

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
Council Chambers**

**APPROVED
March 9, 2017**

CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

ROLL CALL

Board Members Present: Karen Kalmar, Mark Alesse, Robert Harris, Ann Grinnell, Dutch Dunkelberger, Debbie Driscoll-Davis, Marissa Day
Staff Present: Chris Di Matteo

PLEDGE OF ALLEGIANCE

AMENDMENT TO AGENDA

Chair Grinnell requested Item 3 be heard before Item 2. Board Members had no objections.

APPROVAL OF MINUTES – February 26, 2017

Line 127 –insert after roadway “Ms. Driscoll-Davis stated that the 60ft. right of way would be a benefit in the event Lot 9 is developed in the future”.

Line 56 – add period end of sentence

Line 189 – remove “also”

Line 37 – add “Mr. Di Matteo provided a copy of the site walk minutes”.

Line 127 – replace road with “right of way”.

Line 133 – change to “50ft. wide right of way would begin at the right turn where three existing homes are located.”

**Mr. Dunkelberger moved to accept the February 26, 2017 Minutes as amended.
Vice Chair Kalmar seconded the motion.**

The motion carried 7-0-0.

PUBLIC COMMENT

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

NEW BUSINESS

ITEM 1 – Ashley Morgan Way – Street Naming Application

Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant AMP Realty Holdings requests consideration of renaming Ashley Morgan Way (Tax Map 28 Lot 14) to Morgan Court.

Vice Chair Kalmar moved to accept and approve the street naming application dated February 6, 2017, from owner/applicant AMP Realty Holdings to rename the existing private street, Ashley Morgan Way, to Morgan Court.

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

ITEM 2 – Town Code Amendment – 16.3.2.13 Mixed Use Zone

Action: Accept or deny application. Schedule a public hearing. Application, Landmark Hill LLC, requests an amendment to the Mixed Use Zone to reduce the required front yard setback and landscape planting strip standards.

Mr. Stevens, from Civil Consultants, explained the applicant has two plans - one with the existing setback requirement and the other plan with the proposed setback amendment. The applicant is proposing moving the current set back from 60ft. to 30ft. Mr. Stevens further explained this would allow the existing restaurant to have a patio for outside seating and may encourage other businesses in this area to put parking behind their buildings. Added architectural features will enhance the property's look. The owner is going to improve the look whether or not the zoning is changed.

Mr. Dunkelberger stated the amendment is in line with the discussion the Board has had with the Economic Development Committee and making the recommended changes is encouraging to developers and will lead to a more attractive street line for Kittery. He fully supports what the staff has included for recommendations. Mr. Alesse agreed. Chair Grinnell agreed as well and would like the Board and staff to look at the document to see if more could be added to benefit that zone. Vice Chair Kalmar stated the 15 percent retail limitation may no longer serve the purpose of the zone and stated her concern with guidance for the landscape strip. She would like staff to give suggestions. Ms. Driscoll-Davis stated her concern is having enough room for a bike lane and pedestrian strip if changes are made.

Tom Emerson, from the Economic Development Committee, stated the Committee is in support of the reduction in the setback. It would be in line with the Comprehensive Plan and help improve development in that area. He also gave suggestions and recommended bringing the lot sizes down to 40,000 ft. Chair Grinnell asked if the Economic Development Committee can review the amendment so not to hold up the applicant's plan. Mr. Di Matteo recommended bring it back at the April 13th meeting. Mr. Di Matteo recommended the Board speak, if possible to those who may remember the need to maintain the rural character and think about what the character will be.

Vice Chair Kalmar moved to continue the application for Town Code amendment 16.3.2.13 Mixed Use Zone for April 13, 2017.

Ms. Driscoll-Davis seconded the motion.

Mr. Harris stated the Council needs to take a look at this because it will be near the Town of York. Chair Grinnell stated any zoning change that is passed needs to go to the Town Council.

The motion carried 7-0-0.

ITEM 3 – Landmark Hill Plaza – Manor Subdivision Preliminary Plan – Completeness Review

Action: Accept or deny application. Schedule a public hearing. Owner Landmark Properties LTD, and applicant Mic Brigham, request consideration of a mixed-use plaza located at 518 U.S. Route 1 (Tax Map 67 Lot 2) in the Mixed (MU) Zone. Agent is Tom Harmon, Civil Consultants.

Jay Stevens, Civil Consultants, explained Tom Harmon was away and he would be representing the applicant tonight.

Mr. Stevens described the plans to improve the existing development, Landmark Hill. The intent is to re-face two existing buildings one of which is adjacent to Route One and add multi-use buildings around the two sides of the parking area. Mr. Stevens stated the plan is to add six single-unit buildings and three double-unit buildings. The lower level can have retail or office space and the top level will be apartments. Each apartment would have two car garages. The theme is to blend the design together to look like a colonial village. A road would run behind all the new residences to access parking for apartments.

Mr. Di Matteo stated the focus tonight is a completeness review. Mr. Stevens clarified what is submitted can also be considered without the zoning change. Chair Grinnell stated there was no detail about the existing front building. The applicant will include the missing page of the plan for the front building at the next hearing. Mr. Stevens also stated there will be a change to the entrance doors to flow better to sidewalks. Mike Brigham from Landmark Development stated there are two plans for the front building and it is now sitting at a 60ft. setback. Described a staircase would run to the middle and handicapped parking would be added for the restaurant because there will be no elevator. He described current and potential tenants.

