

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**ROLL CALL**

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

Staff present: Chris Di Matteo

**APPROVAL OF MINUTES – April 27, 2017**

Line 86 – reword to state “Mr. Greene also explained that the concrete well that is located under the deck was approved by the Code Office.”

Line 91 – add “North” before Easterly

Line 115- remove the “e” from Tim

Line 167 – replace “objection” with “objective”

Line 213 – reword end of sentence to read “additional properties in this area that should be considered.”

**Mr. Dunkelberger moved to accept the Minutes of April 27, 2017.**

**Vice Chair Kalmar seconded the motion.**

**The motion carried 6-0-1.**

**APPROVAL OF SITE WALK MINUTES – May 1, 2017**

Line 11 – should read “Barry Fitzpatrick”

Line 58 - depth instead of deep

Line 12 – name should be “Bob Gray”

**Vice Chair Kalmar moved to accept the site minutes dated May 1, 2017 for 118 Rogers Road as amended.**

**Ms. Driscoll-Davis seconded the motion.**

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

**PUBLIC COMMENT**

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

**OLD BUSINESS / PUBLIC HEARING**

**ITEM 1 – 118 Rogers Road –Cluster Subdivision Preliminary Plan Review**

Action: Hold a public hearing. Approve or deny preliminary plan. Owner Dorothy Fitzpatrick and applicant Murat Ergin requests consideration of a lot split and 4-unit cluster subdivision located at 118 Rogers Road (Tax Map 15 Lot 92) in the Residential-Urban Zone. Agent is Joseph Mulledy, Ambit Engineering.

Ms. Day recused herself.

John Chagnon, Ambit Engineering, stated the sketch plan was approved and a site walk was on May 1<sup>st</sup>. Mr. Chagnon reviewed the proposed plan to create a cluster subdivision. The applicant is planning to construct a turnaround at the dead-end street and construct a public right of way. Some utilities will be extended from School Street. Mr. Chagnon explained the stormwater management plan includes a retention pond resulting in no downstream impact to abutters.

The Chair opened the public hearing.

Bob Gray stated his mother lives on School Street and is present to speak on her behalf. He expressed his concern of construction vehicle traffic, parking and safety for pedestrians.

Al Porter, 10 School Street, stated he hopes they stay with the plan and if there are changes, the Planning Board is aware. He likes the proposed fencing. His other concern is the drainage location and pedestrian traffic which includes people riding horses.

Barbara McGaughey, 5 School Street, expressed her concern with the process not being transparent and communication is important. She would like to know when the sewer line was put in and expressed her concern with the trees. She is also concerned with School Street residents and pedestrians.

Miranda Van Bers, abutter 100 Rogers Road, questioned the accuracy of the boundary line next to her property. She explained there are two deeds to the property and the stake at the property line is missing. She will need to have the land surveyed, which is expensive and surveyors are booked. She did find someone, but they can't start for two months.

Barry Fitzpatrick, owner of the property, stated his understanding of the boundary line was between Mr. Rice and his mother. There is deed. The property was surveyed and a property line is on record. Mr. Fitzpatrick further stated construction will be kept as minimal as possible and he is hoping to keep the aesthetics of the area. If trees are cut down, they will be replanted.

Al Porter questioned if the street will belong to the Town and of snow storage.

Ms. Van Bers asked why the plan changed from the original sketch plan.

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

Mr. Chagnon stated having the applicant living in the neighborhood will be a benefit and there will be a point of contact for neighbors if an issue arises. Fencing to buffer the effect of car lights will be added. He addressed other comments from residents and the matter of the deed can be settled between the property owners and will not impact to the utilization of the site. Mr. Di Matteo stated the boundary survey has met the Town's requirements. Ms. Van Bers stated the title on the deed needs to be corrected.

The following items were noted:

- The walkway to the Kittery Community Center will not be impacted or impeded by the construction and they are not looking to change it.
- The fences will be moved closer to the property line and will be 6 feet and added to the plan.
- Shrubbery will be used in an area which will stay green all year and be of an appropriate height.
- The center of the cul de sac will be marked off with construction fencing. Mr. Dunkelberger suggested having verbiage to maintain the vegetation in the center of the cul de sac. Mr. Chagnon stated this will be covered in the condominium documents.
- Comment 13 – reserved open space will be referred to as common space and maintenance will be included in the condominium documents.
- The applicant will review the proposed concrete curb with the Department of Public Works and will produce a property landscape and buffer plan.
- The applicant will also ask Public Works to advise on the requirement of a sidewalk.

Mr. Di Matteo suggested the applicant have a preconstruction meeting so residents can voice their concerns.

**Vice Chair Kalmar moved to grant preliminary approval, with conditions for the subdivision located plan and site layout plan (C2) dated January from owner Dorothy Fitzpatrick and applicant Murat Ergin for 118 Rogers Road (Tax Map 15 Lot 92) in the Residential-Urban Zone.**

**Ms. Driscoll-Davis seconded the motion.**

The conditions include following the staff notes and the notes from CMA and Public Works.

