

CALL TO ORDER

ROLL CALL

Present: Steve Bellantone, Member, Ronald Ledgett, Member, Mark Alesse, Member, Russell White, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

Absent: Drew Fitch, Member

Staff: Jamie Steffen, Town Planner

Advisory: Stephen Hall, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES- Site Walk- 10/7/19

Mr. Ledgett moved to accept the minutes of 10/7/19. Seconded by Vice Chair Kalmar.

The motion carried 4-0-2.

PUBLIC COMMENTS

The Chair opened the Public Comments session.

There being none the Chair closed the Public Comments session.

PUBLIC HEARING

ITEM 1 – 60 Route 236- Site Preliminary Plan Review

Action: Approve with or without conditions, continue consideration, or deny plan.

Owner/Applicant Washburn Realty Group, LLC requests consideration of a preliminary site plan for a 4,603 sf 2 story building on a 73,330 sf lot at 60 Route 236 (Tax Map 29, Lot 14) in the Commercial (C-2) Zone. Agent is John Chagnon, Ambit Engineering, Inc.

Agent Mr. Chagnon gave an overview of the plan. The existing structures will be demolished and replaced by a building on a location already approved by the Zoning

Board of Appeals. Parking and delivery location was explained. The intended use of the property is a plumbing showroom and warehouse.

The Chair opened the public hearing for comments.

There being none the Chair closed the public hearing.

Vice Chair Kalmar requested clarification on the conditional use permit, the landscaping around the parking lot, and the handicap accessibility.

Mr. Chagnon updated the board. He reported that the conditional use permit was not necessary as the approval from the Zoning Board of Appeals covered that need. Comments from the site walk, CMA review, and staff memo discussed. Landscaping around the parking lot and a lighting plan can be added as a condition of approval. The plan has been updated to indicate the wetland is greater than one acre. Notes on wells, snow storage areas, and retaining wall details added. The parking lot has identified handicap parking, ramps, and a first floor accessible bathroom. Hours of operation will be Monday through Friday, 7am to 5pm and Saturday 7a to 12pm.

Mr. Bellantone requested information on the demolition of buildings and painted walls. Concerns regarding soil and wetland contamination were raised. Mr. Chagnon noted the demolition plan stated all materials would be disposed of according to regulations. A note can be added to the plan.

Mr. Steffen reported the Kittery Water District issued the letter of sufficient capacity for the plan.

Advisor Mr. Hall questioned the direction of run-off and the stormwater management plan. Mr. Chagnon explained the retaining wall and the grade provide direction for run-off to the catch basins.

Mr. Ledgett requested follow-up information on the septic design in relation to the springs identified by a former owner and present abutter. Mr. Chagnon reported that the springs could not be located and that the owner thought they were at least 100 ft beyond the fence. The septic designer will be made aware of potential springs and can put a 100 ft line on design plan.

Vice Chair Kalmar added a condition of approval for a lighting and photometric plan.

Vice Chair Kalmar moved to accept the plan with conditions stated. Seconded by Mr. Ledgett.

The motion carried 6-0-0.

NEW BUSINESS

Item 2- 8 Thaxter Lane- Shoreland Development Plan Review

Action: Accept or deny application; Approve or deny plan. Owners/Applicants Todd & Debbie Thayer request consideration of a shoreland development plan to remove an existing, non-conforming single-family dwelling and construct a new, more conforming single-family dwelling on a 74,920 sf lot located at 8 Thaxter Lane (Tax Map 64, Lot 23) in the Residential-Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and the Resource Protection Overlay (OZ-RP) Zones. Agent is Eric Botterman, Millennium Engineering.

Mr. Botterman gave an overview of the plan, including the current property and the proposal. Three wetlands were identified, the location of the new dwelling identified, and driveway details explained.

The board had no questions. The plan does not require a site walk or public hearing.

Mr. White moved to accept the Shoreland Development Plan. Seconded by Mr. Ledgett.

