

1 **CALL TO ORDER**

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3 **ROLL CALL**

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5 Present: Steve Bellatone, Member, Drew Fitch, Member, Ronald Ledgett, Member,
6 Mark Alesse, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

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8 Absent: Russell White, Member

9

10 Staff: Jamie Steffen, Town Planner

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12 Advisory: Earledean Wells, Conservation Commission

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14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF MINUTES- Site Walk- August 20, 2019**

17

18 Line 20- add: and to avoid recurrence the chair requests the Planner to address this
19 with the applicant.

20 Line 22- after board review add: as the code does not consider the addition of stairs an
21 expansion of a non-conforming structure. Add on next sentence after exempt: from
22 expansion considerations.

23 Add Line after Line 24- Add questions asked at site walk to include: 1. What needs to be
24 done to stabilize the steep slope in the area of the new parking lot platform? 2. What
25 needs to be done to protect the roots of the large evergreen which is being saved? 3.
26 What is the extent of demolition of the existing garage above the foundation? 4. Does
27 any portion of the foundation require replacement? 5. Why are stairs being added to
28 access the waterfront which is already accessible?

29

30 **Vice Chair Kalmar moved to accept the minutes of August 20, 2019 as amended.**
31 **Seconded by Mr. Ledgett.**

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

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35 **PUBLIC COMMENTS**

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37 The Chair opened the Public Comments session.

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39 There being none the Chair closed the Public Comments session.

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OLD BUSINESS

ITEM 1 – 3 Knight Ave. – Shoreland Development Plan Review

Action: Approve or deny plan. Owner Christopher Eckel and applicant Deane Rykerson requests consideration of plans to repair and rebuild garage on 8,355 sf lot located at 3 Knight Ave (Tax Map 4 Lot 70) in the Mixed Use-Kittery Foreside (MU-KF), and Shoreland Overlay (OZ-SL-250') and Commercial Fisheries/Maritime Uses (OZ-CFMU) Overlay Zones.

Deane Rykerson, applicant, gave an update and answered questions from the site walk- The stabilization of the slope will be maintained by a retaining wall. Helical piles are used to limit the impact to the tree roots. Everything above the foundation will be demolished and replaced. It is anticipated some foundation repair will be required, and will remain within the current footprint. Stairs are being added for access to lower level of building, not to access waterfront.

Mr. Ledgett discussed the need for additional review and approval for replacing foundation if necessary to determine if the location is the best choice. Would like to clarify the approval of the stairs by either the Code Enforcement Officer or by the board which would need to be reflected on plans and findings.

Chair Dunkelberger reviewed the expectations of the preparedness of the sites for the purpose of the site walk.

Vice Chair Kalmar agreed with including stairs in the findings.

Mr. Steffen provided clarification from the Code Enforcement Officer that the stairs in this case are not restricted by the regulations 16.3.2.17.D.2(g). Stairs are to provide access to lower level of building and not the waterfront, 16.7.3.3.B.3

Mr. Ledgett proposed adding foundation repair location to the findings of fact.

Vice Chair Kalmar requested that all previous expansions to the property be included on the plan for calculations.

Mr. Fitch requested an updated de-vegetation calculation be put on the plan to include the gravel parking area.

79 **Mr. Ledgett moved to approve the Shoreland Development Plan subject to the**
80 **conditions of approval stated. Vice Chair Kalmar seconded.**
81 **Vice Chair Kalmar amended and added findings with Town Planner, Mr. Steffen.**

82
83 **The motion carried 6-0-0.**

84
85 **Vice Chair Kalmar read the findings of fact and the board voted to affirm each**
86 **finding.**

87
88 **ITEM 2- 76 Dennett Road- Mixed-Use Residential Development- Site Preliminary**
89 **Plan Review**

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

91 Owners William J. Cullen and Sail Away, LLC and applicant William Wharff request
92 consideration of a mixed-use residential development on 23.3+- acres of land at 76
93 Dennett Road (Tax Map 6 Lots 15B & 16A and Tax Map 13, Lot 4) in the Mixed Use-
94 Neighborhood (MU-N) Zone. Agent is Shawn Tobey, P.E. Hoyle, Tanner Associates,
95 Inc.

96
97 Shawn Tobey, Civil Engineer with Hoyle Tanner & Associates, provided an update on
98 the plan made since the public hearing. He noted that the labels for the vernal pool was
99 added and the buffer will be maintained for one year. The water district modeled the
100 water pressure at the site and confirmed a booster pump is needed, with a twelve-inch
101 water main line. Wildlife crossing during construction will be provided with a silt fence.
102 Building #4 will have fire prevention system. The parking plan was updated to include
103 islands, trees, and two additional spaces. A storm water management plan could be
104 done at the request of the DPW. Habitable space minimum requirement of 650 sq. ft.
105 will be added to plan, and elevations of buildings. DEP site location permit is still under
106 review. DOT scoping meeting reviewed no major issues with traffic, but right and left
107 turn lanes will be studied with the traffic study. DOT does not want a sidewalk to
108 connect to Ranger Road. Sidewalks that are not connected or going nowhere are not
109 encouraged either. Applicant is looking for input on sidewalks, and requesting a
110 secondary entrance waiver due to inadequate road frontage. DOT and Kittery Fire Chief
111 do not have a problem with a single entrance.

112
113 Discussion ensued regarding traffic, sidewalks, and entrances.

114
115 Chair Dunkelberger would like two entrances. Suggested widening the entrance and
116 adding a median to have an inbound and outbound lane. Vice Chair Kalmar expressed
117 concern that car crashes will block the one entrance.

118

119 Mr. Fitch suggested putting in an access road on the property line of the adjacent
120 parcel. Chair Dunkelberger suggested adding an easement requirement. Mr. Ledgett
121 expressed concerns about adjacent property also requiring two entrances, and instead
122 discussed the possibility of connecting the two parcels with an easement.

123

124 Mr. Alesse favored waiving the 1,000-ft road frontage requirement to allow for two
125 entrances.

126

127 Vice Chair Kalmar asked the applicant to re-design the plan to have two entrances and
128 an easement to adjacent parcel for a ROW.

129

130 Mr. Tobey expressed concern over an easement or ROW creating a cut-through for all
131 traffic, thus devaluing the property.

132

133 Vice Chair Kalmar emphasized the purpose of the Mixed-Use zone.

134

135 Property owner, Mr. Wharff voiced extreme discontent against adding an easement or
136 ROW through the property.

137

138 Discussion ensued regarding the need to reserve space for an easement, but not to
139 require an easement for unknown future development.

140

141 Mr. Steffen suggested a driveway connecting the rear of the parcels would support
142 interconnectivity and a neighborhood atmosphere.

143

144 Mr. Causey, Director of Planning, explained the town will push for connectivity between
145 Dennett Road and Route 236 if it is feasible. Adding a note on the plan to discuss an
146 agreement between the two parties will support the interconnectivity of the zone, and may
147 defer to the second development to implement.

148

149 Chair Dunkelberger concluded discussion, to not require an easement and asked the
150 applicant to re-design the entrance to include two entrances, with a waiver of the less
151 than 1,000-foot road frontage requirement. Board agreed 6-0-0.

152

153 Mr. Steffen addressed the sidewalk plan, with Vice Chair Kalmar amending the condition
154 of approval to include a provided detail of a safe sidewalk system.

155

156 Chair Dunkelberger inquired if the board can require an economic impact study before
157 the final plan. The standard is to require it for the final plan only by the applicant.

158
159 Chair Dunkelberger addressed concerns from last meeting. The landscape plan was not
160 completed by an outside licensed landscape architect. The town can coordinate a third-
161 party review for the landscape plan.

