

**CALL TO ORDER**

**ROLL CALL**

Present: Steve Bellantone, Member; Drew Fitch, Member; Ronald Ledgett, Member  
Russell White, Member; Mark Alesse, Member; Karen Kalmar, Vice Chair and Dutch  
Dunkelberger, Chair

Absent: None

Staff: Jamie Steffen, Town Planner; Adam Causey, Director of Planning and  
Development

Advisory: Earledean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – January 10, 2019**

Line 5 – Dutch Dunkelberger was absent.

Line 8 – Drew Fitch was present.

Line 240 – vote should be 5-0-1.

Line 326 – delete “and Dave”

Line 350 – add “ADA ramps and” in front of sidewalks.

Line 393 – it should read 60 National “Guardsmen”.

Line 457 – add “parallel” in front of spaces.

**Vice Chair Kalmar moved to accept the minutes of January 10, 2019 as amended.  
Mr. White seconded the motion.**

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

**PUBLIC COMMENT**

Chair Dunkelberger opened the public comment segment of the meeting. There being no comments, Chair Dunkelberger closed the public comment.

## **OLD BUSINESS**

### **ITEM 1 - 88 Pepperrell Road – The Bistro – Parking Plan Review for Business Use Change**

Action: Approve Findings of Fact. Owner, Chatham Street, LLC, and applicant, Ann Kendall are establishing a new business entity in an existing facility, where intensity of use is significantly different, located at 88 Pepperrell Cove (Tax Map 27 Lots 2A & 49) in the Business Local (B-L), Residential – Kittery Point Village (R-KPV) and Shoreland Overlay (OZ-SL- 250') Zones.

Vice Chair Kalmar stated she had a couple of revisions that she wanted made to the Findings-of-Fact. 1) on page 2, add O to the Finding exceptions, and 2) at Finding O add the end of the sentence “within one year of the approval”. She also noted that her name was misspelled at the signature line but it will now be for Chair Dunkelberger’s signature.

Ms. Wells asked about the snow removal note on the plans. That will be double-checked. Mr. Fitch asked about directional signage for parking. Mr. Causey responded that it would be part of the parking management plan review which still needs to be completed. Mr. Ledgett asked about the status of the BOA reconsideration. Mr. Causey responded that the amended site plan has more landscape plantings that were added after the owners / applicants met with several of the abutters. He noted that the abutter rescinded her request for reconsideration at the last BOA meeting.

## **FINDINGS OF FACT**

The Planning Board made the following factual findings and conclusions:

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

**Finding:** The proposed redevelopment does not meet the off-street parking standards outlined in 16.8.9. The Board of Appeals has approved miscellaneous variations from the off-street parking standards, specifically 16.8.9.4.G, 16.8.9.4.K (2), 16.8.9.4.K (3), 16.8.9.4.K (4) and 16.8.9.4.K (5).

**Conclusion:** This standard appears to be met.

Vote of 7 in favor 0 against 0 abstaining

**B. Standards B – O.**

**Finding:** The Board finds that the standards B-N, excepting K, M, and O are not applicable to the proposed parking plan.

Vote of 7 in favor 0 against 0 abstaining

**K. Stormwater Managed.**

**M. Traffic Managed.**

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

**Finding K:** There is one open storm drain existing in the north parking lot that appears to be functioning properly. The Board of Appeals approved miscellaneous parking variations of Section 16.8.9.4.K (3) to waive the requirements for additional storm water infrastructure.

**Finding M:** The proposed redevelopment requires eighty-one (81) parking spaces which is satisfied by the proposed parking layout. The plan proposes a two-way drive aisle for the 90-degree angle parking areas and a on-way exit drive aisle along parallel parking spaces at the western property boundary. The parking plan shows that traffic flow is to be clearly marked with signs and surface directions at all times. Site distances at the parking lot entrance/exit are shown to be 425' to the west and 350' to the east.

A parking management plan will be developed in conjunction with staff which will be reviewed and certified as to compliance by April 1<sup>st</sup> of every year.

**Finding O:** The applicant has agreed to conduct a Phase I Archaeology Survey to investigate the existence of unmarked remains beneath the parking lot adjacent to the Pepperrell tomb within one (1) year of approval.

