

**CALL TO ORDER**

**ROLL CALL**

Present: Steve Bellantone, Member, Ronald Ledgett, Member, John Perry, Member, Russell White, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

Absent: Drew Fitch, Member

Staff: Jamie Steffen, Town Planner

Advisory: Cassandra Bliss, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES- 8/8/19 & 8/22/19 (Planning Board Meetings), 8/22/19 (Planning Board Workshop)**

**A. 8/8/19**

**Vice Chair Kalmar moved to approve the minutes as presented. Seconded by Mr. Ledgett.**

**The motion failed 3-0-3. Postpone approval to next meeting due to lack of quorum.**

**B. 8/22/19**

**Vice Chair Kalmar moved to approve the minutes as presented. Seconded by Mr. Ledgett.**

**The motion carried 5-0-1**

**C. 8/22/19 Workshop**

**Vice Chair Kalmar moved to approve the minutes as presented. Seconded by Mr. Ledgett.**

**The motion carried 4-0-2**

**PUBLIC COMMENTS**

The Chair opened the Public Comments session.

Kittery Point resident Gary Woods from 9 Elizabeth Lane voiced his concerns about the potential development of two lots on Elizabeth Lane. He is concerned that the DEP approval conditions on the development were overlooked and the re-mapping of the wetlands does not accurately reflect the current condition of the lots.

Mr. Steffen responded to the resident's concerns that the Code Enforcement office has researched the issues. The owner of the lots is in compliance with the conditions of the development so far. Building permits have been submitted for both lots and there is no indication that they would not be approved.

Mr. Ledgett asked if the development approval by the Planning Board include the DEP restrictions, then the Code Enforcement office must comply with the plan and the restrictions.

Chair Dunkelberger affirmed that the 100 ft buffer around the wetland and land clearing in the buffer needs to be clarified by staff.

Mr. Steffen confirmed that the buffer was clearly marked and no plan amendment regarding the buffer was necessary. The owner was clearing trees outside of the buffer.

Chair Dunkelberger requested clarification on the original buffer or the most recent survey buffer to determine the possible land clearing violation.

The Chair closed the public comment session.

## **NEW BUSINESS**

### **ITEM 1 – 60-68 Wallingford Square – Sketch Plan Review**

Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant 60-68 Wallingford Square, LLC requests consideration of a sketch plan for the renovation of an existing 4-story mixed-use structure and the reconstruction of the garage portion of the structure into a 12-unit inn on a 14,375 sf lot at 60-68 Wallingford Square (Tax Map 4, Lot 79) in the Mixed Use – Kittery Foreside (MU-KF), Shoreland (OZ-SL), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Uses (OZ-CFMU) Overlay Zones. Agent is Nick Bouquet, Madbury Capital.

Agent Nick Bouquet presented the plan. The revised concept includes a renovation of part of the existing building including the 8 residential units on the second and third floor. Exterior updates to the façade, updates to the major building systems and life safety/fire codes will be brought up to compliance. The second phase is the addition of a 12-unit inn, demolition of part of the building that is AJ's Pizza and the garage at the rear. This would be replaced with a four-story structure that is the same height as the legally non-conforming structure. The project will continue the existing use: retail on the first floor and residential above. The proposal currently meets all zoning requirements

with the exception of parking. Applicant will be providing a detailed parking plan at the next phase of the application.

Tom Emerson of studioB-E discussed the requirements of each zone and any permissions needed from the board. For the base zone of Mixed Use-Kittery Foreside the project does not meet the 5,000 sf per dwelling. For the Shoreland Overlay Zone the multi-unit portion is not allowable and the 10,000 sf per dwelling is not met. No changes to the de-vegetation of the lot are proposed. The parking requirements are to be determined with staff input. The applicant requested the project meet the stated exceptions by right, grandfathering, or permission. The project meets the town's comprehensive plan goals and the site has a history of hotel use.

Sarah Howard from Market Square Architects reviewed the building design and materials.

Chris Netto from Novice Group reviewed the parking and site elements. The existing 19 parking spaces would remain, however the spaces do not meet the current regulations in size. The pump station and sewer lines discussed briefly.

Vice Chair Kalmar asked if there was any volume expansion. Staff will need to verify the potential expansion in terms of following the town design standards if applicable.

Ms. Howard clarified building design elements for the board, and explained there is no increase in volume.

Discussion ensued regarding the potential firewall between AJ's Pizza and Anneke Jans. The firewall would indicate two separate buildings, thus affecting the height restrictions on the re-build of the building. Staff was asked to seek verification on the firewall.

Chair Dunkelberger requested a clause or note regarding lease terms on the 8 apartments to mitigate the possibility of short-term rental options.

Vice Chair Kalmar reminded agent that a requirement for the inn would be owner occupancy in the building. Ms. Kalmar would like to see a simple floor plan. A snow removal plan was also requested for the next meeting.

Discussion ensued regarding the parking and the Planning Boards role versus the Board of Appeals role in approval.

**Mr. White moved to accept the plan. Seconded by Mr. Ledgett.**

**The motion carried 6-0-0.**

**ITEM 2 – Board Member Items / Discussion**

- A. Chair Dunkelberger and Mr. Steffen attended the planning workshop in Sanford. Chair Dunkelberger shared highlights of the workshop and offered materials for those interested.
- B. Vice Chair Kalmar shared that the Kittery Port Authority is having a training session for waterfront issues on 11/20/19 at 5:30pm. Representatives from the Army Corps of Engineers and DEP are attending.

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

Mr. Steffen informed the board that he received a subdivision approval extension request from John Watts of the Sawyer Lane subdivision. The project already received one extension for the completion of the subdivision. A pre-construction meeting was held in October, followed by the need for financial guarantee. Under the ordinances in place at the time of approval, the applicant can request extensions for up to a ten-year period. Under current ordinances the applicant has three years to complete with five-year extension of the project.

Mr. Watts explained that the prior extension approval was specified to fall under the earlier ordinances.

Vice Chair requested a legal opinion. Discussion regarding granting a conditional approval subject to a favorable legal opinion with specific dates ensued.

Discussion ensued regarding the definition of completion of the project.

**Mr. Ledgett moved to approve an extension to the substantial completion of the Sawyer Lane subdivision not to exceed 11/14/2024 pending town attorney opinion that the 2014 ordinance timelines (ten year limit) apply versus the current town ordinance (five year limit). Seconded by Mr. White**

**The motion carried 6-0-0**

Mr. Watts asked the board questions regarding the taxes and the timeline for the town attorney decision. Asked the board for clarification about the definition of complete.

Discussion regarding the completion of the subdivision is the completion of the lots and utility connectivity. The board directed the applicant to verify with the Code Enforcement Officer.

### **Adjournment**

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

**The motion carried 6-0-0.**

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

Submitted by Carrie Bacon, Development Staff Clerk on March 31, 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>.