162
163 Chair Dunkelberger requested the difference between a driveway and a road. Mr. Steffen
164 reviewed the classifications between the two, and reported that the board can modify the
165 standards for the deficiencies. Vice Chair Kalmar stated it is a road, and applicant agreed
166 to update the standards to alleviate some deficiencies.

167
168 Vice Chair Kalmar asked for clarification regarding the DEP permit for the vernal pool,
169 and Mr. Tobey reported there is not one on file. A note to the plan requiring the permanent
170 maintenance of the 250 ft buffer around the vernal pool will be added, and signage can
171 be added around the buffer. Snow storage adequacy and wetland impact to be reviewed
172 by DPW. Mr. Tobey agreed and reported this is also addressed in the DEP permit.
173 Lighting design is of importance. Mr. Tobey clarified the lighting plan is at the minimum
174 levels but meets the town's standards.

175
176 Mr. Fitch requested follow-up from the public hearing regarding the drainage issues. Mr.
177 Tobey replied that the culverts were reviewed at several sites. This project should improve
178 the run-off rates to surrounding sites. The water will flow slower causing less erosion.

179
180 Mr. Bellatone requested follow-up on the noise levels and asked if there was any sound
181 modeling done with different types of barriers. Nick Griffin, from Cube-3, provided an
182 update. No acoustic modeling for this project had been done. Building codes with energy
183 efficiency materials reduce noise levels inside buildings.

184
185 Mr. Alesse suggested an additional barrier is needed since the decibels taken at the site
186 walk exceeded the allowed amount for a new development. Mr. Alesse followed-up from
187 the public hearing on the concern of the amount of young people moving into the
188 development and crime rate. He suggested the applicant consider setting aside a certain
189 number of units below market rate to allow police and fire department employees to live
190 there. Mr. Wharff answered Mr. Alesse that Kittery does not have an affordability
191 requirement. He conceded that the options will be considered.

192

193 Advisor Ms. Wells asked if snow can be removed from the site and noted on the plan.
194 She asked for clarification of the stream labeling on the plan, and if there is a wetland
195 impact mitigation plan for the significant vernal pool near the corner of Dennett Road.

196
197 Mr. Tobey reported that there is adequate space on the property for snow storage. The
198 stream was delineated with the culverts and the flow of the streams and wetlands. The
199 vernal pool area near the street was reviewed by a third party and was classified as pocket
200 of wetlands not a vernal pool.

201
202 **Vice Chair Kalmar moved to continue consideration of plan, not to exceed thirty**
203 **days. Mr. Ledgett seconded.**

204
205 **The motion carried 6-0-0.**

206
207 **Item 3- Old Post Road/Bridge Street- Cluster Residential Development-**
208 **Preliminary Plan Review**

209 Action: Accept or deny application. Schedule a Public Hearing. Owner MAC Properties
210 Bridge Street, LLC and applicant Silver Holdings, LLC request consideration of a three
211 (3) building, 11-unit cluster residential development on 3.02+- acre parcel on Old Post
212 Road/Bridge Street (Tax Map 3 Lot 77A) in the Residential-Urban (R-U) Zone. Agent is
213 Shawn Tobey, P.E. Hoyle, Tanner Associates, Inc.

214
215 Shawn Tobey, Civil Engineer with Hoyle Tanner & Associates, presented the
216 application- updating plan for road classification and grading, requesting a modification
217 on land area per dwelling unit to 10,300 sf per unit, parking plan is sufficient, drainage
218 does not require DEP permit, underground utilities, lighting plan, tree removal, sidewalk
219 design, and storm water management to be approved by the town.

220
221 Sam Maloney, Cube 3 Architect, presented the building design plans.

222
223 Vice Chair Kalmar explained that according to State law, land area per dwelling unit
224 cannot be modified. The greatest number of dwellings the lot can support based on the
225 zone is six (6). This has been the number of units prior applicants for this lot have been
226 required to adhere to. A legal review was requested before making decisions on the
227 application.

228
229 Mr. Steffen reported he met with CMA and has not received anything in writing.

230

231 Mr. Ledgett cautioned reading the code and State laws deliberately to avoid problems
232 with staff interpretation.

233

234 Chair Dunkelberger requested time to review application further.

235

236 **Mr. Ledgett moved to continue the application, not to exceed beyond September**
237 **26, 2019, for two weeks. Motion seconded by Mr. Fitch. Time: 8:46:30**

238

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

240

241 **ITEM 4- 60 Route 236- Site Preliminary Plan Review**

242 Action: Accept or deny application. Schedule a Public Hearing. Owner/applicant

243 Washburn Realty Group, LLC requests consideration of a sketch site plan for a 4,603 sf
244 2 story building on a 73,330 sf lot at 60 Route 236 (Tax Map 29, Lot 14) in the
245 Commercial (C-2) Zone. Agent is John Chagnon, Ambit Engineering, Inc.

246

247 John Chagnon, applicant provided updates on the plan- Board of Appeals approved
248 requested variances on July 23, 2019. The plan has been amended to show new septic,
249 setbacks, drainage, and detail sheets. Driveway permit application has been filed with
250 DOT. Stormwater inspection and maintenance plan for drainage system management
251 will be addressed. Two issues identified in Planner memo addressed- the wetland is
252 greater than one acre, and a high intensity soil survey was not done. Applicant asking
253 for a waiver on the soil survey.

254

255 Vice Chair Kalmar asked applicant if there are any wells on the adjacent properties
256 within 100 ft. of the septic field. Would like the Board of Appeals findings of fact included
257 in the plan. Shoreland Resource Officer, Jessa Kellogg has approved a waiver to skip
258 the soil testing. A letter from the Water District is still needed for ensuring adequate
259 capacity.

260

261 Advisor Ms. Wells asked applicant if there was a snow removal plan. Applicant will
262 update the plan to show snow storage. Clarification requested on the location of the
263 septic since it is under the driveway. Applicant explained it is concrete chambers
264 designed to withstand traffic on top of it. Retaining wall labeling and intent was
265 explained by applicant to address run-off and drainage away from the wetlands. The
266 slope and grading allows water to collect in the catch basins.

267

268 **Vice Chair Kalmar moved to accept the preliminary site plan application.**
269 **Seconded by Mr. Fitch**

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The motion carried 6-0-0.

**Vice Chair Kalmar moved to schedule a site visit for October 7, 2019 at 10:00am.
Seconded by Mr. Ledgett.**

The motion carried 6-0-0.

**Mr. Fitch moved to schedule a public hearing on October 10, 2019 at 6:00pm.
Seconded by Mr. Ledgett.**

The motion carried 6-0-0.

NEW BUSINESS

ITEM 5- 79 Tower Road- Shoreland Development Plan Review

Action: Accept or deny plan application; Approve or deny plan. Owners Donald E. Gringras and Linda K. Gringras request consideration to a new partial second floor to an existing residential structure on a 26,894 sf parcel located at 79 Tower Road (Tax Map 58 Lot 44) in the Residential-Rural Conservation (R-RLC) and Shoreland Overlay (OZ-SH-250') Zones. Agent is Mike Bedell, Kennebunk River Architects.

Mike Bedell, agent, presented a summary of the application. The agent proposes a vertical expansion of a portion of the residence to move a bedroom upstairs with an elevator.

Discussion ensued regarding the interpretation of the code and height restrictions in the setback. Language ambiguity was noted regarding the restrictions.

Mr. Ledgett voiced concern that the building height restrictions of 20 ft within the 100 ft setback of the Shoreland does not distinguish between the entire structure or only the portion of the structure in the 100 ft. Mr. Ledgett advised obtaining a legal opinion.

Mr. Steffen reported that the Shoreland Resource Officer, Mrs. Kellogg interprets it consistently as any portion outside the 100 ft. setback is not restricted to a height of 20 ft.

