

CALL TO ORDER

ROLL CALL

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

Late arrival: Ann Grinnell

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

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – May 24, 2018

Line 173 – remove repeated line.

**Mr. Dunkelberger moved to accept the Minutes of May 24, 2018 as amended.
Mr. Ledgett seconded the motion.**

The motion carried 6-0-0.

PUBLIC COMMENT

Vice Chair Kalmar opened the public comment segment of the meeting. There being no comments, Vice Chair Kalmar closed the public comment.

PUBLIC HEARING

ITEM 1 – Neighborhood Mixed Use (formerly Business Park) Zoning District Public Hearing, Vote to Recommend. Take public comment. Review and discuss proposed changes to the former Business Park Zone, now called the Neighborhood Mixed Use Zone. Vote whether to recommend to Town Council.
Vice chair opened

Vice Chair Kalmar opened the public hearing.

Rich Balano, 3 Oxpoint Drive, explained he is against the proposal and questioned how liner buildings will be used. He also shared his concern of the building height allowance of 70 feet because he feels it will change the character of the Town. He referred to the current and

proposed Comprehensive Plans and read the preamble that refers to Kittery as a small town. He urged the Board to amend the height requirement to 40 ft.

Bill McCarthy, 27 Adams Drive, reiterated Mr. Balano's concerns and commented the Town should be careful of raising heights of buildings. He added he believes the 40 ft. height limit serves the Town well.

There being no further comments, Vice Chair Kalmar closed the public hearing.

Mr. Alesse expressed his concern of the definition of permitted uses under B and of the inclusion of public utility facilities, which includes sewage, being compatible with housing. He added the height maximum is too high and believes it does not make sense because the Town would need to purchase new fire equipment.

Mr. Ledgett had the following concerns and comments:

- Line 65 - Other Uses - Title 16.6.6 is a Board of Appeals' requirement and he questioned why it is included.
- He would prefer the building height being above 40 ft. if it would benefit reasonably priced residences and he is concerned it could set a precedence in other areas in Town.
- Line 149, Page 4 – suggested the word “only” be taken out. Ms. Connor agreed.
- Lines 211 – 213 – “Public Parking Access for Trails” Ms. Connor explained there will be on street parking when the streets are developed and added they discussed the reduction in parking with code staff as well.
- Line 272 – Ms. Connor defined pocket park.
- Line 347 – Mr. Ledgett questioned this paragraph and Ms. Connor explained she provided “C” for context.

Mr. Fitch explained the Inclusionary Housing Working Group was in consensus at their last meeting to wait until they are ready to add inclusionary housing incentives for this proposal.

Mr. Dunkelberger pointed out the proposal is a test and he agrees with the height limit as written because it allows flexibility and will be conducive with the area.

Vice Chair Kalmar commented that the height will add density which is difficult for that area. She also reminded the Board and the public if the proposal is sent to the Town Council, there will be another public hearing.

Mr. White explained he is concerned with the height but would agree with the limit if it is contained in this zone only. He added the areas of developable land is low for this area, so the standards need to be different from other areas of Town. He would like to see incentives for inclusionary housing in the future and understands this will not happen right away. He pointed out the Town Council is responsible of deciding if the Town needs another fire truck to service the height.

Vice Chair Kalmar encouraged Board members and the public to express their concerns to the Town Council.

Ms. Connor addressed Mr. Alesse's comments regarding the public utility facilities and explained there is discussion that the water district may consider that location. She also pointed out Title 16.8.11.6 has language that allows the height of 60 ft. for cluster developments and mixed-use cluster developments if the fire department is satisfied with their ability to service the building.

Mr. Dunkelberger moved to recommend the modified plan to the former Business Park Zone, now called the Neighborhood Mixed Use Zone to the Town Council.
Mr. White seconded the motion.

The motion carried 4-2-0. (Mr. Ledgett and Mr. Alesse opposed).

OLD BUSINESS

ITEM 2 – Miller Road – Major Subdivision Preliminary Plan Review Action: Accept or deny application, Set public hearing date. Owners Paul E. and Peter J. McCloud and Applicant Joseph Falzone request consideration of a 6-lot conventional subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering.