The motion carried 6-0-0.

Mr. Ledgett moved to approve the Shoreland Development Plan. Seconded by Vice Chair Kalmar.

The motion carried 6-0-0.

Vice Chair Kalmar read the findings of fact and the board voted to affirm each finding.

Item 3- 1 Coleman Avenue- Shoreland Development Plan Review

Action: Accept or deny application; Approve or deny plan. Owners/Applicants G. Christopher Miller & D. Kimberly Miller request consideration of a shoreland development plan to remove an existing, non-conforming single-family dwelling and

construct a new, more conforming single-family dwelling on a 12,065 sf lot located at 1 Coleman Avenue (Tax Map 26, Lot 5) in the Residential-Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') Zones. Agent is Counsel Tim Phoenix.

Mr. Phoenix gave an overview of the plan. Reviewed the existing dwelling and setbacks. Board of Appeals approved miscellaneous variations, relief on setback requirements. Proposal includes relocating house to make it more conforming. A new septic has been designed outside the wetland buffer.

Chair Dunkelberger requested clarification on the removal of the maple tree in the corner of the property. The tree has been identified as dead. Chair posed a question regarding the home elevation and the marked cupola. Agent clarified that the cupola has no floor space below and that it has open space below.

The board affirmed the plan does not require a site walk or public hearing.

**Mr. White moved to accept and approve the Shoreland Development Plan.
Seconded by Mr. Ledgett.**

The motion carried 6-0-0.

Vice Chair Kalmar read the findings of fact and the board voted to affirm each finding.

Item 4- 50 Chauncey Creek Road- Shoreland Development Plan Amendment

Action: Accept or deny application; Approve or deny plan amendment.

Owners/Applicants Thomas & Michele Jordan request consideration of a plan amendment to expand a deck and incorporate an 8' x 14' storage structure as part of the deck on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44, Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) Zones. Agent is Tom Emerson, StudioB-E.

Mr. Emerson gave an update on the current project and the proposed amendment to the approved plan. The expansion of the structure is not over the allowed 30%, and the increase of the de-vegetation area is within the limits.

Vice Chair Kalmar explained that it is against the code to approve an amendment to increase non-conformity of a plan, even though the proposed amendment would still result in an overall less non-conforming plan than the current site.

Mr. Ledgett disagreed that the shed is an expansion of the primary structure. Discussion ensued on the definitions of accessory structures and primary structures.

Chair Dunkelberger explained that the lot has a boathouse that is the one accessory structure for the property. The proposed shed is attached to the house by an open deck, thus it would be an additional accessory structure. The limit is one accessory structure.

Mr. Ledgett moved to deny the application. Seconded by Vice Chair Kalmar.

The motion carried 6-0-0.

ITEM 5 – Board Member Items / Discussion

Chair Dunkelberger proposed that anytime the board receives last minute information regarding an application or project, that the board can either continue discussion based on the information in front of them or postpone the discussion until the following meeting.

Vice Chair Kalmar added that if the information were simple a staff briefing would suffice.

The board concurs with the three presented options.

Mr. Alesse informed the board that this was his last meeting. He thanked the board.

Mr. White requested continued email notification of site walks.

ITEM 6- Town Planner / Director of Planning & Development Items

Mr. Steffen gave a brief update on the Shoreland Zoning Expansion questions. He reported that a legal opinion had been acquired from the town attorney and that a written report would be provided at the next meeting. The conclusion was in support of staff and DEP with a caveat.

The upcoming workshop in Sanford on 10/30 was discussed. Mr. Steffen will attend.

Adjournment

Mr. Alesse moved to adjourn the meeting. Mr. Ledgett seconded the motion.

The motion carried 6-0-0.

The Kittery Planning Board meeting of October 10, 2019 adjourned at 7:16 p.m.

Submitted by Carrie Bacon, Development Staff Clerk on March 30, 2020.

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>.