Mr. Bedell explained that the owners could demolish the entire structure and rebuild out of the setback to the full 35 ft. height restriction.

Owners, Mr. and Mrs. Gringras spoke, voiced their discontent, and reported that they had spoken to the town regarding their plans for the property.

313 Mr. Alesse explained that if the board obtains a legal opinion not in favor of the
314 applicant the town is opening up a lawsuit.

315
316 **Mr. Ledgett moved to obtain a legal opinion and continue the application.**
317 **Seconded by Chair.**

318
319 **The motion failed 2-4-0**

320
321 **Vice Chair Kalmar moved to accept the plan application. Seconded by Mr. Alesse.**

322
323 **The motion carried 4-2-0**

324
325 **Vice Chair Kalmar moved to approve plan. Seconded by Mr. Alesse.**

326
327 **The motion carried 4-2-0**

328
329 **Mr. Ledgett moved to obtain a legal opinion on the interpretation of the language.**
330 **Seconded by Vice Chair Kalmar.**

331
332 **The motion carried 6-0-0**

333
334 **Vice Chair Kalmar read the findings of fact and the board voted to affirm each**
335 **finding.**

336
337 **ITEM 6 – 41 Walker Ave. –Shoreland Development Plan Review**

338 Action: Accept or deny plan application; Approve or deny plan. Owner Avis Langley and
339 applicant Ryan Glidden request consideration to renovate and enlarge portions of an
340 existing single-family dwelling on a 11,048 sf parcel located at 41 Walker Avenue (Tax
341 Map 3 Lot 33) in the Residential-Suburban (R-S) and Shoreland Overlay (OZ-SH-250')
342 Zones. Agent is Medley Properties Development.

343
344 Ryan Glidden, applicant, gave an overview of the proposal: Convert covered porch into
345 a partial kitchen and a half bath, extend two dormers on the roof and build a balcony on
346 the third floor.

347
348 **Vice Chair Kalmar moved to accept the application. Seconded by Mr. Ledgett.**

349
350 **The motion carried 6-0-0.**

351
352 **Vice Chair Kalmar moved to approve the plan. Seconded by Mr. Ledgett.**

353
354 **The motion carried 6-0-0.**

355
356 **Vice Chair Kalmar read the findings of fact and the board voted to affirm each**
357 **finding.**
358
359 **ITEM 7 – Board Member Items / Discussion**
360 Mr. Ledgett requested the board receive copies of the checklist for the Climate
361 Adaptation Committee in two weeks from the Planner.
362
363 **ITEM 8 - Town Planner Items**
364 A. Notice of Decision - Minor Modification to an Approved Plan – 1 Wood Island
365 Mr. Steffen gave a summary of the approval.
366 **Adjournment**
367
368 **Vice Chair Kalmar moved to adjourn the meeting.**
369 **Mr. Ledgett seconded the motion.**
370
371 **The motion carried 6-0-0.**
372
373 The Kittery Planning Board meeting of September 12, 2019 adjourned at 9:48 p.m.
374
375 Submitted by Carrie Bacon, Development Staff Clerk on March 23, 2020.
376
377 Disclaimer: The following minutes constitute the author’s understanding of the meeting.
378 Whilst every effort has been made to ensure the accuracy of the information, the minutes
379 are not intended as a verbatim transcript of comments at the meeting, but a summary of
380 the discussion and actions that took place. For complete details, please refer to the video
381 of the meeting on the Town of Kittery website at
382 <http://www.townhallstreams.com/locations/kittery-maine>.
383
384

1 **CALL TO ORDER**

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3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member, Drew Fitch, Member, Mark Alesse, Member,
6 Russell White, Member, Karen Kalmar, Vice Chair

7

8 Absent: Ronald Ledgett, Member, and Dutch Dunkelberger, Chair

9

10 Staff: Jamie Steffen, Town Planner

11

12 Advisory: Earle Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF MINUTES- Planning Board Meetings- 7/11/19 and 7/25/19**

17

18 A. 7/11/19

19 Line 350 change: accept and approve to approve

20 Line 447 after reconstruction add: and repair and/or expansion

21

22 **Mr. White moved to accept the minutes of 7/11/19 as amended. Seconded by Mr.**
23 **Bellantone.**

24

25 **The motion carried 4-0-1.**

26

27 B. 7/25/19

28

29 **Mr. White moved to accept the minutes of 7/25/19 as presented. Seconded by Mr.**
30 **Bellantone.**

31

32 **The motion carried 4-0-1.**

33

34 **PUBLIC COMMENTS**

35

36 The Vice Chair opened the Public Comments session.

37

38 There being none the Vice Chair closed the Public Comments session.

39

40 **OLD BUSINESS**

41

42 **ITEM 1 – 76 Dennett Road- Mixed-Use Residential Development- Site Preliminary**
43 **Plan Review**

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

45 Owners William J. Cullen and Sail Away, LLC and applicant William Wharff request
46 consideration of a mixed-use residential development on 23.3+- acres of land at 76
47 Dennett Road (Tax Map 6 Lots 15B & 16A and Tax Map 13, Lot 4) in the Mixed Use-
48 Neighborhood (MU-N) Zone. Agent is Shawn Tobey, P.E. Hoyle, Tanner Associates,
49 Inc.

50

51 Shawn Tobey, Civil Engineer with Hoyle Tanner & Associates, provided an update on
52 the plan made since the last meeting. Revised plan included a designated in-site
53 entrance of 16ft in width and an exit-site entrance of 14ft in width with an island of 10 ft
54 in width and 50ft in length per DOT standards. Curb details added. A right turn lane,
55 center turn lane for the on-ramp, and a by-pass lane added per DOT permit. The
56 pavement thickness increased to 3 ½ in at main access of site. Sidewalk along the front
57 of site on Dennett Road not safe, and in lieu of that sidewalk, extensive internal
58 sidewalks proposed. One mile of sidewalks and crossings provide interconnection to the
59 future development of the adjacent parcel. The water main line increased to discussed
60 12 in. Landscaping plan updated to reflect town regulations. A two-year guarantee of
61 plant species and monitoring the vernal pool buffer added to plan. Yearly inspections of
62 vernal pool buffer area will be added to plan and inspection/maintenance plan of
63 development. Five locations for signage marking vernal pool buffer zone indicated.

64

65 Mr. Bellantone requested clarification on the entrance and if it satisfies the regulations
66 as two? Mr. Tobey responded it is two street connections. Mr. Steffen responded that
67 staff is in favor of the entrance plan but the applicant would need a waiver. Vice Chair
68 Kalmar reported that the board could waive the first standard and modify the plan as a
69 condition of approval.

70

71 Vice Chair Kalmar requested information on the internal trails and whether they are
72 public.

73

74 Mr. Steffen replied that per the Code, reduced parking requirements were approved
75 provided that the trail is open to the public.

76

77 Mr. Tobey explained the trail system to the public.

78

79 Discussion ensued regarding the sidewalks.

80

81 Mr. Fitch requested a reason why the sidewalk on Dennett Road was considered
82 problematic.

83

84 Mr. Tobey detailed the reasoning to include the speed on the road, the slope and steep
85 cliff, the wetlands and culvert crossing.

86

87 Mr. Steffen clarified that per the code, sidewalks along the frontage are a requirement.
88 He asked the applicant to look at alternatives to meet the requirement.

89

90 Mr. Tobey requested clarification about the discrepancy of building a new road versus
91 developing on an existing state road. The developer would have to bring the current
92 road up to the new standards?

93

94 Mr. Causey, Director of Planning, explained it is staffs' position to require sidewalks for
95 new developments along a public street. He referred to the DOT scoping meeting where
96 alternatives were discussed. Reported that the board has waived the requirement for
97 other projects in less dense zones and the applicant can request a waiver.