Vice Chair Kalmar recused herself from this item.

Mr. Wood provided an overview of the project. He added the preliminary plan is submitted and meets the requirements. He informed the Board the plan will have slight changes because discussions took place between the applicant, a representative from his office and an abutter, Jeff Clifford. Mr. Wood explained the change is regarding water discharge and he described how this will be accomplished and how it will preserve more trees on Miller Road.

The following staff comments were addressed:

- Note 1 – The applicant agreed to add the 40 ft. front yard setback number to the plans and will add a note describing the site as wooded. Mr. Wood explained the Board packets include an amended FEMA Flood Zone Map and they have received the Letter of Map Amendment (LOMA), which is also copied and submitted with the preliminary plan. The applicant does not own the property and has a purchase and sale agreement to do so when the plans are approved. The plan will also show the 50 ft. buffer along Miller Road.
- The erosion and sediment control plan will be the same but with less disturbance because of the added swales along Miller Road.
- Note 3 –Pedestrians can walk down the street to get to the open space.
- Note 5 - Stormwater easement calculations for Lot 1 will be on the final plan and will meet the requirement.

- Note 6 – The applicant will change 40 ft. to 50 ft. for the buffer that runs along Miller Road and there is a wooded buffer along the rear setbacks. The common road to the back lots will be a wooded buffer in that location pointed out from the site walk. The applicant will add impervious surface for roads and driveways to the plan.
- Note 7.- This item was discussed and stormwater flow will be going across Miller Road. The applicant has also agreed to reduce the 40 ft. setback for the northerly stormwater pond. Mr. White asked if losing trees because of adding the swale. Mr. Wood explained the property line on the GIS tax map was not correct and he pointed out on the map where the swale will be restored and there will be no disturbance in that area. He added the culvert under the road will need a small area excavated and, in that area, there will be some disturbance.
- Note 8 – The applicant agreed the buffers along the ROW and will be 50 feet wide and to the 100 ft. no cut buffer in the Resource Protection setback.
- Note 9 - The applicant agrees and will revise the Home Owner's Documents and asked for a waiver for the road. The easements for the shared driveway and dimensions will be clarified on the final plan. The significant tree will not be cut down and was one of the four trees addressed earlier.
- Note 10 – The Home Owner Association (HOA) documents will be revised to include all lots. Mr. White suggested having Lots 1, 2 and 6 shares in the maintenance and plowing and the other three should have legal access for pedestrians. The applicant agreed to investigate this. The HOA documents will state the removal of vegetation in the OZ-RP Zone must be permitted by the Shoreland Resource Officer. Ms. Connor pointed out the Town's attorney will review the HOA documents before completion.

Mr. Falzone added he also agreed the buffer along driveway is 50 ft. not 40 ft. and he has spoken with abutters and he has no objection to request the company to move a pole to save a tree. Mr. Dunkelberger stated he appreciates the applicant's work with the abutters.

Mr. Ledgett moved to accept the preliminary plan application dated May 23, 2018 as complete from owners Paul E. and Peter J. McCloud and applicant Joseph Falzone for a 6-lot subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones with the condition that all staff comments from staff notes dated June 14, 2018 are addressed in the next submission and there are no other conditions made.

Mr. Fitch seconded the motion.

The motion carried 5-0-0.

Mr. Ledgett moved to set a public hearing on July 12, 2018 for the preliminary subdivision application dated May 23, 2018 from owners Paul E. and Peter J. McCloud and applicant Joseph Falzone for a 6-lot subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.

Mr. Alesse seconded the motion.

The motion carried 5-0-0.

Item 3 - 16 Bond Road Right-of-Way – ROW Plan Review Action: Accept or deny application. Approve or deny plan. Owner and applicant, Sami Yassa requests consideration of a right-of-way plan for a 3.04 +/- acre parcel located on Bond Road (Tax Map 25 Lot 12) in the Residential Kittery Point Village zone (R-KPV) and the Shoreland Overlay zone (OZ-SL-250). Agent is Chris Mende, PLS., Civil Consultants.

