

CALL TO ORDER

ROLL CALL

Present: Drew Fitch, Member; Ronald Ledgett, Member; Russel White, Member; Mark Alesse, Member; Karen Kalmar, Vice Chair; and Chairperson Grinnell

Absent: Dutch Dunkelberger, Member

Staff: Jamie Steffen, Town Planner;

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – August 9, 2018

Moved by Vice Chair Kalmar, seconded by Mr. Ledgett

Motion carried

5-0-0

APPROVAL OF SITE WALK MINUTES - August 28, 2018

Moved by Vice Chair Kalmar, seconded by Mr. Fitch

Motion carried

6-0-0

PUBLIC COMMENTS - None

ITEM #1 – Kittery Medical Office Building – Parking – Major Modification to an Approved Site Plan

Action: Accept or deny application. Approve or deny plan. Owner/applicant, York Hospital request consideration to add a call center in 3960 square feet of existing space on the third floor of the medical office building located at 35 Walker Street (Tax Map 4, Lot 168) in the Business – Local 1 (B-L1) Zone. Agent is Ken Wood, Attar Engineering

Represented by: Michael Sudak with Roger Cross of York Hospital. Mr. Sudak gave a brief overview of the project. The existing Kittery Medical Office Building is proposing to develop just under 4,000 square feet on the third floor for a call center. The parking will require (18) spaces which are proposed to be provided off site by means of a lease with Kittery Physical Therapy/Oncology on the Route One Bypass. It was explained that the lease currently contains fifty (50) parking spaces which has a surplus of twenty six (26) for this development. The project required a miscellaneous variation which was granted by the Board of Appeals on June 26, 2018.

After question from Mr. Ledgett, Mr. Cross stated that the hours of operation for the call center would be 7am-7pm Mon- Fri. They will operate shuttle service for the parking arrangement and the Facilities and Environmental Services department would handle the enforcement to prevent an employee from parking in public parking spaces. He explained that York Hospital already does that with employees in their main hospital. Mr. Cross further explained that for the Board of Appeals hearing they stated as long as they have the current lease they will be able to utilize the third floor. If York Hospital terminates lease by any means they will no longer be able to use the third floor. Any changes to the arrangement that affects the required parking would require the applicant to come back to the Planning Board.

Mr. Ledgett asked how the Town would track the status of the lease and make sure that public spaces aren't being utilized by the use. The Board discussed a potential condition of approval that would require York Hospital to check with the Town once a year to confirm that they have the lease arrangement still in place.

Mr. White commented that he thought the approval could be conditioned upon the hospital maintaining the lease arrangement for the lot or if that location changes they would be required to provide the Town with the updated information. There was further discussion by the Board about how to enforce any approval and what would suffice for periodic notification of the status of the lease.

The Board discussed a condition of approval that would involve instructing staff to develop language that requires the applicant submit proof that they still have adequate parking in accordance with the Town approval in whatever appropriate interval it is. Mr. Steffen noted wording on the site plan that references that eighteen (18) spaces are located at 75 US Route 1 Bypass. The Board discussed broadening that language similar to how Mr. White had stated earlier. The stated it didn't foresee any issues approving the modification tonight as long as it was conditioned upon adequate confirmation that the parking will be sufficient for however many years that the lease takes place. Chair Grinnell stated that the planner will draft the condition of approval wording which will be added to the plan which she would then sign.

There was further discussion about enforcement. Mr. Cross responded that it was in their best interest to monitor the parking lot as they have patients coming in regularly. York Hospital does have cameras and staff that monitors the parking lots from first thing in the morning.

Vice Chair Kalmar made a motion to accept and approve a major modification to an approved site plan application dated August 23, 2018 from Owner/Applicant York Hospital regarding their request to add a call center in 3960 square feet of existing space on the third floor of the medical office building located at 35 Walker Street (Tax Map 4, Lot 168) in the Business – Local 1 (B-L1).

Seconded by Mr. White.

Motion carried

5-1-0.

FINDINGS OF FACTS

WHEREAS: Owner/Applicant York Hospital request consideration to have a call center in 3960 square feet of existing space on the third floor of the medical office building located at 35 Walker Street (Tax Map 4, Lot 168) in the Business – Local 1 (B-L1) Zone Agent is Ken Wood, Attar Engineering.

Pursuant to the plan review meetings conducted by the Town Planning Board as noted; And pursuant to the Application and Plan and other documents considered to be apart of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

NOW THEREFORE, based on the entire record before the Planning Board, and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions

FINDINGS OF FACT

A. Development Conforms to Local Ordinances,

Finding: The Planning Board has approved a Major Modification to an Approved Site Plan that allows remote parking and shuttle services in lieu of 18 additional onsite parking spaces. With

modification, The Plan complies with Town parking standards. The approved Plan is otherwise unchanged.