98

99 Discussion continued regarding the safety of sidewalks along Dennett Road for the
100 increased population in the development, sidewalks to nowhere, and the town wide
101 sidewalk plan.

102

103 Mr. Tobey added DOT would not approve of an alternative sidewalk across the street
104 from the development with a crosswalk. Owner Mr. Wharff spoke of the interconnectivity
105 emphasized in the current plan of internal sidewalks.

106

107 Vice Chair requested to see a sidewalk on Dennett Road on the plan. Discussion
108 continued with agreement that the sidewalk plan needs more consideration.

109

110 Advisor Ms. Wells requested the status of the third-party review of the landscape plan.
111 Mr. Steffen reported it has not been completed.

112

113 Mr. Steffen reviewed the recommended actions regarding street standards, sidewalk
114 width, shoulder width, and parking.

115

116 Vice Chair Kalmar requested the applicant to provide a written rational for any requests
117 on the recommended actions.

118

119 **Mr. White moved to approve the waiver requested for the street frontage**
120 **requirement between the two entrances. Mr. Alesse seconded.**

121

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

123

124 **Mr. White moved to modify the design standards to approve two street**
125 **connections separated by an island. Mr. Fitch seconded.**

126

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

128

129 **Mr. White moved to approve the Site Preliminary Plan with stated conditions.**
130 **Seconded by Mr. Alesse.**

131

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

133

134 **Item 2- Old Post Road/Bridge Street- Cluster Residential Development-**
135 **Preliminary Plan Review**

136 Action: Accept or deny application. Schedule a Public Hearing. Owner MAC Properties
137 Bridge Street, LLC and applicant Silver Holdings, LLC request consideration of a three
138 (3) building, 11-unit cluster residential development on 3.02+- acre parcel on Old Post
139 Road/Bridge Street (Tax Map 3 Lot 77A) in the Residential-Urban (R-U) Zone. Agent is
140 Shawn Tobey, P.E. Hoyle, Tanner Associates, Inc.

141

142 Shawn Tobey, Civil Engineer with Hoyle Tanner & Associates, requested a
143 postponement of the application pending legal counsel.

144

145 **Mr. White moved to postpone application. Seconded by Mr. Fitch.**

146

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

148

149 **ITEM 3 – Board Member Items / Discussion**

150 The board received an invitation to a planning workshop and received agenda items.

151

152 **ITEM 4 - Town Planner Items**

153 A. 79 Tower Road- DEP Shoreland Zoning Officer consulted. The opinion is that
154 outside the State 75ft or town 100ft setback, the structure can be expanded up to
155 the height limit in the base zone. For structures straddling the 75/100ft setback
156 line, only the portion within the setback is limited to the height restrictions and

157 areas outside would not. The 20ft restriction purpose was clarified. It is for visual
158 impact purposes for the shoreline, not for abutting properties. Vice Chair clarified
159 that if the portion of the structure inside the setback already exceeds the 20ft
160 height, the rest of the structure can expand up to the same height.

161
162 B. Notice of Decision - Minor Modification to an Approved Plan – 9 Bowen Road
163 Mr. Steffen gave a summary of the approval.

164 **Adjournment**

165
166 **Mr. Alesse moved to adjourn the meeting.**
167 **Mr. Fitch seconded the motion.**

168
169 **The motion carried 5-0-0.**

170
171 The Kittery Planning Board meeting of September 26, 2019 adjourned at 6:54 p.m.

172
173 Submitted by Carrie Bacon, Development Staff Clerk on March 26, 2020.

174
175 Disclaimer: The following minutes constitute the author's understanding of the meeting.
176 Whilst every effort has been made to ensure the accuracy of the information, the
177 minutes are not intended as a verbatim transcript of comments at the meeting, but a
178 summary of the discussion and actions that took place. For complete details, please
179 refer to the video of the meeting on the Town of Kittery website at
180 <http://www.townhallstreams.com/locations/kittery-maine>.

181
182

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3 **ROLL CALL**

4

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

7

8 Absent: Drew Fitch, Member

9

10 Staff: Jamie Steffen, Town Planner

11

12 Advisory: Stephen Hall, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

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

17

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

20

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

22

23 **PUBLIC COMMENTS**

24

25 The Chair opened the Public Comments session.

26

27 There being none the Chair closed the Public Comments session.

28

29 **PUBLIC HEARING**

30

31 **ITEM 1 – 60 Route 236- Site Preliminary Plan Review**

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

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

36

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

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

41
42 The Chair opened the public hearing for comments.

43
44 There being none the Chair closed the public hearing.

45
46 Vice Chair Kalmar requested clarification on the conditional use permit, the landscaping
47 around the parking lot, and the handicap accessibility.

48
49 Mr. Chagnon updated the board. He reported that the conditional use permit was not
50 necessary as the approval from the Zoning Board of Appeals covered that need.
51 Comments from the site walk, CMA review, and staff memo discussed. Landscaping
52 around the parking lot and a lighting plan can be added as a condition of approval. The
53 plan as been updated to indicate the wetland is greater than one acre. Notes on wells,
54 snow storage areas, and retaining wall details added. The parking lot has identified
55 handicap parking, ramps, and a first floor accessible bathroom. Hours of operation will
56 be Monday through Friday, 7am to 5pm and Saturday 7a to 12pm.

57
58 Mr. Bellantone requested information on the demolition of buildings and painted walls.
59 Concerns regarding soil and wetland contamination were raised. Mr. Chagnon noted the
60 demolition plan stated all materials would be disposed of according to regulations. A
61 note can be added to the plan.

62
63 Mr. Steffen reported the Kittery Water District issued the letter of sufficient capacity for
64 the plan.

65
66 Advisor Mr. Hall questioned the direction of run-off and the stormwater management
67 plan. Mr. Chagnon explained the retaining wall and the grade provide direction for run-
68 off to the catch basins.

69
70 Mr. Ledgett requested follow-up information on the septic design in relation to the
71 springs identified by a former owner and present abutter. Mr. Chagnon reported that the
72 springs could not be located and that the owner thought they were at least 100 ft
73 beyond the fence. The septic designer will be made aware of potential springs and can
74 put a 100 ft line on design plan.

75
76 Vice Chair Kalmar added a condition of approval for a lighting and photometric plan.

77

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

80

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

82

83 **NEW BUSINESS**

84

85 **Item 2- 8 Thaxter Lane- Shoreland Development Plan Review**

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

93

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

97

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

99

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

102

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

104

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

107

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

109

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

112

113 **Item 3- 1 Coleman Avenue- Shoreland Development Plan Review**

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

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

120
121 Mr. Phoenix gave an overview of the plan. Reviewed the existing dwelling and setbacks.
122 Board of Appeals approved miscellaneous variations, relief on setback requirements.
123 Proposal includes relocating house to make it more conforming. A new septic has been
124 designed outside the wetland buffer.

125
126 Chair Dunkelberger requested clarification on the removal of the maple tree in the
127 corner of the property. The tree has been identified as dead. Chair posed a question
128 regarding the home elevation and the marked cupola. Agent clarified that the cupola
129 has no floor space below and that it has open space below.

130
131 The board affirmed the plan does not require a site walk or public hearing.

132
133 **Mr. White moved to accept and approve the Shoreland Development Plan.**
134 **Seconded by Mr. Ledgett.**

135
136 **The motion carried 6-0-0.**

137
138 **Vice Chair Kalmar read the findings of fact and the board voted to affirm each**
139 **finding.**

140
141 **Item 4- 50 Chauncey Creek Road- Shoreland Development Plan Amendment**
142 **Action: Accept or deny application; Approve or deny plan amendment.**

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

149
150 Mr. Emerson gave an update on the current project and the proposed amendment to
151 the approved plan. The expansion of the structure is not over the allowed 30%, and the
152 increase of the de-vegetation area is within the limits.