Mr. Yassa explained they resubmitted the ROW plan for final approval and incorporated the Board's suggestions from the May meeting. A description of the proposed boundary that would define the two lots has been done and the total street frontage and total acreage has been shown on the plan. He added they have also clarified the location of the gravel widening of the existing travel way and how it will be more centered in the ROW.

The Board determined the waivers requested were accepted and are complete. Mr. Dunkelberger thanked the application for listening and addressing the Board's issues.

Mr. Alesse moved to accept the ROW plan application dated May 22, 2018 as complete and approve the ROW plan for Sami Yassa requesting consideration of a right-of-way for a 3.04 +/- acre parcel located on Bond Road (Tax Map 25 Lot 12) in the Residential Kittery Point Village zone (R-KPV) and the Shoreland Overlay zone (OZ-SL-250). Mr. Dunkelberger seconded the motion.

The motion carried 6-0-0.

KITTERY PLANNING BOARD

APPROVED

FINDINGS OF FACT

M25 L12

for

16 Bond Road

Private Right-of-Way Plan

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner and applicant, Sami Yassa requests consideration of a right-of-way plan for a 3.04 +/- acre parcel located on Bond Road (Tax Map 25 Lot 12) in the Residential Kittery Point Village zone (R-KPV) and the Shoreland Overlay zone (OZ-SL-250).

Hereinafter the "Development".

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 6/12/2018;

Sketch Plan Review	Held	5/10/2018
Site Visit		
Preliminary Plan Completeness Review	Held	6/14/2018
Public Hearing		
Preliminary Plan/Final Plan Approval	Granted	6/14/2018

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 6/14/2018 (Hereinafter the "Plan").

1. Private Road Class 1 ROW Plan, Sheet C1, by Civil Consultants, dated May 22, 2018.
2. Private Street Class 1 Grading Plan, Sheet C2, by Civil Consultants, dated May 22, 2018.

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section **16.10.8.3.4.** **and as recorded below:**

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

Finding: The proposed right-of-way appears to conform to applicable Title 16 standards with the conditions of approval included herein.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

B. Freshwater Wetlands Identified.

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Finding: All wetlands have been identified and no impacts are proposed.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

C. River, Stream or Brook Identified.

Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.

Finding: No rivers, streams, or brooks have been identified on site.

Conclusion: This standard is not applicable.

Vote of 6 in favor 0 against 0 abstaining

D. Water Supply Sufficient. {and}

The proposed development has sufficient water available for the reasonably foreseeable needs of the development.

E. Municipal Water Supply Available.

The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.

Finding: There is no additional proposed water use because both lots are already developed.

Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
Finding: Both lots are already developed..
Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
Finding: The proposed Street ROW will not increase the burden on solid waste use since both lots are already developed.
Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
Finding: The right-of-way is not located in the shoreland overlay zone.
Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
I. Groundwater Protected.

The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

Finding: Both lots are currently using private septic.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

J. Flood Areas Identified and Development Conditioned.

All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

Finding: There is no additional construction proposed.

Conclusion: This standard is not applicable.

Vote of 6 in favor 0 against 0 abstaining

K. Stormwater Managed.

Stormwater Managed. The proposed development will provide for adequate stormwater management

Finding: The proposed right-of-way construction is simple (4 foot widening of an existing gravel travel way) with marginal additional stormwater produced.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Finding: The proposed right-of-way construction (widening an existing travel way from 12 feet to 16 feet) is simple with marginal additional stormwater produced.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

M. Traffic Managed.

The proposed development will:

- 1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
- 2. Provide adequate traffic circulation, both on-site and off-site.*

Finding: The proposed right-of-way is an improvement over an existing driveway.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

- 1. Elevation of the land above sea level and its relation to the floodplains;*
- 2. Nature of soils and sub-soils and their ability to adequately support waste disposal;*
- 3. Slope of the land and its effect on effluents;*
- 4. Availability of streams for disposal of effluents;*
- 5. Applicable state and local health and water resource rules and regulations; and*
- 6. Safe transportation, disposal and storage of hazardous materials.*

