrush remain, which would help with the health of the trees. He also recommends tree stumps be ground. He suggested having plan references in the HOA documents for consistency.

Mike Getty, 36 Miler Road, asked if applicant has met with CMP about the location of the poles for the new homes. Mr. Falzone commented that he has no problem having the abutters present when he meets with CMP but he has no control where the utility poles will be located.

NEW BUSINESS

ITEM 2– 459 Route 1 - Site and Subdivision Sketch Plan Review Action: Approve or deny plan. Owner, DSS Land Holdings, LLC, and Applicant Michael Bringham of Landmark Hill, LLC, request consideration of a mixed-use development consisting of a 112-room hotel, and three residential buildings with 32 elderly housing units and 16 residential units, 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.

Michael Bringham explained his proposal for a 112-room hotel to be located near the front of the property and three residential buildings in the rear. One building will offer two floors of age-restricted housing plus ground floor parking and the other two buildings will contain age-restricted housing on one floor, and general housing on the top floor. Mr. Bringham explained

why he believes this is a better plan for the property. The plan will enable greenspace to remain and will expand the walking trails. He explained the hotel is an extended stay hotel with rates that will be lower than the Hampton Inn. The elderly apartments will include a membership at the hotel for the pool and gym. The property has wetlands on three sides.

A document from a board member who was unable to attend the meeting was read by Mr. Dunkelberger. This Board member questioned if the project can meet the Town's definition of elderly housing and if the project is independent or congregate living. Another question was how the mixed-use requirement applies to this project.

Mr. Brigham explained the elderly housing units are stand-alone independent living condominiums and no medical staff will be at the location.

Detailed discussion ensued of this project meeting the definition of mixed-use buildings/zone, permitted Special Exception use and the elderly housing criteria.

Mr. Dunkelberger moved to accept and approve the sketch plan dated 6/20/2018 prepared by Attar Engineering, Inc and presented by applicant, Michael Brigham, Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed-Use Zone. Mr. Alesse seconded the motion

Mr. Dunkelberger pointed out staff's comment in Note 7 regarding the hotel being parallel to Route 1 and the Code's requirement of no parking in front or to the sides of the building. Mr. Brigham responded they had to make the hotel parallel to the road because of the design of the buildings. There will be no parking in the front of the building and there is a large ROW in front of the property which will be well landscaped. He added they are requesting the State to reduce this front ROW and staff recommended him to make the request because the ROW is twice as wide as normal.

Chair Grinnell shared her concern of sharing the health club and pool between two entities. Mr. Brigham explained he will be open to add the clubhouse back into the plan if necessary. The Board requested the applicant provide more detail on the hotel's health club and the pool for the next meeting.

Ms. Connor pointed out the layout meets Title 16 requirements for lot shape and restrictions. , There are no wetlands of special significance and the southern wetlands are within the desirable setbacks. Parking will be behind the building.

The applicant will address the staff comments for the next meeting. Ms. Connor added the net residential density is correct based on the number shown on the plan.

Earldean Wells pointed out there are two snow storage areas on the plan and asked the applicant to clarify as a note that snow will be removed from the property if there is an abundant amount. She also requested to have a mixture of deciduous and evergreen trees per staff comment #20.

Mr. Brigham agreed to address the Board's concerns and comments at the next meeting.

The motion carried 4-1-0. Chair Grinnell opposed.

ITEM 3 – Johnson's Mobile Home Park – Street Naming – Aspen Circle, Balsam Lane and Cherry Lane Action: Accept or deny application. Grant or deny approval of street names.
Applicant Mark G. Phillips requests consideration for naming three currently unnamed roads within the park to assist with deliveries and emergency responses, Aspen Circle, Balsam Lane and Cherry Lane (Tax Map 21 Lots 3 and 7).

Mr. Phillips explained he purchased the park 12 years ago. He explained the post office wants the mailbox location changed and Mr. Phillips wants to implement a numbering system which would require the roads to be named. He added this would be a benefit for 911 as well and he will pay for the street signs.

Ms. Connor shared that the Fire Chief and acting Police Chief find the street names satisfactory. She added the assessor has not had the opportunity to comment but she discovered the proposed road names would not be duplicated.

Mr. Dunkelberger moved to accept the application of Mark G. Phillips naming three currently unnamed roads to Aspen Circle, Balsam Lane and Cherry Lane enhanced 911 numbers to follow.

Mr. Ledgett seconded the motion.

The motion carried 5-0-0.

ITEM 4 – Board Member Items / Discussion

Tonight's meeting is the last meeting Ms. Connor will be attending and the Board thanked her for her good work and service to the Town.

ITEM 5 – Town Planner Items A. Other

Title 16 has been reformatted and is now available online. The Board will be receiving new binders with the new formatted Title 16.

ITEM 6 - Adjournment

Mr. Alesse moved to adjourn.

Mr. Dunkelberger seconded the motion.

The motion carried 5-0-0.

Board meeting of July 12, 2018 adjourned at 7:38 p.m.

Submitted by Mary Mancini, Minute Recorder, on, July 15, 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 refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.