

**CALL TO ORDER**

**ROLL CALL**

**Present:** Drew Fitch, Member; Ronald Ledgett, Member; Dutch Dunkelberger, Member; Russel White, Member; Mark Alesse, Member; Karen Kalmar, Vice Chair; and Ann Grinnell, Chair

**Absent:** None

**Staff:** Jamie Steffen, Town Planner; Adam Causey, Director of Planning and Development;

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – None**

**PUBLIC COMMENTS - None**

**PUBLIC HEARINGS**

**ITEM 1 – 459 Route 1 – Site and Subdivision Preliminary Plan Review**

Action: Accept or deny application, Approve or deny plan. Owner, DSS Land Holdings, LLC, and Applicant Michael Brigham of Landmark Hill, LLC, request consideration of a mixed-use development consisting of a 112-room hotel, and three residential buildings with 32 elderly housing units and 16 residential units, for a 20-+/- acre site located on U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Agent is Ken Wood, Attar Engineering.

Ken Wood, Attar Engineering, gave an overview of the project and updated the Board on the revisions to the preliminary plan. After question from Earldean Wells, chair of the Conservation Commission, Mr. Wood, addressed the minor redesign of the stormwater ponds.

Mr. Fitch asked for detail on the size of the community meeting space in the elderly apartments. Mr. Wood responded that he is waiting for the revised architectural details and once he gets those he will provide them to the Planner. Mr. White asked about the hotel plans and meeting the Town's design standards. He was concerned that what they were showing was just a standard hotel design. Mr. Wood responded that he has asked for specifics from the owner / applicant and Marriott Hotels. They are putting those specifications together and will be provided for the final plan review. Vice Chair Kalmar asked about the phasing plan for

the project and Mr. Wood responded it would be included as part of the final plans submittal. Chair Grinnell asked about the apparent discrepancy in the number of single family apartment units. Was it 16 that is listed on the meeting notice or is it 12 as listed on the plans. Mr. Wood stated it is 12 units and the notice has the old wording.

Mr. Steffen shared the Fire Chief's plan review comments. He noted the Fire Chief's concern about fire truck apparatus not having proper access to the rear of the hotel building. He also noted the Fire Chief's concern about there not being any service vehicle access to the hotel shown in the plans. Mr. Steffen stated that this has been communicated to Mr. Wood. Mr. Wood then noted the changes to the plans in response. They will be making adjustments to the parking and landscaped islands in the rear to accommodate fire truck apparatus. They are now showing a service entrance and driveway in front of the hotel. He also noted that they have added walkways around the elderly apartment buildings to provide safer emergency access for the residents as suggested by the Fire Chief. They have also relocated the fire hydrant near the single family apartment building to line up with Homestead Circle.

**Mr. Dunkelberger moved to approve the site and subdivision preliminary plan dated 10/18/2018 as prepared by Attar Engineering for owner, DSS Land Holdings, LLC, and presented by applicant Michael Brigham Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones with the conditions that all CMA Engineers comments must be addressed, the Inspection and Maintenance Log of the Operation and Maintenance Manual be revised to the satisfaction of the Town's Shoreland Resource Officer / Stormwater Coordinator and any additional ones that arise from department head comment and the public hearing. Seconded by Vice Chair Kalmar.**

**Motion carried 7-0-0.**

**Mr. Dunkelberger moved to approve the master site development plan dated 9/20/2018 as prepared by Attar Engineering for owner, DSS Land Holdings, LLC, and presented by applicant Michael Brigham of Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Seconded by Mr. White.**

**Motion carried 7-0-0.**

## **ITEM 2 – 19 Coleman Avenue – Shoreland Development Plan Review**

Action: Accept or deny application. Approve or deny plan. Owner/applicant Ian R. Rex requests consideration to expand a nonconforming single family dwelling on a 8,895 +/- square

foot parcel located at 19 Coleman Avenue (Tax Map 26 Lot 7-1) in the Residential – Kittery Point Village (R-KPV) and the Shoreland Overlay (OZ-SL-250') Zones.

