

CALL TO ORDER

ROLL CALL

Present: Drew Fitch, Member; Dutch Dunkelberger, Member; Russel White, Member; Mark Alesse, Member; Karen Kalmar, Vice Chair; and Ann Grinnell, Chair

Absent: Ronald Ledgett, Member;

Staff: Jamie Steffen, Town Planner; Adam Causey, Director of Planning and Development; Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

ITEM #1 – Town Code Amendments – 16.9 and 16.7 Land Use Zone Regulations

The proposed amendments clarify and update the Title 16 zoning ordinance pertaining to wetland setbacks (16.9 Wetland Setback Table) and nonconforming structure repair and/or expansion (16.7.3.3.2 Nonconforming Structure Repair and/or Expansion) in the shoreland zone. Public Hearing Vote to Recommend. Take public comment. Review and discuss proposed changes to 16.9 Wetland Setback Table and 16.7.3.3.2 Nonconforming Structure Repair and/or Expansion. Vote to recommend to the Town Council.

Vice Chair Kalmar moved to recommend the proposed amendments to the aforementioned codes to the Town Council, seconded by Mr. Dunkelberger.

The Board thanked Jessa Kellogg Shoreland Resource Officer/Stormwater Coordinator for her work on drafting the amendments.

Mr. White questioned the origin of the green highlighted language. Ms. Kellogg explained that after the last meeting she sent the amendments to Mike Morse at Maine DEP for approval. The green highlighted additions are his comments to meet state minimum shoreland zoning standards. Everything else he is okay with.

Chair Grinnell stated that it will now go to the Town Council with the full support of Planning Board.

Motion carried 6-0-0.

Continuation of the PUBLIC HEARING 8-21-18 -Town Zoning Map Amendment

This zoning map amendment is the second step to a two-part process replacing the Business Park (B-PK) zoning district. The first step proposes a text amendment changing the B-PK zone to the Neighborhood Mixed-Use (MU-N) zone and replace the zoning requirements. This step is currently under consideration by Town Council after going through a public hearing process with the Planning Board on June 14, 2018. This second step proposes a zoning map amendment which will expand the proposed boundary of the new Neighborhood Mixed-Use (MU-N) zone currently under consideration by Town Council.

PUBLIC COMMENTS

Debbie Driscoll, Pepperrell Terrace asked if the Board would be answering the questions that were brought up at the previous meeting.

Jen Thayer, Martin Rd also asked about getting answers to the questions asked. She stated her concerns about wetlands being filled on other side of Martin Rd. She discussed the fill being composed of asphalt from the road and noted her concern about trees are dying in the area.

Ms. Kellogg shared that the process for wetland filling starts with the town and they look at if the wetland is of special significance and how much fill proposed. Maine DEP may issue permits but wetland filling and crossings require Planning Board approval. She stated that she was not aware of when the fill for Happy Ave was placed there but she was aware of the filling that was done at 122 Martin Road.

Chair Grinnell explained that Ms. Kellogg would happily deal with any their complaints in that regard.

The Board then addressed the questions from the public hearing on August 21st.

Barry Fitzpatrick, Rodgers Rd questions: The parcels are owned by individual property owners not by the Town of Kittery. They have access to Town sewer but do not have any roads built. Water would need to be extended and they do not have 3 phase power. Power could be extended. The height of 70 feet for the proposed zone only.

Vern Gardner Tucker Cove questions: The additional twelve lots will not be in the TIF District.

Mr. Alesse mentioned the question - Why has this parcel been so hard to develop. He stated that the obvious answer is that the property has a lot of wetlands. Plus, the area didn't have sewer.

Vice Chair Kalmar asked Mr. Causey to speak about the implications of changing the ordinance to improve the desirability of the land for future development.

Adam Causey, Director of Planning and Development discussed the study done in 2017 by the Southern Maine Planning and Development Commission which examined the reasons why the parcel hasn't been developed. He noted that the study is on the Town's website. He explained that it touches many aspects, such as sewer extension, environmental conditions including wetlands, roadway infrastructure and modifying the zoning to create higher densities that would attract worthwhile development.

EDC letter by George Dow, Bartlett Rd: Mr. Steffen noted that he had not received the letter for the Board's packets. Needs to be included in packet.

Judy Spiller, Rosellen Dr: No questions.

Kathy Hardy, Armour Drive: No questions.

Chair Grinnell noted that affordable housing is not included into the zone currently, however, there was potential for the topic to be included at a later time.

