

**CALL TO ORDER**

Chair called to order at 6:00 p.m.

**ROLL CALL**

Members Present: Robert Harris, Dutch Dunkelberger, Karen Kalmar, Ann Grinnell, Debbie Driscoll-Davis, Mark Alesse

Members Absent: Marissa Day

Staff Present: Chris Di Matteo

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF SITE WALK MINUTES – April 4, 2017 and December 13, 2016**

**Vice Chair Kalmar moved to approve the April 4, 2017 site walk Minutes for Landmark Hill Properties as presented.**

**Mr. Dunkelberger seconded the motion.**

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

**Vice Chair Kalmar moved to approve the December 13, 2017 site walk Minutes for 74 State Road as presented.**

**Mr. Dunkelberger seconded the motion.**

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

**APPROVAL OF MINUTES - April 13, 2017**

Line 161 - remove the extra period after building;

Line 212 – replace first “in” with “is”;

Line 297 – add Mr. Dunkelberger before move;

Line 419 – add “at” before “the next planning board meeting”.

Line 39 & 40 – add a period after Board of Appeals and reword following sentence as “If the property is in the shoreland zone or is a special exception, Planning Board approval is required.”;

Line 297 – replace “moved”; and

Line 180 -change sentence “to look at storm water management system with regard to snow events because sediment will impact effectiveness”.

**Vice Chair Kalmar moved to accept the Minutes of April 13, 2017 as amended.**

**Mr. Dunkelberger seconded the motion.**

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

Ms. Driscoll-Davis stated they need to add the discussion of replanting birch trees in front (parking lot side) of the cottages to the Landmark Hill Properties site walk Minutes.

**Vice Chair Kalmar moved to reconsider the site walk motion for Landmark Properties dated April 4, 2017.**

**Mr. Dunkelberger seconded the motion.**

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

**Vice Chair Kalmar moved to accept the Landmark Properties site walk minutes as amended.**

**Mr. Dunkelberger seconded the motion.**

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

## **PUBLIC COMMENTS**

The Chair opened the public hearing. There being none, the Chair closed the public hearing.

## **NEW BUSINESS**

**ITEM 1 – 17 Island Ave – Shoreland Development Plan Review, Major Modification to an Approved Plan – Rescheduled from 4/13/2017 meeting**

Action: Accept or deny application. Approve or deny plan. Owner/applicant Shelley Wieler requests consideration to modify an approved plan to demolish and reconstruct, in an expanded footprint, a single-family dwelling, located within the 100-foot setback from a protected water body. The site is located at 17 Island Ave (Tax Map 1 Lot 8) in the Residential-Urban (R-U) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Doug Greene, Port City Designs

Doug Greene, Port City Designs, explained the history of the project to renovate a cabin which needed to be demolished and rebuilt with a new foundation. The plan was approved by the Planning Board. He further explained as the renovation progressed, it was determined the basement needed to be addressed because of space issues. The pitch of the roof was also changed. Mr. Greene stated he did not intend to mislead the Planning Board and interpreted the zoning rules to allow for a 3-ft. height increase which does not count towards expansion.

Mr. Dunkelberger pointed out there are several additions besides the basement issue that were not approved. Mr. Greene agreed and explained he was not involved with the final design. Mr. Greene also explained that the concrete well that is located under the deck was approved by the Code Office. The grading and walls were done by a site contractor without Mr. Greene's knowledge.

Discussion ensued on the definition of Code 16.7.3.6.1. Mr. Di Matteo pointed out the Code states measurement begins from the uphill side of the structure from the original ground level of the first floor sill. Mr. Di Matteo also pointed out North Easterly Surveyors certified the existing grade prior to demolition.

Ms. Driscoll-Davis asked if the foundation floor was elevated from fill added. The applicant, Jim Wieler, stated the area was excavated and dug down to keep it low.

Mr. Dunkelberger suggested having a peer review to look at the entire structure, the volume and height.

Mr. Alesse asked Mr. Di Matteo if he is satisfied the survey was done correctly. Mr. Di Matteo stated he is and there is enough information in the application for the Board to vote tonight and go to a public hearing if necessary.

After discussion, the Board was in consensus to have the entire application package sent to the State for review and include the photos shown at tonight's meeting.

Board members discussed having another site walk. Chair Grinnell took a poll and four members were in favor.

Five members were in favor of moving this to a public hearing. Discussion of having the information ready within the 30-day limit ensued.

The applicant stated he wouldn't mind if the abutter spoke tonight.

