

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, Marissa Day
Late Arrival: Debbie Driscoll-Davis
Staff Present: Chris Di Matteo

PLEDGE OF ALLEGIANCE

AMENDMENT TO AGENDA

None.

APPROVAL OF MINUTES – March 9, 2017

Line 84 – add “the Council” not “they”

Line 210 – substitute word “approve” for “accept”

**Mr. Dunkelberger moved to accept the March 9, 2017 Minutes as amended.
Vice Chair Kalmar seconded the motion.**

The motion carried 6-0-0.

PUBLIC COMMENT

The chair opened the public comment.

Resident Susan Johnson suggested land owners deed open spaces with the stipulation of no hunting and expressed her concern with preserving the trees and natural rock formations lost from industry and emphasized the necessity of developers to replace trees removed. She referenced Dutchman Industries that moves trees along with the roots and replants them. Ms. Johnson also expressed the importance of maintaining Kittery’s character.

There being no other comments, the Chair closed the public hearing.

NEW BUSINESS

ITEM 1 – Public Informational Meeting for proposed improvements on Walker/Wentworth Streets

Action: Facilitate public comment. No formal action required. A public informational meeting to discuss proposed improvements for Walker Street and Wentworth Street. MDOT consulting engineer, Darin Bryant, PE with T.Y. LIN International, will present conceptual design plans and take public comments and answer questions regarding the improvement project (Kittery - Route 103 NHPP-1865[300]).

Darin Bryant, from T.Y. LIN International, gave a history and described the project which included a slide presentation. Mr. Bryant explained the funding source and stated tonight's meeting is informational to hear public comments before the formal public hearing. He reviewed the purpose of the project and explained the existing conditions of the roads. He gave an overview of the design and the plan to avoid the impact to the cork tree at the intersection. Mr. Bryant stated there are two design options with sidewalk and parking differences. The plan also includes shared street markers (sharrow) for bicycles due to the road not being wide enough for a bike lane.

Tom Errico, also from TY Lin International, explained there will be coordination between this project and the Kittery Foreside Land Use Project. He has looked at the crash data for the area and took into consideration turning and conflict movements, the signalized intersection and crash data for the area. He stated one recommendation is to replace the signal at the Walker and Wentworth intersection.

Mr. Bryant reviewed the project impacts and traffic control. He stated the budget is \$900,000.

Chair Grinnell asked the public if they had questions or comments.

Steve Hall asked for an estimate of the net gain or loss in parking spaces. Mr. Bryant said it is difficult and depends on the option chosen because some current parking spaces are not striped.

Tom Emerson, member of the Economic Development Committee, stated the need for crosswalks across Walker Street and Main Street. Mr. Bryant and Mr. Errico stated crosswalk locations are not definite on the plans shown tonight and will look at the proposed locations to ensure safety and parking sense. Mr. Emerson pointed out the information he has included bump outs at crosswalks but they were not discussed in tonight's presentation. Mr. Bryant explained they were removed for tonight's meeting but not completely out of the plans because the Town is meeting to decide if they want them. Mr. Errico explained bump outs are more difficult for Public Works Departments to maintain when plowing and there are some limitations for parking with bump outs but they physically prevent people from parking in a crosswalk. A planning study will evaluate Government Street becoming a one way to help restaurants and traffic circulation issues.

Lee Perkins – Director of the Rice Public Library, pointed out patrons who are unable to go into the library park in the dirt area next to the building and staff help them. She also stated her concern for the delivery trucks that arrive four days a week and the pizza restaurant's delivery trucks taking away parking. Ms. Perkins also requested to preserve handicapped and a van out front

Karen Saltus asked if there is consideration of sloping curbs. Mr. Bryant responded that they are not. Chair Grinnell would like sharrows become a definite option.

Jennifer Brewer stated she is happy to see the sharrows and if there would be a possibility for curb extensions in the future. Mr. Errico explained adding extension would require a change.

Paul _____ stated the design is more holistic and it is critical the design part be completed first.

Mr. Dunkelberger recommended solar lights for pedestrian lights, including Whipple Road because of the school.

Ms. Day asked for a summarization of the findings of the flow pattern of intersection of Walker Street and Main Street. Mr. Errico responded the 5:00 PM time period is the worst and the volume is driven by the shipyard. Ms. Day stated her concern with pedestrians and the difficulty to walk through the intersection.

Mr. Harris stated out bump outs may make it more difficult to make a right turn and would create congestion.

Larger maps with more detail will be at the next public hearing.

ITEM 2 – 412 Haley Road – Conventional Subdivision Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner Norwich Investments, LLC, and applicant, Green & Company, requests consideration of an 8-lot conventional subdivision located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Joseph Coronati, Jones and Beach Engineers, Inc.

