

**CALL TO ORDER**

**ROLL CALL**

Present: Steve Bellantone, Member, Drew Fitch, Member, Ronald Ledgett, Member, Russell White, Member, and Dutch Dunkelberger, Chair

Absent: Karen Kalmar, Vice Chair

Staff: Jamie Steffen, Town Planner

Advisory: Earledean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

The Chair opened the Public Comments session.

There being none the Chair closed the Public Comments session.

**OLD BUSINESS**

**ITEM 1 – 60 Route 236- Final Site Plan Review**

Action: Approve with or without conditions, disapprove, postpone action or continue the plan. Owner/Applicant Washburn Realty Group, LLC requests consideration of a preliminary site plan for a 4,603 sf 2 story building on a 73,330 sf lot at 60 Route 236 (Tax Map 29, Lot 14) in the Commercial (C-2) Zone. Agent is John Chagnon, Ambit Engineering, Inc.

Agent Paul Dobberstein with Ambit Engineering gave an update on the plan and addressed concerns from the last meeting. Landscaping updates include arborvitaes for screening. A light plan was given to the board, which showed 8 building mounted lights. The spring on the property is non-potable and not used for domestic drinking water purposes, thus it is not required to adhere to the 100 ft setback from the septic system. The current septic design meets the requirements. The issue of possible lead paint on the concrete walls was addressed. The applicant reached out to the Maine Environmental Agency for guidance. Prior to demolition, the walls will be wet and then disposed of at a proper site. The applicant requested a sidewalk waiver.

Chair Dunkelberger noted the area for the plantings of the arborvitaes is the same area designated for snow storage.

Mr. Dobberstein replied there should be adequate space for snow storage between the plantings.

Mr. White questioned the maintenance of the landscaping if snow were to be stored in the same area. Discussion regarding the snow chemicals on the health of the trees, and the maintenance terms of the landscaping plan ensued.

Ms. Wells confirmed that past projects have required a life-long guarantee and/or maintenance of plantings. Since these plantings are required for a screen from traffic it is not unfeasible to request life-long guarantee from applicant.

The board agreed and Chair Dunkelberger proposed the following condition of approval be added to the plan: the line of arborvitaes screening the headlights from the road will be maintained as long as the approved use of the location is maintained.

Chair Dunkelberger asked the board about the sidewalk requirement and requested the agent explain why the applicant should be granted a waiver.

Mr. Dobberstein referenced ambiguity in the language of the code, lack of sidewalks to connect to, road design issues, and the hardship on the applicant to require the sidewalk.

Board members commented on the issue. Mr. Bellatone and Mr. White agreed that the project is not residential and would not be creating pedestrian traffic. Mr. Ledgett deferred to staff opinion.

Mr. Causey, Director of Planning and Development clarified that his interpretation of the code is that all developments that come in front of the board require sidewalks. The code allows the board to waive this requirement. The Route 236 traffic study did not reveal any near future plans to add sidewalks to Route 236.

Mr. Ledgett noted that this would be the only sidewalk on that stretch of Route 236.

Mr. Fitch did not support the approval of the waiver solely on the fact that there are not any sidewalks on that stretch as of now.

Chair Dunkelberger agreed, but does not think the board should encourage pedestrian traffic on Route 236.

Mr. White suggested a bike lane in lieu of a sidewalk, which would still require the widening of the road.

Mr. Dobberstein reviewed the existing conditions of the road, such as the guardrail and the steep slope immediately next to the guardrail. The cost of installing a sidewalk under those conditions would make the project unfeasible.

Chair Dunkelberger stated a sidewalk next to a steep slope would not be safe.

Mr. Bellantone requested an update on the clean up of the debris in the wetland area and the adjacent site. The clean up would be done per Washburn Realty Group, LLC.

**Mr. White moved to approve the waiver requested by the applicant for the installation of a sidewalk. Seconded by Mr. Bellantone.**

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

**Mr. White moved to accept the plan with conditions stated. Seconded by Mr. Fitch.**

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

**Mr. Ledgett read the findings of fact and the board voted to affirm each finding.**

**Item 2- Findings of Fact for 50 Chauncey Creek Road- Shoreland Development Plan Amendment**

Chair Dunkelberger asked Mr. Steffen why the findings of fact had to be read and recorded if the plan was denied.

Mr. Steffen responded that the findings of fact needed to be read and recorded for any board decision, including a denial.

**Mr. White read the findings of fact detailing the reasons for denial of the plan amendment.**

## **NEW BUSINESS**

### **ITEM 3 – Board Member Items / Discussion**

- A. Chair Dunkelberger reviewed the legal opinion of the town attorney on the Shoreland Zoning expansion questions. The letter stated that the town and DEP have had a consistent interpretation on the expansion of the portion of the structure in the setback to limit the requirement only to the portion in the setback.
- B. Reminder for the planning board workshop in Sanford on 10/30/19 at 6PM.
- C. A Public Hearing for changes to the ordinances in front of Town Council on Monday 10/29/19 at 6PM.

### **ITEM 4- Town Planner / Director of Planning & Development Items**

- A. Shoreland Zoning- expansion/questions. Letter from the town attorney received and reviewed.
- B. Mr. Causey reported a stakeholder meeting was held to receive input and feedback on the existing code and future changes they would like to see. He reported the draft of the recodification is on the town website. A Land Use table will be created with clarified definitions. Kittery Land Issues Committee will meet on 11/18/19 for feedback.

## **Adjournment**

**Mr. White moved to adjourn the meeting. Mr. Ledgett seconded the motion.**

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

The Kittery Planning Board meeting of October 24, 2019 adjourned at 6:57 p.m.

Submitted by Carrie Bacon, Development Staff Clerk on March 30, 2020.

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>.