Mr. Steffen stated that the applicant has requested that the application be postponed until the December 13<sup>th</sup> meeting. Staff will renote the public hearing for that meeting.

**Vice Chair Kalmar moved to postpone consideration of the application until the December 13, 2018 meeting. Seconded by Mr. Fitch.**

**Motion carried 7-0-0.**

## **OLD BUSINESS**

### **ITEM 3 – Bartlett Road/Shaydon Lane – 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.

Jim Logan, Wetlands & Soils Scientist, Septic Systems Designer with Longview Partners gave an overview of the project to date. He discussed the consideration given to utilizing Shaydon Lane as access for the lot that arose from the Board's site walk the end of August. He further discussed the intent to avoid further wetlands disturbance. He discussed that they would be seeking waivers from the road standards – pavement, width, stormwater management, sidewalks, and curbing. Their intent is to leave Shaydon Lane as is. He noted that Isaiah Plante had provided a plan that showed the existing widths of Shaydon Lane along its length in from Bartlett Road.

Mr. Logan also discussed the proposed emergency vehicle turnaround area that they would provide on the lot. He noted that it would meet fire and safety standards and they would provide an easement to the Town for the turnaround area.

Mr. Steffen provided his plan review comments. He explained that Shaydon Lane with the addition of the fourth lot would be considered a Class II road relative to the road design standards. He noted that the Fire Chief had reviewed the latest ROW plans and the proposed emergency vehicle turnaround area and fine with what is being proposed.

Mr. White asked about the waiver requests. Mr. Steffen stated that they would typically be considered later in the review process. Vice Chair Kalmar stated she thought it would be

appropriate to give the applicant a sense on whether the Board would approve the waivers before they do further design work. Mr. Logan stated that they would rescind the wetlands alteration application if the Planning Board was in favor of the waivers. They would like the Board to decide on the two options. He discussed the widening impact on the adjacent land and the need for a stormwater management system which would involve more impacts to the natural environment.

Chair Grinnell asked about lots past the Denunzio lot - was there potential to add more housing and if more housing was added would the road have to change. Mr. Fitch asked for clarification on the Fire Chief's comments - would Shaydon Lane need to be upgraded with the addition of a fourth house. The Board discussed road improvements and not requiring paving of the road. They discussed requiring some adjustments in width to accommodate emergency vehicles. Mr. White recommended that it be re-examined by the Fire Chief to see if the road can stay as is.

Vice Chair Kalmar stated that she supports the Conservation Commission request to remove the wetlands crossing on the lot. Mr. Logan responded that the applicant would agree to remove the fill and restore the water flow.

Mr. White asked about road maintenance and whether there was a road maintenance / homeowners association in place. He wanted to ensure that there would be a safe, passable road. Mr. Logan responded that he believed it was referenced in the deeds but he would make sure that it is addressed more clearly for the next meeting.

**Mr. Dunkelberger moved to accept the ROW sketch plan application dated October 17, 2018 from owner/applicant Rebecca DeNunzio for a 1.42+- acre parcel located behind 76 Bartlett Road, Tax Map 62, Lot 24 in the Residential Rural (R-RL) and Resource Protection Overlay (OZ-RP) zones. Seconded by Mr. Ledgett.**

**Motion carried 7-0-0.**

## **NEW BUSINESS**

### **ITEM 4 – Yankee Mobile Home Park / Yankee Settlement – Street naming Application – Seaglass Lane**

Action: Accept or deny application. Grant or deny approval of street name. Applicant Roxanne Roberge requests consideration of naming a driveway off of Idlewood Lane between Settlement Loop and #27 Idlewood Lane within Yankee Mobile Home Park / Yankee Settlement (Tax Map 66, Lot 16).