Chair Grinnell stated the question by Susan Emery, School Lane about how much effort was being put into using the property as a strictly business zone. It was noted even with sewer available there has been none.

Mr. Alesse mentioned the question about who owns the largest parcels of land within the proposed zone. Mr. Gerison approached the podium and explained the ownership arrangement for the properties involved – thirteen (13) acres are owned by Gerison Family Entities LLC, and eighty (83) acres are owned by YSKICE, LLC. He pointed out the parcels on the maps furnished by the Planning Department.

Mr. Causey answered the question about traffic concerns by noting that the Kittery Area Comprehensive Transportation System (KACTS) traffic and safety study for Route 236 will kick-off next month. For the Dennett Road he discussed the Joint Land Use Study with the Naval Shipyard, financed by the Department of Defense through a grant beginning in the October – November timeframe. The study will look at the impact on the town and the region of the shipyard traffic. He explained that a big part of the study will be looking the traffic impact at every corridor coming into Kittery and Dennett Rd will be part of that. He further explained that any proposed development whether or not this area gets rezoned depending on the intensity of

the use would require a traffic study. After question from Chair Grinnell, he discussed the funding for the Shipyard study and explained that he thought the cost was \$240,000 with the Town's match being 10%. He further discussed previous plans and study and felt this would be a great benefit.

Chair Grinnell discussed the proposed building height allowance of 70 feet. She stated that the owner of the property said at the last meeting he did not foresee building anything 70 feet high and would be okay with a 50 foot height limit. The EDC also stated that 55 feet would be acceptable provided it include allowances to exclude solar and other rooftop equipment in the height calculation. Vice Chair Kalmer explained that the language of the proposed zoning amendment does exclude solar and other appurtenances from the height limitation. Chair Grinnell noted that the Town Council would be meeting on Monday and will discuss the language change to Title 16 and when the public hearing will be set.

Mr. Alesse ask for clarification on the proposal relative to the 70 foot height allowance. He asked if we were opening the door on allowing that height in the expanded zone along Route 236. Vice Chair Kalmar explained that the Board voted a recommendation and cannot undo that, however, the Chair can ask for greater consensus. Vice Chair Kalmar stated that she is not in favor of the map amendment. The Board discussed obtaining consensus around the building height and sending a recommendation to Town Council.

The Board discussed giving the Town Council suggestions for the new zoning but not vote on the map. Vice Chair Kalmar, Mr. Alesse and Mr. Fitch all stated that they would like to table the proposal until the language is changed on the 70 foot height.

Mr. Dunkelberger stated that he would like to add a caveat that any building adjacent to Route 236 have a height limit of 50 feet.

The Board discussed that it doesn't want any 70-foot high buildings in Town. Mr. White added Chair Grinnell wasn't present at the meeting where the vote on the recommendation was made and explained that the Board probably should have waited until it had a full board for the vote. He felt that the expansion changes picture of the zone. Chair Grinnell echoed having a full board on matters such as this one.

Mr. Dunkelberger stated that the reason for the 70-foot height increase was in part because of the business park development and from the Town Manager whom he noted wasn't present. There was discussion amongst the Board on the purpose of allowing the 70 foot height. It was stated that it intended to allow for greater flexibility and higher density and because of the limitations of the property. Mr. Steffen explained that it was also to allow for parking

underneath the building and to allow one to utilize more of the property for building rather than for parking lots. The EDC has made the suggestion that it is cost prohibitive and the Board stated it is willing to limit it.

Chair Grinnell polled the Board on the limiting the building height in the proposed new zone to 50 feet. The vote was 5-1-0. Chair Grinnell discussed that it was non-binding and wanted consensus on what to say in a memo to Town Council.

Vice Chair Kalmar includes discussed the buildable area of the larger parcel that runs up to Martin Rd. She stated that she would like to see a greater buffer, or some adjustment precludes any large structure being built near that residential area. She discussed the building envelope that could be filled between two homes and was concerned about maintaining the residential character of Martin Rd. She discussed the need for an intensive buffer within 500 feet anywhere that there is residential. The Board discussed further buffering for adjacent residential areas. Chair Grinnell proposed changing the section of the business park property to up near martin Road to R-S. Mr. Steffen responded by stating that would require a whole new public hearing process as it would be another zoning change.

The Board discussed further buffering for adjacent residential areas. Mr. Steffen added that those types of requirements could be included in the text amendment.