Conclusion: This standard appears to be met

Vote of 5 in favor 1 against 0 abstaining

- B. Freshwater Wetlands Identified**
- C. River, Stream or Brook Identified**
- D. Water Supply Sufficient**
- E. Municipal Water Supply Available**
- F. Sewage Disposal Adequate**
- G. Municipal Solid Waste Disposal; Available;**
- H. Water Body Quality and Shoreland Protected;**
- I. Groundwater Protected;**
- J. Flood Areas Identified and Development Conditioned;**
- K. Stormwater Managed;**
- L. Erosion Controlled;**
- N. Water and Air Pollution Minimized;**
- O. Aesthetic, Cultural and Natural Values Protected;**

The Board finds that the standards B-O, excepting M are not applicable to the proposed modification.

Vote of 6 in favor 0 against 0 abstaining

M. Traffic Managed.

The proposed development does not require a traffic movement permit as it does not create an additional 100 vehicle trips during peak traffic hours.

Findings: The proposed use requires an additional eighteen (18) parking spaces which cannot be provided on-site. York Hospital currently leases fifty (50) parking spaces at their Kittery Physical Therapy/Oncology facility at 75 US Route 1 By- Pass. The facility there requires twenty- four (24) parking spaces which leaves a surplus of twenty- six (26) spaces that can be utilized by the call center. York Hospital will provide a shuttle service to transport employees from one location to another.

Conclusion: This standard appears to be met.

Vote of 4 in favor 2 against 0 abstaining

P. Developer Financially and Technically Capable

The Applicant appears to meet this standard.

Vote of 6 in favor 0 against 0 abstaining

Waivers: None

Conditionals of Approval:

1. 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. *{and other conditions as presented in the Findings of Fact dated 9/13/2018}*
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) Mylar copy of the final plan and all related state/federal permits or legal documents that may be required must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a Mylar copy of the original must be submitted to the Town Planning Department.

This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

NOW THEREFORE the Kittery Planning Board adopts each of the forgoing 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

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

There was further discussion by the Board about the proposed condition of approval. Mr. Ledgett stated that he was not comfortable leaving it ambiguous. There was further discussion about enforcement and the measures that the hospital would take on their end to monitor the parking. Mr. Cross stated that they will be checking license plate numbers as they do at the other facility.

Mr. Ledgett discussed an annual tickler that the Town could utilize to keep track of the approval. Chair Grinnell commented that she would be acting on behalf of the Board in approving the wording the staff develops for the condition of approval and suggested that Mr. Ledgett also approved the draft wording.

Vote of 4 in favor 2 against 0 abstaining

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.

ITEM #2 – Huntington Run - Cluster Subdivision Preliminary Plan Approval Amendment
Action: Approve or deny preliminary plan amendment. Owner, Landmark Properties, LTD. and Kingsbury and Veronica Bragdon, and applicant, Chinburg Builders, Inc., request consideration of a 20-lot cluster subdivision on 86.6 +/- acres located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A) in the Residential Rural Zone (R-RL) and a portion located in the Shoreland Overlay (SH-250'-OZ) Zone. Agent is Jeff Clifford, P.E., Altus Engineering.

Jeff Clifford represented the applicant. He discussed that there has been a lot of back and forth about the road within the proposed development. He noted that they were getting close with MDEP approval of the project. He discussed previous actions by the Board and town with regard to the road standards. He explained that the road is now shown based upon the direction they got in the summer of 2017 where it was discussed to have twenty (20) feet of pavement and two (2) foot of paved shoulders on both sides. He noted that at the August 24, 2017 meeting they preferred it to be a public road with public road standards, but stated that DPW does not want it to be a public road.

He discussed going back to the 20 foot wide road with 4 foot gravel shoulders. He noted that it was the seventh cluster subdivision he has worked on and all six of the other ones that were approved had 20 foot paved travel ways with 2 foot gravel shoulders.

He discussed the current standards and noted his discussions with both interim planner and new planner about the 20 feet of pavement with 2 feet of paved shoulder on one side and 8

feet on the other. He noted that 30 feet was a lot of pavement for a rural subdivision and stated that he didn't think anybody wanted that.

He provided the Board with handouts. He discussed the comparison charts handout and the changes made over the years. He discussed the 2017 standards which are 20 feet by 5 feet of side walk by 2 feet on the walk side and 8 feet on the opposite side for 30- feet all together. He compared this to the 2002 standard that had a 50 foot right of way with 20 feet of pavement and the Planning Board would determine the rest.