**Vice Chair Kalmar moved to accept and approve the Street Naming Application from Roxanne Roberge dated October 22, 2018 for a driveway off of Idlewood Lane between Settlement Loop and #27 Idlewood Lane within Yankee Mobile Home Park / Yankee Settlement (Tax Map 66, Lot 16). Seconded by Mr. Alesse.**

**Motion carried 7-0-0.**

**ITEM 5 – 230 U.S. Route 1 – Sketch Plan Review**

Action: Accept or deny application; Approve or deny sketch plan Owner/Applicant Green Brook, LLC requests consideration to develop a food truck pod on a 1.04 acre lot located at 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1) Zone. Agent is Barbara Jenny.

Barbara Jenny, owner/applicant gave an overview of the proposal. The food truck pod would consist of three rotating food trucks to be located on what is known as the Mural building property. She outlined the details of the proposal. There are thirty-one (31) parking spaces required for the proposed use and they are proposing thirty-five (35) spaces. She noted the trough planters that would be installed to delineate the pod area and to protect pedestrians and the dining area. The seating would be at picnic tables. Restroom facilities would consist of a plumbed facility for the vendors in the Mural building and two (2) porta-potties for customers.

After question from Mr. Ledgett, it was confirmed that the trucks would not be permanent. Ms. Jenny discussed the plans for the food trucks - rotating basis. She discussed traffic control and moving the trough planters so that the trucks could get in and out. She discussed the two driveways for access into and out of the site. They would be proposing measures to create a safe traffic flow.

Mr. Dunkelberger stated that he felt it was a great use of the lot. The board discussed conducting a site walk. Mr. Alesse asked if the porta-potties could be moved closer to the food truck area.

**Mr. Dunkelberger moved to accept and approve the sketch plan application dated August 21, 2018 from owner/applicant Green Brook, LLC for 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1, C-3) Zones. Seconded by Mr. Ledgett.**

**Motion carried 7-0-0.**

**Mr. Dunkelberger moved to schedule a site walk for November 27<sup>th</sup> at 10:30 am. Seconded by Mr. Ledgett.**

**Motion carried 7-0-0.**

**ITEM 6 – 9 Lawrence Lane – Shoreland Development Plan Review**

Action: Accept or deny application. Approve or deny plan. Owner/applicant William Dean Howells requests consideration for the expansion and repair of a nonconforming boathouse and foundation on a 1.86 acre parcel located at 9 Lawrence Lane (Tax Map 18 Lot 31A) in the Residential – Kittery Point Village (R-KPV) and the Shoreland Overlay (OZ-SL-250') Zones.

Steve Haight, Civilworks New England, gave an overview of the proposed plans. The existing boathouse was damaged in recent storm and the foundation is cracked. They propose to raise the building and build a new foundation. The building currently houses pool supplies and provides storage for kayaks.

Mr. Steffen explained that since the boathouse is an accessory structure closer to the water than the principal structure it can't be expanded. Mr. Haight responded that they would not be expanding the footprint. Mr. Dunkelberger asked if it would be considered a water dependent structure. Mr. Steffen responded it would not and explained as a structure reconstruction it would have to meet the setback from the Highest Annual Tide (HAT) line to the greatest practical extent. Mr. Haight responded that it does not make sense to move it 100 feet away with the function that it has for pool supplies and kayak storage. Ben Auger, Auger Building Co., discussed the existing structure. The building has a rubble foundation and is more than 100 years old. It is in disrepair. They are proposing to save some of the timbers and keep the same look of the building.

Mr. White asked about the foundation reconstruction. Mr. Haight explained that it would be the same size, dimensions, and height. It would still be 20 feet above grade with the same roof pitch of 12/12. The proposed fencing for the pool would be standard type fence, 42" high, open lattice. He noted that they propose to bring the first floor elevation up to el. 12. He explained they would propose a poured concrete foundation for stability.