1. All proposed development is located outside of a Flood Hazard Area. 2. No additional development is proposed beyond the improvement of the travel way. 3 thru 6. Not applicable to the proposed development.
Finding: The proposed ROW will not result in undue water or air pollution
Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining

O. Aesthetic, Cultural and Natural Values Protected.
<i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i>
Finding: The proposed ROW does not impact any significant aesthetic, cultural or natural values that require protection.
Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
P. Developer Financially and Technically Capable.
<i>Developer is financially and technically capable to meet the standards of this section.</i>
Finding: The ROW improvements proposed to widen the existing gravel road are minimal and involve a small amount of grading. Such small improvements do not require a performance guarantee.
Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
S. For a Right of Way.
<i>The proposed ROW:</i> 1. Does not create any nonconforming lots or buildings; and 2. Could reasonably permit the right of passage for an automobile.

Finding: The proposed development does not create any nonconforming lots or buildings and provides adequate of passage for an automobile.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

Article III. Street Signage

16.8.3.1 Names.

Streets which join or are in alignment with streets of abutting or neighboring properties must bear the same name. Names of new streets may not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and are subject to the approval of the Planning Board.

Finding: The applicant has completed a Street Naming Application in ViewPoint (the building permit system) that has been reviewed by appropriate town departments, including public safety and find the proposed street name, *Fletcher Lane* to conform to the ordinance.

Conclusion: This requirement appears to be met

Vote of 6 in favor 0 against 0 abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers:

16.10.5.2.C.6 waiver for erosion control plan.

16.10.5.2.C.7 waiver for stormwater management plan

16.8. waiver for sidewalks

16.8 waiver for reduced road width (from 18 feet to 16 feet)

Conditions of Approval (to be included on the final plan):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. List all waivers on the final plan.
3. Add a note stating the ROW will be and will always remain private.
4. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with right-of-way construction to ensure adequate erosion control and slope stabilization.
5. All Notices to Applicant contained in the Findings of Fact (dated: 6/14/2018).

Conditions of Approval (Not to be included as notes on the final plan):

6. Approved street name to be added to the final plan.
7. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation of final Mylar.

Notices to Applicant: (not to be included on the final plan)

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 6 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON ____June 14, 2018____

Ann Grinnell, Planning Board Chair

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

NEW BUSINESS

Item 4 - 169 State Road – Site Plan Review Sketch Plan Action: accept or deny sketch plan, approve or deny sketch plan. Owner/applicant Olde Northeast Realty, LP requests consideration of a sketch site plan for site changes involving fueling dispensers, canopies and underground fuel tanks at an existing 7-11 convenience store with fuel sales at 169 State Road (Tax Map 14, Lot 36) in the Local Business (B-L) Zone. Agent is David Coonan, Upland Architects, Inc.

Mr. Coonan, representing 7-11, explained last year there was a safety issue with the existing canopy and a portion was removed. He added the proposed plan is to improve the circulation and safety of the site by adding two new fuel dispensers and a canopy and replace three existing underground storage tanks with two new tanks, which will give more room for parking. The applicant is also proposing to close off one of the entrances and add additional parking spaces. The existing pylon sign is located on public land and will be moved to another location and they will remove the storage container from the east side of the building.

Ms. Connor explained staff concluded this item come before the Planning Board because the concrete pad will increase in size and a site plan review will be required. She added there has been attempts in the past to solve the internal circulation problems with the property.

Mr. Coonan explained an E-stop is an emergency push button installed to stop the fuel flow. Mr. White asked if the lighting will be updated. Mr. Coonan responded the applicant is not proposing changing the lighting currently. He also explained there will be flush LED lights on the new canopy and will provide more detail for the next meeting. Mr. Fitch shared his concern of more storage containers being added over time. Ms. Connor explained if storage containers are added again, the applicant would need to do an amendment.