Joe Coronati, Jones and Beach Engineers, explained the plan has changed because at the last meeting they discovered they were unable to go ahead with the plans for a cluster subdivision. He presented a sketch plan for an 8-lot conventional subdivision. He explained there will still be a Class 3 road with a 60ft. right of way access to one cul de sac and a Class 1 road that provides access and frontage and access to two lots. The lots will range in size to 1-4 acres. All roads will be paved. He has met with Mr. Di Matteo regarding road lengths and discovered they would need a waiver for one road and would like to find a way to shorten the road so no waiver is required. The previous plan for the roadway near the wetlands was to be off center to miss some of the wetlands and Mr. Coronati asked the Board for their thoughts. There would be no sidewalks and pedestrian way and the water will be from the Kittery Water District. There will be onsite septic systems with a septic field in reserved areas.

The following comments were reviewed from the staff notes:

- Comment 1 – Special exception for the construction of an 8-lot conventional subdivision - the Board was in favor of the request.
- Comment 2 – Adjusting Lot 6 lot line - the applicant agreed.
- Comment 5 - Yard setbacks- will be presented at the next meeting.
- Comment 7 – Street lights - the applicant will come back at the next meeting with more detail.
- Comment 8 – Right of way - applicant agreed to speak with staff regarding right of way not conforming to standards.

- Comment 9 – Stand of trees in center of cul-de-sac - applicant agreed to this.
- Comment 10 – 100-foot setback for roads and driveways - discussed turn around options. Applicant is considering options such as a hammerhead turn around. Will review with Public Works to determine the kind of turn around.
- Comment 11 – Sidewalks – the Board was in consensus to grant the waiver not to have sidewalks.
- Comment 15 – Landscaping – the applicant agrees regarding greenscape strips.

Mr. Dunkelberger moved to accept the sketch plan application dated March 2, 2017 from owner Norwich Investments, LLC, and applicant, Green & Company, 412 Haley Road, Tax Map 34 Lot 3 in the Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones.

Ms. Day seconded the motion.

The motion carried 6-0-0.

Vice Chair moved to accept the sketch plan (Sheet OV2) dated March 1, 2017 from owner Norwich Investments, LLC, and applicant, Green & Company, 412 Haley Road, Tax Map 34 Lot 3 in the Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones.

Mr. Dunkelberger seconded the motion.

The motion carried 6-0-0.

The applicant requested to have a completeness review on the second meeting of the month. The Board had no objection.

ITEM 3 – Town Code Amendment –16.8.22.3 Major Home Occupation Standards.

Action: Review amendment and schedule a public hearing. The proposed amendment prohibits retail marijuana use while permitting medical marijuana use under a major home occupation.

Vice Chair Kalmar requested Code 16.8.2.3 E.1 be amended by adding “or odors” to the sentence.

Mr. Dunkelberger moved to schedule a public hearing for Town Code Amendment 16.8.22.3 Major Home Occupation Standards for April 13, 2017.

Ms. Day seconded the motion.

The motion carried 5-1-0.

ITEM 4 - Town Code Amendment –16.3 Land Use Zone Regulations

Action: Review amendment. Schedule a public hearing. The proposed amendment updates Title 16 zoning ordinance to address medical marijuana use within the Commercial (C-1, C-2, C-3), Business Park (B-PK), Business-Local (B-L, B-L1) and Mixed Use (MU) zones.
Town code amendment

Mr. Di Matteo explained the Board asked staff to come back and state what other areas they should look at for consideration of medical marijuana use.

Vice Chair Kalmar stated she would like language added to limit and control the business from expanding too quickly in the various zones. Mr. Dunkelberger suggested limitations on the number of businesses. Mr. Di Matteo stated there is a need to determine the different uses, such as caregiver and cultivation and need to determine specific areas that are not close to schools. He also stated a discussion on standards is needed to keep any type of possible nuisances limited and the Board needs to consider adding language for the types of business buildings. Mr. Dunkelberger stated his concern with creating a certain number of permits and people changing their category. He suggested deriving a single number of permits regardless of category. Mr. Di Matteo will find out if municipalities can do that. Vice Chair Kalmar expressed her concern with the impact on adjacent tenants. Mr. Di Matteo recommended to look at least at the standards for many zones not specific zones.

The Board was in consensus continue this matter and no hearing was scheduled.

Local business owner, Pam Edwards, requested to speak. She pointed out if she were permitted to start the business she requested, the location has a pond between that and the ball field, which was a concern at the last meeting. The Board pointed out they are only talking about medical use at tonight's meeting.

BOARD MEMBER ITEMS

None.

TOWN PLANNER ITEMS

None.

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 23, 2017 adjourned at 7:50 p.m.

Submitted by Mary Mancini, Minute Recorder, on March 29, 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>