

**CALL TO ORDER**

**ROLL CALL**

Present: Karen Kalmar, Ann Grinnell, Dutch Dunkelberger, Mark Alessi, Drew Fitch, Russell White, Ronald Ledgett

Staff: Kathy Connor, Interim Planner; Adam Causey, Director of Planning and Development, Jessa Kellogg, Shoreland Resource Protection Officer

Advisory: Earledean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – April 12, 2018**

Line 175 - spell out Letter of Map Amendment (LOMA)

Line 251 – after “expansion” add “as”

Line 31 – change “parallel” to “power”

Line 176 – reword after “zones” to “one of the important and contiguous resource protection zones”

Line 241 – strike “1989” and reword “if building permits were issued after January 1989”

Line 290 – remove the “f” at end of sentence

Line 281 – change to May 24<sup>th</sup>

Line 129 – change “variance” to “waiver”

**Mr. Dunkelberger moved to accept the minutes as amended.**

**Mr. Ledgett seconded the motion.**

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

**PUBLIC COMMENT**

The Chair opened the public comment section. There being none, the Chair closed the public comment.

Chair Grinnell introduced Adam Causey, the new Director of Planning and Development.

**OLD BUSINESS**

**ITEM 1– Neighborhood Mixed Use (formerly Business Park) Zoning District**

Discussion, Set public hearing. Review and discuss proposed changes to the former Business Park Zone, now called the Neighborhood Mixed Use Zone. Set public hearing date.

The Board reviewed the proposal that included the changes discussed from a previous meeting. Ms. Connor addressed Mr. Ledgett's comment to look at other than typical square footage for density calculations. After discussions, the Planning Department has decided not to deviate from the way most of the other zones calculate density and they will look at his suggestion in the future. She suggested a time to discuss this would be during the recodification of Title 16.

Ms. Connor informed the Board the energy and sustainability remains the same but the Comprehensive Plan mentions it and Kittery needs to explore this. When the energy committees make their recommendations, they can add those guidelines into this document.

Ms. Connor also informed the Board they have had discussions with CMA, who have had a contract with the Town since 2005 and have agreed to review the best management practices for stormwater for the business park. They also agreed to outsource if they feel they lack the expertise on a matter. She added CMA is recommending the drainage structures be allowed to be in the wetland setbacks in this zone.

Mr. Ledgett suggested creating an incentive for developers to build inclusionary housing. He added the incentive could be density. He also suggested seeking comments from developers if this proposal will work for users. He recommended the Inclusionary Housing Working Committee review this document. Ms. Connor commented one of the barriers to having inclusionary housing in this district is the high cost to add the infrastructure and the environmental constraints of the area. Staff will bring this document to the Inclusionary Housing Working Committee for review.

Mr. Dunkelberger commented of adding language to allow consideration of uses not contemplated before. He feels the list "Other Uses" in the document is limiting and does not like the term similar noted on lines 57 and 58 on Page 2D. He referred to language on Page 7 of Conditions for Approving Special Exception Uses. He suggested

removing the word “similar” to allow the Planning Board to decide if project is beneficial for Kittery using the criteria outlined in the document.

After discussion, the Board was in consensus to have the planning staff make the suggested changes and bring them back to the Board and asked the Inclusionary Housing Committee to review the document.

Vice Chair Kalmar suggested the following changes:

- Add liner building to the list of definitions;
- Lines 97 and 102 - specify all the parking required must be encompassed in the building;
- She asked for an explanation for change in density. Ms. Connor explained it was suggested in the original study to have 15 units per acre and after receiving several comments from other committees who want to see more density it was changed. It is now 14 units per acre for mixed-use and 16 units for multi-unit residential;
- Spacing between buildings should be cleared by the Fire Chief before the public hearing.
- Add more tree species of deciduous and evergreens diversity. Earle Dean Wells explained the number of species depends on the number of trees in the area.

The Board questioned the maximum height of a building the Fire Department's trucks can manage. Mr. Causey reported he has spoken with the Fire Chief and 50 ft. is the height limit now. Ms. Connor will remove the 60 ft. height limit from the document.

The Board determined a public hearing will not be schedule until they review the next draft with the changes highlighted.

## **NEW BUSINESS**

**ITEM 2 – MS4 (Municipal Separate Storm Sewer Systems) Presentation and Q&A.**  
Jessa Kellogg, MS4 Coordinator and Shoreland Resource Officer will present.

Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator presented the annual MS4 General Permit for Stormwater Discharges. She explained a stormwater permit is administered by Maine DEP and the Town is required to ensure there is no discharge of polluted stormwater going into the waters of the State. She read over the required six minimum control measures. She explained the areas the Planning Board

reviews and the Town encourages developers to keep stormwater on their property. Ms. Kellogg pointed out the Board packet contains a map of the urbanized area. She is not concerned with any items in Kittery and the Town hasn't had any violations to her knowledge.

**ITEM 3 – Kittery Foreside Land Use Parking and Transportation Study**

Discussion: Discuss the February 2018 Final Report.