Mr. Fitch asked of the encroachments to the ROW and if the area can be landscaped. Ms. Connor replied the parking spaces have been there for decades and she is not sure the applicant has the right to do landscaping because the property belongs to the State as part of the roundabout. She added the Board can ask for some landscaping for this site, but it is challenged due to impervious surface. Mr. Coonan will bring the suggestion of working with staff to improve the visual of the site to the applicant. Ms. Connor reminded the Board this is a sketch plan and the applicant will be able to submit site circulation plans after the plan is approved.

A site walk was scheduled for July 10, 2018 at 10:15 a.m.

Mr. Dunkelberger moved to accept and approve the sketch plan application site changes involving fueling dispensers, canopies and underground fuel tanks at an existing 7-11 convenience store with fuel sales dated February 22, 2018 from Olde Northeast, LP for 169 State Road (Map 14, Lot 36) in the Local Business (B-L) Zone. Mr. Ledgett seconded the motion.

The motion carried 7-0-0.

ITEM 5—Route 1 – Site Plan/Subdivision Sketch Plan Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant Michael Estes requests consideration of plans to develop a mixed-use facility, consisting of businesses, elderly housing and residential uses, located south of 506 US Route 1 known as Tax Map 67 Lot 4 in the Mixed Use (MU), Residential – Rural (R-RL), Shoreland Overlay (OZ-SL250') and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering, Inc.

Mr. Wood introduced Michelle Shields, from Shields Architecture, and explained the changes to the plan from the last submittal. This proposal is to have 10 contractor or business spaces with 10 residential apartments over the spaces. There will also be 8 senior units with 16 apartments over those. He added most of the uses are special exception and one use is permitted for professional office space. Mr. Wood explained some of the permitted uses are not working for this area and explained why the mixed uses compliment one other.

Vice Chair Kalmar expressed her concern of the contractor services and the affect to the residential uses. She added this use will generate noise and dust and other associations with those type of businesses. Ms. Shields addressed the Board and explained the contractor spaces will not be large enough for any shops and are more the size of office and managerial space. Mr. Wood explained they will be more than willing to add restrictions if they could move towards approval of the plan. After discussion of the compatibility of the uses, the Board recommended the applicant work with staff and to continue the sketch plan until another meeting. Ms. Connor explained staff's concern with contractor services because of the definition in the Code. Mr. Wood explained they have no problem with staff comments.

Mr. Dunkelberger moved to continue the sketch plan presented by owner/applicant, Michael Estes for a mixed-use development located at Tax Map 67 Lot 4 in the Mixed

Use, Shoreland Overlay and Resource Protection Overlay Zones for a period not to exceed 90 days.

Mr. Alesse seconded the motion.

Ms. Connor commented the applicant is moving in the residential direction and she recommended the Board schedule a site walk if they choose to.

The motion carried 7-0-0.

The Board will set a date for a site walk after the July 12th meeting.

ITEM 6 – Bartlett Road – ROW Plan Review Action: Accept or deny application. Approve or deny plan. Owner and applicant, Rebecca DeNunzio requests consideration of a right-of-way plan for a 1.42 +/- acre parcel known as Tax Map 62 Lot 24B located behind 76 Bartlett Road (Tax Map 62 Lot 24) in the Rural Residential Zone (R-RL) and the Resource Protection Zone (OZ-RP). Agent is David Ballou, Ballou and Bedell PA.

Mr. Fitch disclosed he attended college with Mr. Ballou and will recuse himself if the Board would prefer. The Board agreed to let Mr. Fitch remain.

David Ballou explained they are asking for approval for a ROW and will be requesting a waiver for wetland mitigation. He explained the ROW is exclusive to the back lot owner but there will be a small shared area at the entrance to the road for the front lot. He explained the proposed right of way will include a small wetland that needs to be crossed. Mr. Ballou explained Jim Logan, a soil scientist from Longview Partners, was present as well.

Mr. Ballou explained the proposed design will minimize the environmental disturbance. He added the utilities are located on Shaydon Lane and Mr. Ballou described the easement. He also explained they decided to go over the wetland instead of using Shaydon Lane because of the existing condition of the road as described in a letter from Atlantic Resource Consultants. The letter stated Shaydon Lane would need improvements before allowing more homes to use it and there would be more environmental disturbance to improve the road than to cross the wetland. He added there is documentation of an existing wetland crossing from 2008.