153

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

157
158 Mr. Ledgett disagreed that the shed is an expansion of the primary structure. Discussion
159 ensued on the definitions of accessory structures and primary structures.

160
161 Chair Dunkelberger explained that the lot has a boathouse that is the one accessory
162 structure for the property. The proposed shed is attached to the house by an open deck,
163 thus it would be an additional accessory structure. The limit is one accessory structure.

164
165 **Mr. Ledgett moved to deny the application. Seconded by Vice Chair Kalmar.**

166
167 **The motion carried 6-0-0.**

168
169 **ITEM 5 – Board Member Items / Discussion**

170
171 Chair Dunkelberger proposed that anytime the board receives last minute information
172 regarding an application or project, that the board can either continue discussion based
173 on the information in front of them or postpone the discussion until the following
174 meeting.

175
176 Vice Chair Kalmar added that if the information were simple a staff briefing would
177 suffice.

178
179 The board concurs with the three presented options.

180
181 Mr. Alesse informed the board that this was his last meeting. He thanked the board.

182
183 Mr. White requested continued email notification of site walks.

184
185 **ITEM 6- Town Planner / Director of Planning & Development Items**

186
187 Mr. Steffen gave a brief update on the Shoreland Zoning Expansion questions. He
188 reported that a legal opinion had been acquired from the town attorney and that a
189 written report would be provided at the next meeting. The conclusion was in support of
190 staff and DEP with a caveat.

191
192 The upcoming workshop in Sanford on 10/30 was discussed. Mr. Steffen will attend.

193

194 **Adjournment**

195

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

197

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

199

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

201

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

203

204 Disclaimer: The following minutes constitute the author's understanding of the meeting.
205 Whilst every effort has been made to ensure the accuracy of the information, the
206 minutes are not intended as a verbatim transcript of comments at the meeting, but a
207 summary of the discussion and actions that took place. For complete details, please
208 refer to the video of the meeting on the Town of Kittery website at
209 <http://www.townhallstreams.com/locations/kittery-maine>.

210

211

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member, Drew Fitch, Member, Ronald Ledge, Member,
6 Russell White, Member, and Dutch Dunkelberger, Chair

7

8 Absent: Karen Kalmar, Vice Chair

9

10 Staff: Jamie Steffen, Town Planner

11

12 Advisory: Eardean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **PUBLIC COMMENTS**

17

18 The Chair opened the Public Comments session.

19

20 There being none the Chair closed the Public Comments session.

21

22 **OLD BUSINESS**

23

24 **ITEM 1 – 60 Route 236- Final Site Plan Review**

25 Action: Approve with or without conditions, disapprove, postpone action or continue the
26 plan. Owner/Applicant Washburn Realty Group, LLC requests consideration of a
27 preliminary site plan for a 4,603 sf 2 story building on a 73,330 sf lot at 60 Route 236
28 (Tax Map 29, Lot 14) in the Commercial (C-2) Zone. Agent is John Chagnon, Ambit
29 Engineering, Inc.

30

31 Agent Paul Dobberstein with Ambit Engineering gave an update on the plan and
32 addressed concerns from the last meeting. Landscaping updates include arborvitae for
33 screening. A light plan was given to the board, which showed 8 building mounted lights.
34 The spring on the property is non-potable and not used for domestic drinking water
35 purposes, thus it is not required to adhere to the 100 ft setback from the septic system.
36 The current septic design meets the requirements. The issue of possible lead paint on
37 the concrete walls was addressed. The applicant reached out to the Maine
38 Environmental Agency for guidance. Prior to demolition, the walls will be wet and then
39 disposed of at a proper site. The applicant requested a sidewalk waiver.

40

41 Chair Dunkelberger noted the area for the plantings of the arborvitaes is the same area
42 designated for snow storage.

43

44 Mr. Dobberstein replied there should be adequate space for snow storage between the
45 plantings.

46

47 Mr. White questioned the maintenance of the landscaping if snow were to be stored in
48 the same area. Discussion regarding the snow chemicals on the health of the trees, and
49 the maintenance terms of the landscaping plan ensued.

50

51 Ms. Wells confirmed that past projects have required a life-long guarantee and/or
52 maintenance of plantings. Since these plantings are required for a screen from traffic it
53 is not unfeasible to request life-long guarantee from applicant.

54

55 The board agreed and Chair Dunkelberger proposed the following condition of approval
56 be added to the plan: the line of arborvitaes screening the headlights from the road will
57 be maintained as long as the approved use of the location is maintained.

58

59 Chair Dunkelberger asked the board about the sidewalk requirement and requested the
60 agent explain why the applicant should be granted a waiver.

61

62 Mr. Dobberstein referenced ambiguity in the language of the code, lack of sidewalks to
63 connect to, road design issues, and the hardship on the applicant to require the
64 sidewalk.

65

66 Board members commented on the issue. Mr. Bellatone and Mr. White agreed that the
67 project is not residential and would not be creating pedestrian traffic. Mr. Ledgett
68 deferred to staff opinion.

69

70 Mr. Causey, Director of Planning and Development clarified that his interpretation of the
71 code is that all developments that come in front of the board require sidewalks. The
72 code allows the board to waive this requirement. The Route 236 traffic study did not
73 reveal any near future plans to add sidewalks to Route 236.

74

75 Mr. Ledgett noted that this would be the only sidewalk on that stretch of Route 236.

76

77 Mr. Fitch did not support the approval of the waiver solely on the fact that there are not
78 any sidewalks on that stretch as of now.

79
80 Chair Dunkelberger agreed, but does not think the board should encourage pedestrian
81 traffic on Route 236.

82
83 Mr. White suggested a bike lane in lieu of a sidewalk, which would still require the
84 widening of the road.

85
86 Mr. Dobberstein reviewed the existing conditions of the road, such as the guardrail and
87 the steep slope immediately next to the guardrail. The cost of installing a sidewalk under
88 those conditions would make the project unfeasible.

89
90 Chair Dunkelberger stated a sidewalk next to a steep slope would not be safe.

91
92 Mr. Bellantone requested an update on the clean up of the debris in the wetland area
93 and the adjacent site. The clean up would be done per Washburn Realty Group, LLC.

94
95 **Mr. White moved to approve the waiver requested by the applicant for the**
96 **installation of a sidewalk. Seconded by Mr. Bellantone.**

97
98 **The motion carried 5-0-0.**

99
100 **Mr. White moved to accept the plan with conditions stated. Seconded by Mr.**
101 **Fitch.**

102
103 **The motion carried 5-0-0.**

104
105 **Mr. Ledgett read the findings of fact and the board voted to affirm each finding.**

106
107 **Item 2- Findings of Fact for 50 Chauncey Creek Road- Shoreland Development**
108 **Plan Amendment**

109
110 Chair Dunkelberger asked Mr. Steffen why the findings of fact had to be read and
111 recorded if the plan was denied.

112
113 Mr. Steffen responded that the findings of fact needed to be read and recorded for any
114 board decision, including a denial.

115
116 **Mr. White read the findings of fact detailing the reasons for denial of the plan**
117 **amendment.**

118

119 **NEW BUSINESS**

120

121 **ITEM 3 – Board Member Items / Discussion**

122

123 A. Chair Dunkelberger reviewed the legal opinion of the town attorney on the
124 Shoreland Zoning expansion questions. The letter stated that the town and
125 DEP have had a consistent interpretation on the expansion of the portion of
126 the structure in the setback to limit the requirement only to the portion in the
127 setback.