The Board agreed to allow public comment for this item.

Mr. Causey explained there is previous list of items that has not been given to consultant and will be incorporated soon. He will be requesting the consultants to upgrade the maps and send an editable copy, so changes can be edited.

Mr. Dunkelberger reminded the Board the Navy will be doing a traffic study and partnering with them could expedite the process. The opportunity could include funding for improvements. Mr. Causey informed the Board the Town is seeking grant funding to partner with the Navy to do a joint traffic and land use study.

The Chair opened the public comment.

Ryan Burbridge, 4 Newmarch Street, explained he appreciates the process to involve local stakeholders. He listed inconsistencies with the study of creating two-way traffic on Newmarch Street and was happy to hear there will be updates for speed data on Route 1. Mr. Burbridge expressed his concerns of the possibility of increased speeds if the road is widened. He expressed his concern to decrease part of the park to add parking and believes the recommendation would increase traffic in front of his home.

Mr. Dunkelberger explained the Foreside Working Group Committee would like to reroute traffic in that area to enable more use of the park and improve the traffic flow. Vice Chair Kalmar pointed out the previous concerns were not documented, and she would like to see the report represent both the positive and negative points expressed. She added her concern of expanding the road in that area would require cutting into tree roots which would kill the trees.

Chair Grinnell pointed out the Board has not weighed in on increasing access to the park as stated in Section 5.3.1. She added she is concerned with adding parking on Hunter Street because of the restaurant and she would like the opinion from the head of

Public Works of the impact of creating a dead-end street. Chair Grinnell would like to know if the Town would consider using speed tables which can be plowed.

Ms. Connor reminded the Board are just recommendations and are not mandated. The Board requested a prioritized action list be added to the report and to set up a workshop with the Foreside Working Group Committee to work on the list and review the amended document. Mr. Causey will consolidate the document and will circulate to the Board.

Vice Chair Kalmar referred to the zoning recommendations and expressed her concern of a disconnect of verbiage of maintaining the scale of the Foreside.

Mr. Alesse recommending removing the traffic triangles located at the intersections because they are too large and not needed. Chair Grinnell commented she does not like buildings with flat roofs as depicted on the graphic on Page 97, which does not meet zoning.

Planning staff will keep the Board updated on this item.

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

##### **A. Update on the Inclusionary Housing Working Group**

Mr. White gave an update and listed items discussed at the last Inclusionary Housing Working Group meeting. A design Charette is planned next fall for a Route 1 parcel, which needs to be determined. He summarized the suggestions from the meeting for reviewing the Accessory Dwelling Units (ADU) ordinance and air B&B regulations. Mr. Fitch explained the meeting was focused on adjusting the ADU regulation. He explained the Town currently has a cap of 10 ADU units per year and they are looking to change the regulation, so people will want to use it and will know about it. The Chair thanked Mr. White and Mr. Fitch for their efforts.

##### **B. Planning Board Action List**

Chair Grinnell requested the Board add to their action list working with Eliot on the Route 236 corridor. This will be listed under priority 1.

#### **Item 5 - Town Planner Items**

**A. York River Watershed Study**

Ms. Connor explained the information from the York River Water Shed study will be presented to the Board on May 24<sup>th</sup>. She gave a background of the study and explained four communities are looking to have the river designated as a wild and scenic river. She added they would also like to produce a water shed stewardship plan. She listed the surveys and the studies the YRWS has done. The watershed stewardship plan includes a grant of a build out analysis for the four communities which will be shown on the 24<sup>th</sup>. Ms. Connor pointed out she included a link of the study on the agenda.

Ms. Connor looked into the parking requirement for 88 Pepperrell Cove. She explained the Minutes from July 27, 2017 covered the special exception granted for the ice cream shop and included discussion of a parking lot less than a mile away with valet parking. The October 26, 2017 Minutes reflected a condition in the motion that the owners need to come back to staff prior to the last business being opened with a detailed plan for parking. Ms. Connor reported this is happening. She added there are 26 parking spaces across the street from the businesses and she described the other parking areas. She explained the way the Code Enforcement Office is proceeding before a permit is given. After discussion, it was decided that the owners of 88 Pepperrell will go through the staff not the Board regarding the parking plan and staff will keep the Board informed.

Mr. Ledgett referred to discussion in Item 4B and commented on the increased interest in ADU's. He suggested being cautious and pointed out there have been problems. He referred to a past issue of an attempt to sell an ADU as a separate parcel. He pointed out there is a requirement to change the deed before an occupancy permit is granted. Mr. Fitch commented that is a valid point and he would like to see the regulation include no short-term rentals for ADU's.

**Item 7 - Adjournment**

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

**Mr. Dunkelberger seconded the motion.**

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

Point of Order: Mr. White announced there was a public hearing on the Comprehensive Plan. The next step is State final review and then it will go to the Town Council for hearings in July and August.

The Kittery Planning Board meeting of April 26, 2018 adjourned at 7:43 p.m.

Submitted by Mary Mancini, Minute Recorder, on May 2, 2018.

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>.