He discussed real world examples of what we have for roads that were shown on the handouts. Whipple Road on the west end is 30 feet of pavement plus the sidewalk. Shapleigh Road is 27 feet of pavement, compared to Lewis Road which is 19 feet of pavement, along with Norton Road and Miller Road. He noted other 20 foot wide cluster subdivision roads.

He stated how they would like to maintain the character of Kittery with the proposed road. He discussed the proposed wider shoulders and are asking for 20 feet of pavement with 4 foot gravel shoulders within a 60 foot wide right of way. He noted the utilities will be underground and the Board has waived the requirement for sidewalk.

Vice Chair Kalmar commented that she was conflicted. She noted it was the Board's job to utilize the existing standards. She commented about the Board granting the waiver for sidewalks because there were not connecting facilities. There was discussion amongst the Board regarding the road standards. Mr. Steffen noted the preliminary plan approval back in August of 2017 referred to an email from CMA Engineers, the Town's consultant that spoke to the road standards. He read the email which stated the preferred minimum section is 10 feet travelled way (20 feet total) plus 2 foot paved shoulders each side for a total of 24 feet of paved width with 2 foot gravel shoulders beyond the paved shoulders. This would result in 28 feet width of gravel section. The current design has 20 feet paved with 2 foot gravel shoulder on one side and 7 foot gravel on the other for 29 feet. The consensus was that there needs to be a 2 foot paved shoulder beyond the 10 foot paved travel way on both sides. A 2 foot gravel shoulder is necessary beyond any pavement.

Mr. Clifford responded that since that time DPW didn't have as much to say about private roads. He continued to discuss past practice and the Board approving 20 foot wide roads. Vice Chair Kalmar commented that there was no merit in reviewing past decisions as they do not set a precedent. She explained that there was no road where they are proposing and the Board is required to follow the unified code standards. Mr. White commented that some of these issues can be addressed during the recodification process and discussed the lack of a town-wide sidewalk plan. Mr. Steffen asked if it mattered that they were proposing a private

road. The Board pointed out that the standards were based upon ADT and were same for private and public roads. After more discussion the Chair Grinnell polled the Board and the consensus was that the applicant must follow the code.

Motion to continue to get an interpretation of the code - date to be determined.

Motion withdrawn.

Motion to deny the preliminary plan approval amendment by Mr. White, seconded by Vice Chair Kalmar.

Motion carried

6-0-0.

ITEM #3 – Tidewater Way – Street Naming Application

Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant John & Marsha Shaw request consideration of naming an unnamed private right-of-way servicing lots currently addressed as 28-34 Haley Road (Tax Map 47 Lots 18-1-2, 18-3, 18-4-1, and 18-4-2) to Tidewater Way.

Vice Chair Kalmar moved to accept and approve the Street Naming Application dated August 21, 2018 from John & Marsha Shaw to name an unnamed private right-of-way servicing lots currently addressed as 28-34 Haley Road (Tax Map 47 Lots 18-1-2, 18-3, 18-4-1, and 18-4-2) as Tidewater Way.

Seconded by Mr. Ledgett.

Mr. Steffen noted that the addressing should be done through the Assessing Department.

Motion carried

6-0-0.

ITEM #4 – Board Member Items

- A. York River Watershed Stewardship Plan - Wild and Scenic Designation
To be placed on September 27th agenda.
- B. Also for the September 27th meeting an update was requested from Mr. White and Mr. Fitch on the Inclusionary Housing Working Group efforts. Mr. White discussed recent

meetings of the group. He mentioned the planned charrette in October focusing on the potential redevelopment of a parcel for affordable housing. There will be a public process in October with more details to follow. Inclusionary Housing meeting discussed what inclusionary housing means. Noted it was not just for low income, needy people. Normal working people need reasonably priced housing too. He discussed the different categories of housing and finding the right formula.

Chair Grinnell mentioned the Town Council public hearing on September 24th for the proposed Neighborhood Mixed Use zone. She noted that the 70 foot height limit changed to 50 feet in text amendment only. It was noted as a matter of courtesy the Board should be there.

OLD BUSINESS

ITEM #5 – Board Member Items / Discussion - None

ITEM #6 – Town Planner/Director of Planning & Development Items - None

Adjournment

Moved by Mr. Alesse, seconded by Mr. Ledgett.

Motion carried 6-0-0.

Board meeting of September 13, 2018 adjourned at 7:13 p.m.

Submitted by Jordan Williams, Minute Recorder, on October 4, 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>.