The following was addressed:

- There is an updated boundary plan;
- The applicant agreed to address Note 2;
- An updated landscape plan will be added for the next plan along with the open space calculation;
- The applicant will follow up with the water and sewer districts;
- Erosion sediment review plan will be done by the staff engineer; and
- Net residential acreage will be added to the plans.

Mr. Harmon had submitted in the packet a memorandum showing low traffic impact for the new use. There may be retail space not just office space. Ms. Kalmar reminded the applicant retail limitation is 15 percent for the mixed-use zone. Mr. Stevens will have a traffic movement and Town requirement memorandum for the next meeting. Mr. Stevens will note the extra apartment on the plan and do a recalculation.

Ms. Driscoll-Davis asked if there is consideration for a sidewalk. Mr. Brigham responded he is looking to add a sidewalk across the front that is pulled away from the road. He recommended lowering the speed limit on the road.

A site walk is scheduled for Tuesday, April 4 at 1:00.

Vice Chair Kalmar moved to schedule a site walk for the preliminary site and subdivision plan application dated February 16, 2017 from owner Landmark Properties LTD, and applicant Michael Brigham for 518 U.S. Route 1 for April 4, 2017 at 1:00 p.m. and to approve the application as complete.

The motion was seconded by Ms. Day.

The motion carried 7-0-0.

Mr. Dunkelberger moved to schedule a public hearing for the preliminary site and subdivision plan application dated February 16, 2017 from owner Landmark Properties LTD, and applicant Michael Brigham for 518 U.S. Route 1 (Tax Map 67 Lot 2) in the Mixed use Zone for April 13, 2017.

The motion was seconded by Vice Chair Kalmar.

The motion carried 7-0-0.

ITEM 4 – 118 Rogers Road – Cluster Subdivision Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner Dorothy Fitzpatrick and applicant Murat Ergin requests consideration of plans of a lot split and 4-unit cluster subdivision located 118 Rogers Road (Tax Map 15 Lot 92) in the Residential-Urban Zone. Agent is Joseph Mulledy, Ambit Engineering.

Ms. Day recused herself due to Mr. Ergin being her Condominium Association owner. Mr. Dunkelberger stated he has dealt with Mr. Shagden and Mr. Mulledy on separate issues but does not feel it will affect his standing on the issue. The Board was in consensus to allow Mr. Dunkelberger to continue hearing this item.

John Shagden, Ambit Engineering explained the property is a large horseshoe-shaped lot with two existing structures. The plan has two sewer easements because one was done when the connection was created and the pipe was run in a different location. The easement will move to the pipe. Mr. Shagden also stated the owner and applicant have agreed to create a separate lot and part of the application is a subdivisions plan for two lots. He explained the lot lines and Lot 2 is going forward for the development proposal. The applicant is proposing to take one lot to come in from School Street and create a turnaround. The plan is to place four residential units and preserve the open space.

Mr. Shagden stated the lot configuration is not flag shaped but U shaped. The applicants are not creating Lot 2 to be separate.

Mr. Shagden explained there is 100 ft. frontage on Rogers Road. The easement area was subtracted in the net residential density and they could make the edge a right of way and extend School Street as a public way. The applicant would like the Board to modify the front yard setback to 15 ft.

The applicant is open to discussing the staff desire to propose the cul-de-sac as a public street. Ms. Driscoll-Davis pointed out snow storage would need to be addressed if the street is not public.

Barry Fitzpatrick stated he called the Fire Chief and he is satisfied an existing fire hydrant would be satisfactory.

The following was addressed from the staff notes:

- The applicant agreed to staff comment 8;
- The applicant will work with staff to submit a more understandable net acreage table;
- Applicant agreement with staff recommendations in Note 10;
- Buffering will be the current tree line; and
- There will be a condominium association not homeowner's association.

Mr. Di Matteo read an email from an abutter who expressed her concerns with the sketch plan. Mr. Di Matteo informed her she will be notified of any site walk and the next phase. He suggested she watch the streaming of tonight's meeting.

Ms. Driscoll-Davis asked if there here are restrictions on School Street from a previous condominium development. Mr. Di Matteo doesn't believe so but his office will look into this.

Mr. Dunkelberger moved to accept the sketch plan application dated February 16, 2017 from Owner Dorothy Fitzpatrick and applicant Murat Ergin requests consideration of plans of a lot split and 4-unit cluster subdivision located 118 Rogers Road (Tax Map 15 Lot 92) in the Residential-Urban Zone.

Vice Chair Kalmar seconded the motion.

The motion carried 6-0-0.

Mr. Dunkelberger moved to approve the sketch plan application dated February 16, 2017 from Owner Dorothy Fitzpatrick and applicant Murat Ergin for a 4-unit cluster subdivision located 118 Rogers Road (Tax Map 15 Lot 92) in the Residential-Urban Zone. Mr. Harris seconded the motion.

The motion carried 6-0-0.

BOARD MEMBER ITEMS

Chair Grinnell asked for input from the Board regarding the procedure she used at the last public hearing for Haley Road in which she asked for a consensus. Chair Grinnell explained she used this method in the past to establish a majority and minority in the room and, if it doesn't seem appropriate, she will no longer do it. Mr. Di Matteo stated the focus should be on the Board and the Chair does a good job of keeping the meetings in order. After discussion, the Board was in consensus to keep the method of showing raised hands but not count them.

Mr. Harris stated he makes his decision on what he believes not how many put their hands up.

Mr. Alesse moved to adjourn the meeting.

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

The Kittery Planning Board meeting of March 9, 2017 adjourned at 7:40 p.m.

Submitted by Mary Mancini, Minute Recorder, on March 15, 2017.

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>