The applicant pointed out there is a lot size discrepancy between the deed and survey and Ms. Connor advised to go by the survey, which is 1.42 acres.

Earldean Wells explained the 2008 memo was the site walk Minutes and described what they had seen on the site walk that determined the crossing was not a historic tow road. She added they also reviewed aerials from 2006 and the Minutes include that as well. Mr. Logan explained he did not see any evidence of the crossing not being a road when he reviewed the area and he believes the road has been there a long time. He added issues did not show up on any of the DEP reviews. Ms. Kellogg reported the Town's file contained a question of the wetland, but no action was taken. Mr. Logan pointed out a letter from September of 2008 from the DEP recognizing the crossing and allowing for the addition of a small amount of fill. Ms.

Connor commented the application is requesting a narrow travel way but the letter from Jennifer Harris, from the DEP referred to 20 ft. with two 24 ft. culverts. Mr. Logan responded that he believes Ms. Harris made a mistake and he will get clarity regarding the travel way width. He added two agencies along with the Town will be looking at the plan and wanted the Board to realize it will be reviewed extensively.

Mr. White asked if sufficient effort of exploring the Shaydon Lane has been done and he believes an alternative access needs to be explored. Mr. Ledgett requested staff write a report to investigate the Shaydon Lane issue.

Discussion of the waiver request for the wetland mitigation plan ensued. Mr. Dunkelberger pointed out the Board cannot waive the mitigation plan, which is stated in Title 16.9.3.7 D.

The Board was in consensus to continue this item at the July 12th meeting.

Mr. Dunkelberger moved to continue the Bartlett Road ROW plan application of Owner Rebecca DeNunzio for a right-of-way plan for a 1.42 +/- acre parcel known as Tax Map 62 Lot 24B located behind 76 Bartlett Road (Tax Map 62 Lot 24) in the Rural Residential Zone (R-RL) and the Resource Protection Zone (OZ-RP) not to exceed 90 days. Mr. Ledgett seconded the motion.

The motion carried 7-0-0.

ITEM 7 – Hiltons Run - Street Naming Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant Debra Lynch requests consideration of naming a new private drive Hiltons Run (Tax Map 41 Lot 14).

Ms. Lynch explained the road has been in existence since 1962. Chair Grinnell reported the Board has received the recommendations from the Fire Department and the Police Department. The road will be named Hiltons Run.

Mr. Dunkelberger moved to accept the street naming application to what is currently 356, 358 and 360 Haley Road to become Hiltons Run. Vice Chair Kalmar seconded the motion.

The motion carried 7-0-0.

ITEM 8 - Board Member Discussion

The Board reviewed their summer schedules.

Mr. Fitch gave an update from the recent Inclusionary Housing meeting. He reported they discussed issues with the accessory dwelling unit changes and the consensus was to give general guidelines to staff who will return with specific wording. He added the owner occupancy requirement will remain and they decided to waive the five-year ownership

requirement. Parking is still being discussed along with the size of the houses. They also discussed the definition of habitable area and changed “habitable” to “gross” area. Also, they will take out the limit of units per year because the limit has never been met. Administration will remain the same. Ms. Connor will find out if the changes will come before the Board after the Charette per Chair Grinnell’s request.

Ms. Connor reported she will be providing samples of how other towns in Maine handle short term rentals for the next Board meeting.

Mr. Causey will be presenting for discussion the final version of the Foreside Report on June 28th. The Board’s previous comments will be addressed. Mr. Causey will provide an executive summary containing comments that did not go into the plan and will be sent out to the Board for review.

ADJOURMENT

**Vice Chair Kalmar moved to adjourn.
Mr. Alesse seconded the motion.**

The motion carried 7-0-0.

The Kittery Planning Board meeting of June 14, 2018 adjourned at 8:23 p.m.

Submitted by Mary Mancini, Minute Recorder, on, June 21, 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>.