Mr. Harris asked about the sidewalks. Mr. Di Matteo stated that will be taken up at the final approval after Public Works' input.

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

## **OLD BUSINESS**

### **Item 2 – Landmark Hill Plazas – Major subdivision Preliminary Plan Review**

Action: Review application. Approve or deny preliminary plan. Owner, Landmark Properties LTD, and applicant, Michael Brigham request consideration of a mixed-use plaza located at 518

U.S. Route 1 (Tax Map 67 Lot 2) in the Mixed Use (MU) Zone. Agent is Tom Harmon, Civil Consultants.

Chair Grinnell stated there have been two site walks and the property was not marked correctly and requested Mr. Harmon to double check with the planning office before the next site walk.

Mr. Harmon reviewed the plan and included the details that CMA requested. The Town would like the applicant to move the walkway in front of building to another location. Peer reviewer's questions on the definition of single-family homes has been satisfied. There will be 20% greenspace with the inclusion of the front of the building. The applicant will be working with Public Works regarding the sidewalk in front of the building and is still working on lighting and parking lot density. The applicant is paying for the new sidewalk and it will be on the final plan.

The boulders will be added to the final landscaping plan. Vice Chair Kalmar informed the applicant that restaurants are not considered retail space and, therefore, will give them an additional 12,000 feet.

Earldean Wells, Conservation Committee, asked for clarification on snow removal referred to in Comment 14 of the staff notes. Mr. Harmon explained snow will be hauled away from the primary parking area within 48 hours of a snow event. The perimeter of the property has a small section for snow storage.

Mr. Harmon will meet with the Planning Department regarding the landscape plan.

**Vice Chair Kalmar moved to grant preliminary plan approval for the site/subdivision plan (REV) dated April 27, 2017 from owner, Landmark Properties, LTD, and applicant, Michael Brigham, for 518 U.S. Route 1 (Tax Map 67 Lot 2) in the Mixed Use Zone. Mr. Dunkelberger seconded the motion.**

Ms. Day asked about directional signage for Building 2. Mr. Harmon stated a sign will be added.

**The motion carried 6-1-0.**

## **NEW BUSINESS**

### **ITEM 3 - Monarch Grove – Street Naming Application**

Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant Acacia Fanto requests consideration to name an existing, unnamed private Right-of-Way accessing her property (Tax Map 65 Lot 14-2A), located off Remick's Lane, Monarch Grove.

Mr. Di Matteo stated he reviewed this with department heads and there were no concerns. The suffix has been changed from "Grove" to "Way".

**Mr. Dunkelberger moved to accept and approve, with conditions, the street naming application dated April 19, 2017 from owner/applicant Acacia Fanto to name and existing private street accessing her property (Tax Map 65 Lot 14-2A), located off Remick's Lane, Monarch Way.**

**Vice Chair Kalmar seconded the motion.**

The condition requires the applicant to purchase the sign for installation.

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

**ITEM 4 - 9 Bowen Road – Shoreland Development Plan Review**

Action: Accept or deny the application; Approve or deny plan. Owner/applicant Lee Reinhold requests consideration of plans to expand an existing two-family dwelling and detached studio located within the 100-foot setback from a protected water body. The site is located at 9 Bowen Road (Tax Map 17 Lot 3) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Peter Agrodnia, North Easterly Surveying

Ms. Driscoll-Davis recused herself.

Peter Agrodnia, North Easterly Surveying, reviewed the components of the design and stated the proposal has five parts. He explained the improvements to the studio and pointed out there will be elevations which are standard. The floor will be raised 25 inches and concrete will be added to replace the timber posts. Some windows will be replaced and a rooftop deck will be added and accessed by a staircase on the road side.

The proposed improvements to the house include a 14-foot addition off the rear facade which will be a porch and a master bedroom on the first floor. Second floor will have a bedroom and a rooftop deck. The applicant will also finish a rooftop deck that was never completed. The applicant is planning to close in a portion of the home connected to the existing garage to add a lift and storage space.

The following staff comments were addressed:

- Volume and floor calculation – the architect is working on the calculations for clarification and will be present on the next plan.
- Revegetation – the gravel walkway on roadside will be grassed. Mr. Agrodnia described where plantings will be added and pavement can be removed if necessary and plantings added. The applicant is also proposing to revegetate some of the riprap by the water.
- Nonconforming structure – Mr. Agrodnia stated they are not removing more than 50% of the building and would be happy to provide additional details if necessary.
- Nonconforming setbacks – the corner of the addition to the house does not meet the setback standard. It will be closer than the house structure. Mr. Agrodnia requested Board approval to allow the plan to go forward as is. After discussion, the Board was in consensus to deny approval because the house is the existing principle building.

Ms. Wells asked to have Comment 8 addressed. Mr. Agrodnia stated the spiral staircase has been taken into account and will be attached to the building. It will be in the plan for the next meeting.