**Conclusion:** These standards appear to be met.

Vote of 7 in favor 0 against 0 abstaining

**P. Developer Financially and Technically Capable**

**Finding:** The developer has successfully redeveloped three-fourths of the property to date.

**Conclusion:** The applicant appears to meet this standard.

**Waivers:** Waiver requested for sidewalks, specifically Sections 16.8.4.13. A & B is denied. Vote 6-0-0.

**Conditions of Approval:**

1. Curb stops must be installed for each parking space and securely anchored in place except in the parallel spaces in the paved portion of the lot.
2. Any parking signs placed in the interior of the parking lot must be affixed to a wooden post – no metal sign posts are allowed.
3. The applicant shall design and construct pedestrian improvements subject to Department of Public Works review and approval.
4. The applicant shall work with CMP to install adequate screening or shielding on any existing street pole mounted lights utilized by the businesses. Any new permanent lighting added will be CMP approved cut-off fixtures with adequate shielding to direct light down and away from adjacent properties.
5. Food and beverage service for The Wharf is restricted to the area designated in the approved license.
6. Restoration of the crushed sea shell area to its previous limit must be performed to the satisfaction of the Shoreland Resource Officer prior to the opening of The Wharf in the spring.
7. A parking management plan shall be developed in conjunction with staff which will be reviewed annually and certified as to compliance by April 1<sup>st</sup> of every year.

**NOW THEREFORE** the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these findings determines the proposed parking plan will have no significant detrimental impact, and the Kittery Planning Board hereby grants final

approval for the parking plan at the above referenced property with the above noted waivers and conditions.

The Planning Board authorizes the Planning Board Chair or Vice Chair to sign the Final Parking Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

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

**ITEM 2 – Accessory Dwelling Units (ADU) Regulations**

Action: Review draft amendments and schedule a Public Hearing.

Mr. Causey discussed the questions that were posed at the previous meeting.

Chair Dunkelberger commented that the Board needed to separate the ADU regulation from the short term rental (STR) issue. Mr. Ledgett spoke to the connection between the two and agreed that they weren't connected as long as the proposed wording is clarified that neither the principal structure nor the ADU may be rented for less than 30 days.

The Board discussed ADUs vs STRs. Mr. Causey clarified the thinking of Housing Working Group in developing the regulations. He explained that the intent was to restrict ADUs from becoming STRs. Mr. Alesse expressed his concern that the proposed regulations were a ban on STRs. The Board discussed advertising the public hearing for the amendments and including in the notice the specific wording on the 30 day rental restriction.

**After motion by Mr. White and second Mr. Ledgett the Board scheduled a public hearing on the proposed ADU regulation amendments for March 28, 2019.**

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

**NEW BUSINESS**

**ITEM 3 – Sandwich Board Sign Regulations**

Action: Review draft amendments and schedule a Public Hearing

Mr. Steffen read the proposed amendments which would govern temporary sandwich board signs in the Business, Commercial and Mixed Use zones.

Chair Dunkleberger had a question as to placement of the signs for businesses in and around Post Office Square. The Board discussed the proposed setback requirement of 20 feet from the edge of the frontage street pavement and where to allow placement of them outside of parking lots. Mr. Causey discussed the situation with outlet stores. He explained that many are setback far from the road but have concourses where they could be placed. The Board discussed pedestrian traffic, the number of signs allowed and the separation distance between signs.

**After motion by Mr. Ledgett and second by Mr. White the Board scheduled a public hearing on the proposed sandwich board sign regulations for March 28, 2019.**

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

#### **ITEM 4 – Board Member Items/Discussion**

##### **A. Planning Board Action Item List**

Mr. Steffen reviewed the updates made to the list. The Board discussed the priorities of the list. The Board decided to make AirBnB and short term rentals (STR) priority number one. The Board discussed adding other components to the list, such as relooking at the parking and roadway standards. Mr. Ledgett suggested adding to the list the development of a Housing Plan as outlined in the updated Comp Plan.

Chair Dunkelberger requested that staff plug these into the list and noted that the Board would revisit it at the Board's 2<sup>nd</sup> meeting in April.

#### **ITEM 5 - Town Planner / Director of Planning & Development Items**

##### **A. Any**

Mr. Causey reminded the Board about the Elected and Appointed Officials meeting on the recodification scheduled for Monday, March 4 at 6:30 p.m. at the KCC.

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

**Mr. Ledgett seconded the motion.**

**The motion carried 4-0-0.**

The Kittery Planning Board meeting of February 28, 2019 adjourned at 7:14 p.m.

Submitted by Jamie Steffen, Town Planner, on March 26, 2019.

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>.