128 B. Reminder for the planning board workshop in Sanford on 10/30/19 at 6PM.

129 C. A Public Hearing for changes to the ordinances in front of Town Council on
130 Monday 10/29/19 at 6PM.

131

132 **ITEM 4- Town Planner / Director of Planning & Development Items**

133 A. Shoreland Zoning- expansion/questions. Letter from the town attorney
134 received and reviewed.

135 B. Mr. Causey reported a stakeholder meeting was held to receive input and
136 feedback on the existing code and future changes they would like to see. He
137 reported the draft of the recodification is on the town website. A Land Use
138 table will be created with clarified definitions. Kittery Land Issues Committee
139 will meet on 11/18/19 for feedback.

140 **Adjournment**

141

142 **Mr. White moved to adjourn the meeting. Mr. Ledgett seconded the motion.**

143

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

145

146 The Kittery Planning Board meeting of October 24, 2019 adjourned at 6:57 p.m.

147

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

149

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151 Whilst every effort has been made to ensure the accuracy of the information, the
152 minutes are not intended as a verbatim transcript of comments at the meeting, but a
153 summary of the discussion and actions that took place. For complete details, please
154 refer to the video of the meeting on the Town of Kittery website at
155 <http://www.townhallstreams.com/locations/kittery-maine>.

156

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member, Ronald Ledgett, Member, John Perry, Member,
6 Russell White, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

7

8 Absent: Drew Fitch, Member

9

10 Staff: Jamie Steffen, Town Planner

11

12 Advisory: Cassandra Bliss, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF MINUTES- 8/8/19 & 8/22/19 (Planning Board Meetings), 8/22/19**
17 **(Planning Board Workshop)**

18

A. 8/8/19

19

**Vice Chair Kalmar moved to approve the minutes as presented. Seconded
20 by Mr. Ledgett.**

21

**The motion failed 3-0-3. Postpone approval to next meeting due to lack of
22 quorum.**

23

B. 8/22/19

24

**Vice Chair Kalmar moved to approve the minutes as presented. Seconded
25 by Mr. Ledgett.**

26

The motion carried 5-0-1

27

C. 8/22/19 Workshop

28

**Vice Chair Kalmar moved to approve the minutes as presented. Seconded
29 by Mr. Ledgett.**

30

The motion carried 4-0-2

31

32 **PUBLIC COMMENTS**

33

34 The Chair opened the Public Comments session.

35

36 Kittery Point resident Gary Woods from 9 Elizabeth Lane voiced his concerns about the
37 potential development of two lots on Elizabeth Lane. He is concerned that the DEP
38 approval conditions on the development were overlooked and the re-mapping of the
39 wetlands does not accurately reflect the current condition of the lots.

40

41 Mr. Steffen responded to the resident's concerns that the Code Enforcement office has
42 researched the issues. The owner of the lots is in compliance with the conditions of the
43 development so far. Building permits have been submitted for both lots and there is no
44 indication that they would not be approved.

45

46 Mr. Ledgett asked if the development approval by the Planning Board include the DEP
47 restrictions, then the Code Enforcement office must comply with the plan and the
48 restrictions.

49

50 Chair Dunkelberger affirmed that the 100 ft buffer around the wetland and land clearing
51 in the buffer needs to be clarified by staff.

52

53 Mr. Steffen confirmed that the buffer was clearly marked and no plan amendment
54 regarding the buffer was necessary. The owner was clearing trees outside of the buffer.

55

56 Chair Dunkelberger requested clarification on the original buffer or the most recent
57 survey buffer to determine the possible land clearing violation.

58

59 The Chair closed the public comment session.

60

61 **NEW BUSINESS**

62

ITEM 1 – 60-68 Wallingford Square – Sketch Plan Review

63 Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant 60-68

64 Wallingford Square, LLC requests consideration of a sketch plan for the renovation of
65 an existing 4-story mixed-use structure and the reconstruction of the garage portion of
66 the structure into a 12-unit inn on a 14,375 sf lot at 60-68 Wallingford Square (Tax Map
67 4, Lot 79) in the Mixed Use – Kittery Foreside (MU-KF), Shoreland (OZ-SL), Resource
68 Protection (OZ-RP) and Commercial Fisheries/Maritime Uses (OZ-CFMU) Overlay
69 Zones. Agent is Nick Bouquet, Madbury Capital.

70

71 Agent Nick Bouquet presented the plan. The revised concept includes a renovation of
72 part of the existing building including the 8 residential units on the second and third
73 floor. Exterior updates to the façade, updates to the major building systems and life
74 safety/fire codes will be brought up to compliance. The second phase is the addition of
75 a 12-unit inn, demolition of part of the building that is AJ's Pizza and the garage at the
76 rear. This would be replaced with a four-story structure that is the same height as the
77 legally non-conforming structure. The project will continue the existing use: retail on the
78 first floor and residential above. The proposal currently meets all zoning requirements

79 with the exception of parking. Applicant will be providing a detailed parking plan at the
80 next phase of the application.

81
82 Tom Emerson of studioB-E discussed the requirements of each zone and any
83 permissions needed from the board. For the base zone of Mixed Use-Kittery Foreside
84 the project does not meet the 5,000 sf per dwelling. For the Shoreland Overlay Zone the
85 multi-unit portion is not allowable and the 10,000 sf per dwelling is not met. No changes
86 to the de-vegetation of the lot are proposed. The parking requirements are to be
87 determined with staff input. The applicant requested the project meet the stated
88 exceptions by right, grandfathering, or permission. The project meets the town's
89 comprehensive plan goals and the site has a history of hotel use.

90
91 Sarah Howard from Market Square Architects reviewed the building design and
92 materials.

93
94 Chris Netto from Novice Group reviewed the parking and site elements. The existing 19
95 parking spaces would remain, however the spaces do not meet the current regulations
96 in size. The pump station and sewer lines discussed briefly.

97
98 Vice Chair Kalmar asked if there was any volume expansion. Staff will need to verify the
99 potential expansion in terms of following the town design standards if applicable.

100
101 Ms. Howard clarified building design elements for the board, and explained there is no
102 increase in volume.

103
104 Discussion ensued regarding the potential firewall between AJ's Pizza and Anneke
105 Jans. The firewall would indicate two separate buildings, thus affecting the height
106 restrictions on the re-build of the building. Staff was asked to seek verification on the
107 firewall.

108
109 Chair Dunkelberger requested a clause or note regarding lease terms on the 8
110 apartments to mitigate the possibility of short-term rental options.

111
112 Vice Chair Kalmar reminded agent that a requirement for the inn would be owner
113 occupancy in the building. Ms. Kalmar would like to see a simple floor plan. A snow
114 removal plan was also requested for the next meeting.

115
116 Discussion ensued regarding the parking and the Planning Boards role versus the
117 Board of Appeals role in approval.

118

119 **Mr. White moved to accept the plan. Seconded by Mr. Ledgett.**

120

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

122

123 **ITEM 2 – Board Member Items / Discussion**

124

125 A. Chair Dunkelberger and Mr. Steffen attended the planning workshop in Sanford.
126 Chair Dunkelberger shared highlights of the workshop and offered materials for
127 those interested.

128 B. Vice Chair Kalmar shared that the Kittery Port Authority is having a training
129 session for waterfront issues on 11/20/19 at 5:30pm. Representatives from the
130 Army Corps of Engineers and DEP are attending.

131

132 **ITEM 4- Town Planner / Director of Planning & Development Items**

133

134 Mr. Steffen informed the board that he received a subdivision approval extension
135 request from John Watts of the Sawyer Lane subdivision. The project already received
136 one extension for the completion of the subdivision. A pre-construction meeting was
137 held in October, followed by the need for financial guarantee. Under the ordinances in
138 place at the time of approval, the applicant can request extensions for up to a ten-year
139 period. Under current ordinances the applicant has three years to complete with five-
140 year extension of the project.

141

142 Mr. Watts explained that the prior extension approval was specified to fall under the
143 earlier ordinances.

144

145 Vice Chair requested a legal opinion. Discussion regarding granting a conditional
146 approval subject to a favorable legal opinion with specific dates ensued.