Mr. Gerison discussed the available upland for development in regard to Dennett and Martin Roads. He explained that there will be a significant amount of woodland between any potential development and the residential areas. Mr. White suggested that the Board not pick a number like 500 feet because a developer and the Town would need to work with the site on any development proposal.

Mr. Causey discussed the current zoning amendment text which includes a lot of buffer requirements between different uses. He explained that the Board could add requirements to the text amendment for additional buffering or fencing where needed to protect residential properties. He discussed incorporating a height plane into the requirements as a form of buffering. Mr. Steffen read the current language in the text amendment for the buffer requirements. Mr. Dunkelberger noted that this would be in addition to those requirements. Mr. Causey explained that the buffer would be determined by the appropriate height plane and discussed a possible development scenario. Vice Chair Kalmar asked about applying the buffer requirements where single family residential would abut multi-family residential. Mr. White discussed including a larger buffer for more intensive development on the ground.

The Board reached a consensus increasing the perimeter buffers to protect existing residential structures regardless of zone and to add that text to the proposed ordinance.

The vote of the Board was 6-0-0.

The Board reached a consensus that it did not want to vote at this time on the proposed amendment to expand the boundaries of the new zone. Vice Chair Kalmer stated that the Board would be in favor of the zone expansion if the Town Council voted to reduce the building height to 50 feet and adding the extra buffer requirements.

The Board then had a lengthy discussion on what they were going to vote on for a recommendation to Town Council on the proposed zoning map change. The Board discussed drafting a memo for the Town Council. It was decided by Board that staff would write the memo detailing the Board's position on the proposed zoning change and have it sent to the Board for its approval before it is forwarded to the Town Council. The Board wished to have Mr. Causey communicate with the Town Council about the memo.

NEW BUSINESS

ITEM #2 – Midway Way – Street Naming Application

Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant Ronald Dalrymple requests consideration of naming a private right-of-way off of Shapleigh Road currently known as 1 Mill Lane to Midway Way (Tax Map 15 Lot 1).

Vice Chair Kalmar moved to approve the renaming of 1 Mill Lane to Midway Way, seconded by Mr. White.

Motion carried 6-0-0.

ITEM #3 – Bayberry Lane – Street Naming Application Action: Accept or deny application. Grant or deny approval of street name. Applicant William Cullen requests consideration of naming the unnamed private right-of-way off of Martin Road to Bayberry Lane (Tax Map 11 Lot 29-2). - **WITHDRAWN**

ITEM #4 – Proposed Amendments Related to Signs

Discussion: Changes proposed to clarify language and requirements for certain types of signage, location and approval thereof.

Mr. Steffen gave an overview of the proposed amendments. He explained that these have come from staff for sections of the code that caused problems in the past. He highlighted the areas that have been trouble spots for staff, applicants and the Planning Board – message boards / internal and external lights and timers; numbers and sizes of free-standing signs allowed, temporary signs; sign location, character / appearance and sign permit application / administration procedures. He noted that the proposed amendments are shown in yellow highlight, strike out text and underline.

Mr. Steffen discussed the proposed language for moving or animated signs, and sign lighting. There was discussion amongst the Board about internally illuminated signs and what was currently allowed. Trailer sign only permitted if sign is used on day to day transportation use.

Specific questions from the Board on the proposed changes: Line 191 – where does the 21 days come from and who is going to keep track of it. Do they have to have a permit? If they want a banner sign does it need to go through the permit process? Would this apply to banners placed over the street? Mr. Causey responded it was more for businesses put them on a railings, etc. There was discussion about enforcement and who is going to count the 21 days. Mr. Causey responded that it would be the job of Code Enforcement staff. He further explained that we would need to go out with an education push and inform the businesses of what is allowed and what is not allowed. After question from the Chair, clarification was made for the 21 day period. It is out of 90 days. It essentially gives a business a time in a season for special sales.

The Board stated that it approves of the draft language and would like to schedule a public hearing.

Mr. Dunkelberger moved to hold a Public Hearing on the proposed amendments at the September 27, 2018 meeting, seconded by Vice Chair Kalmar.

Motion carried 6-0-0.

OLD BUSINESS

ITEM #5 – Board Member Items / Discussion

- A. Planning Board Action Item List

ITEM #6 – Town Planner/Director of Planning & Development Items

- A. Other

ITEM #7 – Adjournment

Moved by Mr. Alesse, seconded by Mr. Dunkelburger.

Motion carried 6-0-0.

Board meeting of Aug 23th, 2018 adjourned at 7:18 p.m.

Submitted by Jordan Williams, Minute Recorder, on September 17th, 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>.