**Mr. Dunkelberger moved to accept the application dated April 6, 2017 from owner and applicant Lee Reinhold for 9 Bowen Road (Tax Map 17 Lot 3) in the Residential-Urban (R-U) and Shoreland Overlay Zones.**  
**Vice Chair Kalmar seconded the motion.**

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

**Mr. Dunkelberger moved to schedule a public hearing for the Shoreland Development Plan dated April 6, 2017 owner and applicant Lee Reinhold for 9 Bowen Road (Tax Map 17 Lot 3) in the Residential-Urban (R-U) and Shoreland Overlay Zones for June 8, 2017**  
**Vice Chair Kalmar seconded the motion.**

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

A site walk was scheduled for June 1, 2017 at 5:00 p.m.

**ITEM 5 - 28 Badgers Island West – Shoreland Development Plan Review**

Action: Accept or deny the application; Approve or deny plan. Owner/applicant Julia Pendleton requests consideration of plans to expand an existing single-family dwelling partially located within the 75-foot setback from a protected water body. The site is located at 28 Badgers Island West (Tax Map 1 Lot 35) in the Mixed Use – Badgers Island (MU-BI), Shoreland (OZ-SL-250') and Commercial Fisheries / Maritime Use (OZ-CFMU) Overlay Zones. Agent is Robert Rodier.

Robert Rodier gave an overview of the property and explained the proposed plan is to remove the roof and add a second floor. He also explained a bay window will be added to one side of the building and a covered porch added to the other side.

He passed out a calculations table with a square foot analysis and explained there was a change because the attic was omitted and the chimney will be taken down.

Mr. Dunkelberger questioned the volume of the attic space. Mr. Rodier explained the attic is included in the 30 percent and will be a cathedral ceiling. The applicant agreed to review the replanting on the shoreline side of the house with Jessa Kellogg, the Shoreland Resource Officer, and agreed to replant if necessary. The applicant will have construction fencing placed on the cemetery side of the structure so no disturbance of the cemetery will occur. Mr. Rodier explained staging may be added to shingle the second floor but will not disturb the cemetery side. Mr. Di Matteo explained a condition of approval is replanting needs to be approved by Jessa Kellogg and no construction, excavation or disturbance will take place from the 75 ft. setback of the water and a 25-foot setback to the cemetery.

**Mr. Dunkelberger moved to accept the Shoreland Development Plan application dated April 20, 2017 from owner and applicant Julie B. Pendleton for 28 Badgers island West (Tax Map 1 Lot 35) in the Mixed Use-Badgers Island and Shoreland Overlay Zones. Ms. Day seconded the motion.**

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

### **Findings of Fact**

#### **ITEM 6 - 412 Haley Road – Conventional Subdivision Completeness Review**

Action: Accept or deny application. Schedule a public hearing. 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.

Mr. Coronati explained they have submitted engineering plans, road and drainage design plans and considered the comments from the last meeting. He explained the changes made to the plan and questioned what option the Board would prefer for the driveway for Lot 8 because of the wetland. Mr. Di Matteo recommended the applicant choose their preference and the Board can give feedback.

Vice Chair Kalmar reminded the applicant abutters have mentioned a potential vernal pool. She recommended the applicant ask Mr. Grenier to let them check his land and pointed out the 750-foot setback needs to be marked on the map. The applicant agreed to verify the vernal pool. They also agreed to map the wetlands along the line for Lot 1 and include the setbacks on the map. Chair Grinnell requested all wetlands, including the abutters, be on the map with the setbacks marked. Mr. Di Matteo suggested if less than 100 feet demonstrate the size of the wetland on the plan.

Ms. Wells stated the abutters have stated there is a stream on the section referred to and asked to have it added to the map. Mr. Coronati said they will have their wetland specialist, Mark West, at the next meeting to answer questions.

**Vice Chair Kalmar moved to accept the preliminary subdivision plan and wetland alteration applications dated April 20, 2017 from owner, Norwich Investments, and applicant, Green and Company, for 412 Haley Road (Tax Map 34 Lot 3) in the Residential Rural and Shoreland Overlay Zones. Mr. Dunkelberger seconded the motion.**

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

**Mr. Dunkelberger moved to schedule a public hearing for the preliminary subdivision plan application dated April 20, 2017 from owner, Norwich Investments, and applicant, Green and**

**TOWN OF KITTERY, Maine  
PLANNING BOARD MEETING  
Council Chambers**

**APPROVED  
May 11, 2017**

**Company, for 412 Haley Road (Tax Map 34 Lot 3) in the Residential-Rural and Shoreland Overlay Zones for June 8, 2017.**

**Ms. Day seconded the motion.**

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

**Mr. Dunkelberger moved to schedule a site walk for Monday, June 5, 2017 at 8:00 a.m.  
Vice Chair Kalmar seconded the motion.**

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

**ITEM 7 - BOARD MEMBER ITEMS/DISCUSSION**

None.

**ITEM 8 – TOWN PLANNER ITEMS**

None.

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

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

**ITEM 9 - ADJOURNMENT**

The Kittery Planning Board meeting of May 11, 2017 adjourned at 9:00 p.m.

Submitted by Mary Mancini, Minute Recorder, on May 18, 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>*