147

148 Discussion ensued regarding the definition of completion of the project.

149

150 **Mr. Ledgett moved to approve an extension to the substantial completion of the**
151 **Sawyer Lane subdivision not to exceed 11/14/2024 pending town attorney opinion**
152 **that the 2014 ordinance timelines (ten year limit) apply versus the current town**
153 **ordinance (five year limit). Seconded by Mr. White**

154

155 **The motion carried 6-0-0**

156

157 Mr. Watts asked the board questions regarding the taxes and the timeline for the town
158 attorney decision. Asked the board for clarification about the definition of complete.

159
160 Discussion regarding the completion of the subdivision is the completion of the lots and
161 utility connectivity. The board directed the applicant to verify with the Code Enforcement
162 Officer.

163

164 **Adjournment**

165

166 **Mr. White moved to adjourn the meeting. Mr. Perry seconded the motion.**

167

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

169

170 The Kittery Planning Board meeting of November 14, 2019 adjourned at 7:28 p.m.

171

172 Submitted by Carrie Bacon, Development Staff Clerk on March 31, 2020.

173

174 Disclaimer: The following minutes constitute the author's understanding of the meeting.
175 Whilst every effort has been made to ensure the accuracy of the information, the
176 minutes are not intended as a verbatim transcript of comments at the meeting, but a
177 summary of the discussion and actions that took place. For complete details, please
178 refer to the video of the meeting on the Town of Kittery website at
179 <http://www.townhallstreams.com/locations/kittery-maine>.

180

181

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member, Ronald Ledgett, Member, Russell White, Member,
6 John Perry, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

7

8 Absent: Drew Fitch, Member

9

10 Staff: Adam Causey, Director of Planning and Development

11

12 Advisory: Earledean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF MINUTES- 8/8/19 (Planning Board Meeting)**

17

18 **Postpone approval of minutes to the next meeting due to lack of quorum.**

19

20 **PUBLIC COMMENTS**

21

22 The Chair opened the Public Comments session.

23

24 There being none the Chair closed the public comment session.

25

26 **OLD BUSINESS**

27

ITEM 1 – 60-68 Wallingford Square – Sketch Plan Review

28 Action: Approve or deny sketch plan. Owner/applicant 60-68 Wallingford Square, LLC
29 requests consideration of a sketch plan for the renovation of an existing 4-story mixed-
30 use structure and the reconstruction of the garage portion of the structure into a 12-unit
31 inn on a 14,375 sf lot at 60-68 Wallingford Square (Tax Map 4, Lot 79) in the Mixed Use
32 – Kittery Foreside (MU-KF), Shoreland (OZ-SL), Resource Protection (OZ-RP) and
33 Commercial Fisheries/Maritime Uses (OZ-CFMU) Overlay Zones. Agent is Nick
34 Bouquet, Madbury Capital.

35

36 Agent Nick Bouquet presented an update of the plan in regards to the question of the
37 firewall. Demolition determined that it is not a firewall.

38 Rob Harbeson, AIA, gave an explanation of the findings of the demolition, including the
39 difference between a fire separation and a firewall. The findings determined that the
40 building has a fire separation not a firewall.

41

42 Mr. Ledgett asked questions regarding the use and zones issues brought up at the last
43 meeting, specifically in regards to converting the garage into part of the Inn. Non-
44 conforming use in the Shoreland or Resources Protection zone cannot expand or
45 become more non-conforming according to the code. The suggested use is not allowed
46 under the Resource Protection or Maritime Fisheries zones and violates the setbacks.

47

48 Mr. Bellantone asked for an update on the parking spaces and the location of where the
49 Innkeeper would live. These will be addressed at the preliminary plan review.

50

51 **Vice Chair Kalmar moved to accept the sketch plan. Seconded by Mr. Ledgett.**

52

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

54

55 **ITEM 2- 459 U.S. Route 1- Hotel Building Design Plan Review**

56 Action: Approve or deny building design plans.

57

58 Mike Brigham of Landmark Hill LLC presented the design briefly. It is a Marriott Town
59 Place Suites design with a developer out of Massachusetts.

60

61 The board discussed a flat roof design for fire reasons.

62

63 Chair Dunkelberger discussed the Marriot design versus the town's design standards,
64 stating the board would have to approve the proposed design as meeting the town's
65 standards. Everything but the flat roof has been amended to meet the standards.

66

67 Mr. Causey reported that staff reviewed the plans and the design handbook, and noted
68 the only element not meeting the standards is the flat roof.

69

70 Mr. Ledgett asked for clarification on the administrative process of the approval of the
71 design. Chair Dunkelberger suggested the approval contain conditions in the record.

72

73 **Mr. Ledgett moved to approve the building design plan with the stated condition
74 of acceptable flat roof. Seconded by Mr. White.**

75

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

77

78 **ITEM 3- 76 Dennett Road- Sidewalk Discussion**

79

80 Shawn Tobey, P.E. Hoyle, Tanner Associates, Inc., gave an update on the project. They
81 are still waiting for the DEP permit approval. Submitted a full DOT traffic study. Mr.
82 Tobey presented the proposed plan for the front entrance of the building, including
83 entrance lanes and sidewalks. He discussed three sidewalk options, with the first
84 requiring significant grading and tree removal. Preferred option is to not have a front
85 sidewalk and request a waiver. Internal sidewalks would be used. The last option would
86 be to put the sidewalk right along the roadway but with the speed limit the developer did
87 not feel that was safe.

88

89 Discussion ensued from the board. Vice Chair Kalmar suggested a site walk so the
90 board can see the issues and impacts at the site. Mr. White remarked on the road width
91 and speed limits. Mr. Causey reported that the town could submit to the State to lower
92 the speed limit. Mr. Ledgett received an overview on the internal sidewalks. Chair
93 Dunkelberger favors the internal sidewalks and forgoing the sidewalk on Dennett Road.
94 Mr. Ledgett agreed and included bike lane options with the State. Mr. Causey reviewed
95 the staffs' opinion on the internal connection and the sidewalks. He clarified DOTs role
96 in the sidewalk permit process.

97

98 Mr. Tobey agreed to ask DOT about the options for a sidewalk on Dennett Road but
99 stated DOT does not require a sidewalk.

100

101 Bill Wharf, applicant, reported conversations with the abutting owner have been
102 amicable and they both agree that internal connectivity is preferred.

103

104 Mr. Perry would like to see the town have a master plan for the entire road. He does not
105 think a front sidewalk is safe and prefers the internal sidewalk plan.

106

107 Vice Chair asked the applicant to bring a rationale for why they cannot build a sidewalk
108 safely. She would like written demonstration in the next packet detailing the evidence
109 before deciding on the waiver.

110

111 Mr. Causey stated he would check with Town Council on the status of a Town Sidewalk
112 Plan. The Planning Department will work with applicant on the sidewalk plan process.

113

114 Chair Dunkelberger closed the discussion by agreeing with applicant's proposal of
115 internal sidewalks and keeping pedestrian traffic off the road. He would like the town to

116 pursue a bike lane with the State. The Chair reiterated Vice Chair Kalmar's idea of the
117 applicant formally documenting the reasons why a sidewalk along Dennett Road is
118 unsafe. Lastly, the Chair asked the applicant to include on the plan a sidewalk that goes
119 from the site to Dennett Road for future needs.