Tim Stone, 28 Island Avenue, stated he is the abutter and had concerns with the increase in height and the surveyor's comment of "best to their knowledge". He added that now that he has listened to the information tonight, he is resigned to the fact that the height was in compliance. He pointed out the 3-ft. increase was in the code for flooding issues. He stated the height is impacting his privacy and he lost the view of the river. Mr. Stone added he has had good dialogue with the planning office and he doesn't feel the necessity for a public hearing if it delays the project.

**Vice Chair Kalmar moved to accept the Shoreland Development Application dated February 23, 2017 from owner and applicant Shelley Wieler for 17 Island Ave. (Tax Map 1 Lot 8) in the Residential-Urban and Shoreland Overlay Zones.  
Mr. Alesse seconded the motion.**

Ms. Driscoll-Davis suggested postponing until the next meeting to get certification of the volume and the calculations proposed. Mr. Greene had no objection to a third-party review.

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

**Vice Chair Kalmar moved to schedule a site walk for May 18, 2017 at 9:00 a.m.  
Ms. Driscoll-Davis seconded the motion.**

The Resource Officer will be invited to the site walk.

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

**Vice Chair Kalmar moved to schedule a public hearing for the Shoreland Development Plan dated March 23, 2017 from owner and applicant Shelley Wieler for 17 Island Ave (Tax Map 1 Lot 8) in the Residential-Urban and Shoreland Overlay Zones on May 25, 2017.**

**Mr. Dunkelberger seconded the motion.**

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

**ITEM 2** – Town Code Amendment – 16.3.2.13 Mixed Use Zone – **Rescheduled from 4/13/2017 meeting**

Action: Review Amendment. Schedule a public hearing. Applicant, Landmark Hill LLC, requests several amendments to the Mixed Use Zone to reduce the required front yard and landscape planting strip standards.

Mr. Dunkelberger questioned the intent of the mixed use requirement for retail usage. Mr. Di Matteo explained it is part of the existing code and the intent was to limit retail development from becoming the dominant business in a mixed use zone.

The following changes were made:

- Line 159 - change “has” to “have”
- Line 164 - Planning Board add “that” before prohibition
- Line 234 – change “considered” to “apply”
- Line 239 through Line 243 – shorten sentence to read “Landscape planter strip - a vegetated planter strip, 30 feet in width (30 feet back from the property line) must be provided along the length to all developed portions of a parcel that are adjacent to a street right of way. The planter strip must include the following elements.”
- Line 333 – shorten sentence to the Planning Board may modify this requirement when it’s demonstrated to the Board’s satisfaction that the objective is met to the greatest extent practicable.”
- Line 435 – move the list to the top
- Line 165 – “principle” is misspelled
- Line 167 – replace “all new or altered parking” instead of “reconstructed”.

Ms. Driscoll-Davis stated she is grateful for the sidewalk language being mandatory but she is concerned with the parking calculation including four spaces for a two-car garage. Discussion of requiring the cars to park in the garage ensued. Mr. Di Matteo will look into this further.

Board members discussed limitations in open spaces. Mr. Di Matteo stated this is addressed in Title 5 and he will look in to it further. The Board is interested in allowing occasional use not continual.

**Vice Chair Kalmar moved schedule a public hearing for Town Code Amendment 16.3.2.13 Mixed Use Zone for May 25, 2017.**

**Mr. Dunkelberger seconded the motion.**

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

Mr. Greene requested to add a comment to Item 1. The Board was in consensus to allow Mr. Greene to further comment. Mr. Greene stated there should be a correction in the abutter's statement and Mr. Stone has a full area of no obstruction to his view.

**ITEM 3 – BOARD MEMBER ITEMS / DISCUSSION**

A. Committee Updates  
None.

B. Other

Chair Grinnell stated Item 16.7.7.3 has had a public hearing. Comments were addressed and this was passed. The amended ordinance was submitted to the Town Council. She suggested if members have comments, direct them to Mr. Di Matteo.

**ITEM 4 – TOWN PLANNER ITEMS**

Mr. Di Matteo stated he received a letter from FEMA and one from the Maine Historic Preservation Commission regarding potential eligibility for a National registration of a district in Kittery Point. FEMA maps are available and will be updated to the website. Mr. Di Matteo stated the impact will be mainly on the coastal areas.

Chair Grinnell reminded the Board of the site walk on Monday, May 1<sup>st</sup> at 1:00 p.m. on Rogers Road.

Ms. Driscoll-Davis requested the opportunity to speak with someone from the Maine Historic Preservation Commission, if possible, regarding additional properties in this area that should be considered.”.

**Mr. Alesse moved to adjourn the meeting.  
Mr. Dunkelberger seconded the motion.**

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

The Kittery Planning Board meeting of April 27, 2017 adjourned at 8:00 p.m.

Submitted by Mary Mancini, Minute Recorder, on May 3, 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>