Vice Chair Kalmar explained that the new foundation triggers the greatest practical extent setback provision for non-conforming structures. Mr. White stated he was familiar with the property and was concerned that they could not put the boathouse anywhere else on the property. He suggested that the Board conduct a site walk to view the property. Mr. Dunkelberger read the criteria applicable to meeting the setback to the greatest extent practicable under Section 16.7.3.3A (2).

**Mr. Dunkelberger moved to schedule a site walk for November 27<sup>th</sup> at 12:00 pm.  
Seconded by Mr. Ledgett.**

**Motion carried 7-0-0.**

**ITEM 7 – Andrews Cluster Subdivision – Preliminary Plan Review**

Action: Accept application as complete. Owner /Applicant, Arthur W. Andrews Rev. Trust requests consideration of a 11-lot cluster subdivision on 106.82 acres located off Deer Ridge Lane (Tax Map 60, Lot 10) in the Residential Rural (R-RL) and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250') Zones. Agent is Jeff Clifford, P.E., Altus Engineering.

Jeff Clifford, Altus Engineering, gave an overview of the project. He discussed the site walk which was held on September 11<sup>th</sup>. He further discussed the plan details that have been provided with the preliminary plan submittal. He noted that the proposed development would be located in aquifer protection area and the lots would be sized to support the required septic systems. He outlined the buffers provided and the proposed open space area of 84 acres. He noted that they are in discussion with the Kittery Land Trust about the open space acquisition.

He discussed the road improvements proposed to Deer Ridge Lane and the proposed new roadway to be named Turkeytail Lane. He discussed the proposed emergency vehicle turnaround area and noted the Fire Chief's initial concern. Both he and Mr. Steffen confirmed that it has now been resolved to the satisfaction of the Fire Chief. He discussed some of lots being located in a Shoreland Protection Overlay Zone and the need for a special exception for the lots. He discussed the need for a State stormwater runoff permit and the stormwater management plan.

Mr. Steffen noted that CMA Engineers is reviewing the preliminary plans and will have their comments available for the next review.

**Mr. Dunkelberger moved to accept the preliminary plan, dated October 18, 2018 from owner/applicant Arthur W. Andrews Rev Trust for an 11-lot cluster subdivision on 106.82 acres located off Deer Ridge lane (Tax map 60, Lot 10) in the Residential Rural (R-RL) and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250'') Zones as complete. Seconded by Mr. Ledgett.**

**Motion carried 7- 0- 0.**

**Mr. Dunkelberger moved to schedule a public on December 13, 2018 for the cluster subdivision plans dated October 18, 2018 from owner/applicant Arthur W. Andrews Rev Trust for an 11-lot cluster subdivision on 106.82 acres located off Deer Ridge lane (Tax**

**map 60, Lot 10) in the Residential Rural (R-RL) and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250’’) Zones. Seconded by Mr. Ledgett.**

**Motion carried 7- 0- 0.**

#### **ITEM 8 – Board Member Items / Discussion**

Vice Chair Kalmar read the proposed letter of support to the Town Council from the Planning Board for the York River Watershed Stewardship Plan and Wild & Scenic River Partnership designation. **Mr. Alesse moved to the send the letter of support to the Town Council. Seconded by Mr. Ledgett. Motion carried 7-0-0.**

Mr. White mentioned putting the Comprehensive Plan priority list on a future agenda. The Board discussed possibly putting it on for the 2<sup>nd</sup> meeting in January.

#### **ITEM 9 – Town Planner/Director of Planning & Development Items**

Mr. Causey gave an update on the Recodification effort. A kick-off meeting with Northstar Planning would be held soon. At that meeting, the steering committee will work with the consultant to lay out the overall project timeline and tasks.

#### **Adjournment**

**Moved by Mr. Alesse, seconded by Mr. White.**

**Motion carried 7-0-0**

Board meeting of November 8, 2018 adjourned at 7:50 p.m.

Submitted by Jamie Steffen, Town Planner, on January 22, 2019.

**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>.