120

121 **NEW BUSINESS**

122

123 **ITEM 4 – Board Member Items / Discussion**

124

125 A. Election of Officers

126

127 **Mr. White moved to nominate the current slate for the upcoming year:**
128 **Dutch Dunkelberger as Chairmain, Karen Kalmar as Vice Chair, and Ronald**
129 **Ledgett as Secretary.**

130

131 **Seconded by Mr. Perry.**

132

133 **The Motion carried 6-0-0.**

134

135 B. Other

136

- 137 • The board reviewed their schedule for the upcoming January meetings
and determined enough members would be present for a quorum.
- 138 • Eardean Wells asked about the abutting neighbors of Elizabeth Lane,
139 who also spoke at the Conservation Commission meeting. She requested
140 an update on the Planning Departments inquiry with DEP on the two new
141 building lots.

142

143 **ITEM 5- Town Planner / Director of Planning & Development Items**

144

145 Mr. Causey passed out a letter from the Town Attorney regarding the requested legal
146 opinion on the Sawyer Lane Subdivision extension timeframes. It was concluded that
147 the 10-year expiration date is in effect and that the applicant had the right to request it
148 from the board.

149 Mr. Causey gave an update on the recodification effort and gave the members a list of
150 action items for their review.

151

152 Mr. Ledgett requested clarification on the process of bringing other board questions to
153 the recodification effort. He also requested coordination between boards, especially the
154 Port Authority and the Planning Board.

155

156 Chair Dunkelberger requested all members take the list of action items home to review
157 and make suggestions.

158

159 **Adjournment**

160

161 **Mr. Ledgett moved to adjourn the meeting. Mr. White seconded the motion.**

162

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

164

165 The Kittery Planning Board meeting of December 12, 2019 adjourned at 7:11 p.m.

166

167 Submitted by Carrie Bacon, Development Staff Clerk on April 21, 2020.

168

169 Disclaimer: The following minutes constitute the author's understanding of the meeting.
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171 minutes are not intended as a verbatim transcript of comments at the meeting, but a
172 summary of the discussion and actions that took place. For complete details, please
173 refer to the video of the meeting on the Town of Kittery website at
174 <http://www.townhallstreams.com/locations/kittery-maine>.

175

176

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member, Drew Fitch, Member, Ronald Ledgett, Member,
6 Russell White, Member, John Perry, Member, Karen Kalmar, Vice Chair, and Dutch
7 Dunkelberger, Chair

8

9 Absent: None

10

11 Staff: Adam Causey, Director of Planning and Development

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF MINUTES- 8/8/19 (Planning Board Meeting)**

18

19 **Vice Chair Kalmar moved to approve the minutes as presented. Seconded by Mr.
20 Ledgett.**

21

22 **The motion carried 4-0-3.**

23

24 **PUBLIC COMMENTS**

25

26 The Chair opened the Public Comments session.

27

28 Susan Emery, 5 School Lane, commented on the process of public comments in the
29 planning board. She spoke briefly about the hotel design and the town's design
30 standards.

31

32 The Chair closed the public comments.

33

34 **NEW BUSINESS**

35

36 **ITEM 1 – 8 Wentworth Street, Rice Public Library – Sketch Plan Review**

37 Action: Approve or deny building design plans. Owner/applicant, the Town of Kittery,
38 requests consideration of a sketch plan for a three-story addition and related site
39 improvements to the Rice Public Library located at 8 Wentworth Street (Tax Map 4, Lot

40 88) in the Mixed Use – Kittery Foreside (MU-KF) Zone. Agent is Ryan Kanteres, Scott
41 Simons Architects.

42
43 Scott Simons presented the plan to expand the library. Site plans were reviewed to
44 show the expansion to the rear of the historic building. Handicap accessibility with the
45 entrance discussed. Parking plan includes 29 spaces, which doubles the current
46 spaces. Building design elements discussed. Site concerns discussed include the need
47 to bring more power to the site, install new electric poles with three-phase power
48 underground. Storm water has limited capacity; the storm water lines will run along the
49 back property lines. The connector piece of the roof is a flat-pitched roof, which will be
50 presented to the Board of Appeals.

51
52 Chair Dunkelberger asked about the height of the addition. The height does not exceed
53 40 feet. Vice Chair asked that it be noted on the plan. Chair also asked about the
54 setback requirements.

55 Mr. Causey responded that the addition meets all set back requirements. The original
56 building does not meet the height restrictions.

57
58 Mr. Fitch asked about the code regarding the Foreside zone and the dimension
59 standards not being able to exceed the current footprint of the building.

60 Mr. Causey explained that since it is an addition that code does not apply, however if
61 the addition exceeds 30% other standards are applied. The Board of Appeals will
62 address and determine any necessary design elements.

63
64 Mr. Fitch asked for clarification for the parking, and the applicant said that leased
65 spaces would be given up and used for the library. Vice Chair added that including more
66 handicap parking would be beneficial.

67
68 Mr. White commented on the garden and the original design and the history of the
69 design.

70
71 Mr. Fitch asked if there was a plan for the site across the street.
72 Kendra Amaral, Town Manager, responded that a separate committee is working on a
73 plan and timeline for determining what should be done on the site.

74
75 **Mr. Ledgett moved to accept and approve the sketch plan. Seconded by Vice**
76 **Chair Kalmar.**

77
78 **The motion carried 7-0-0.**

79
80 **OLD BUSINESS**

81
82 **ITEM 2- 76 Dennett Road- Sidewalk Waiver Discussion**

83 Action: Approve or deny sidewalk waiver. Owners William J. Cullen and Sail Away, LLC
84 and applicant William Wharff were granted Preliminary plan approval on September 26,
85 2019. That approval was granted with conditions, one of which was to present sidewalk
86 options for the frontage of the property per the requirements of Title 16. Applicant is now
87 requesting a waiver of the sidewalk requirements. Agent is Shawn Tobey, P.E. Hoyle,
88 Tanner & Associates, Inc.

89
90 Mr. Tobey presented the sidewalk waiver and the reasons why it is unsafe. Speed limit
91 and actual speed of vehicles discussed. Lack of crossing light, the on/off ramps, and
92 lighting were discussed. Internal sidewalks widened as a mixed-use pathway for bikes
93 and pedestrians discussed. Sidewalk to the road noted on the plan in case of future
94 sidewalks.

95
96 Vice Chair asked why the DOT standards for sidewalks was not provided.

97 Mr. Tobey reported that the standards of the town were detailed.

98 Mr. Causey responded that CMA was asked to weigh in on the sidewalks and
99 supplemental information was provided to the board. DOT requirement for sidewalks
100 reviewed.

101
102 Chair Dunkelberger asked the board if they want to continue the consideration despite
103 just receiving new supplemental information, or review the information and wait for
104 decision.

105
106 Mr. White agreed to delay and would like to see a DOT fourth option for the sidewalk
107

108 Discussion ensued on the sidewalk options already presented and projections of the
109 fourth option- sidewalk right along the street.

110
111 **Vice Chair moved to continue the discussion of the sidewalk until the next review.**
112 **Seconded by Mr. Ledgett.**

113
114 **The motion carried 7-0-0.**

115
116 **ITEM 3- 459 U.S. Route 1- Hotel Building Design Plan Review Findings of Fact.**
117 Action: Approve or deny Findings of Fact from December 12, 2019 approval.

118
119 Mr. Causey explained that he created a separate notice of decision for the plan to
120 amend the conditions of approval. This new notice will be put with the original findings
121 of fact.

122 Mr. White commented on the design of the building and thinks the board did the best
123 they could with the approvals of the design.

124

125 **Mr. Ledgett moved to accept the findings of fact. Seconded by Vice Chair Kalmar.**
126 **Vice Chair read each finding of fact.**

127

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

129

130 **ITEM 4 – Board Member Items / Discussion**

131

132 Chair Dunkelberger postponed the requested research suggestions from the board
133 members. He asked the board to schedule a workshop before the busier building
134 season.

135

136 Mr. Ledgett reported that he emailed Mr. Causey on suggestions to consider based on
137 the Climate Adaptation Committee. A regional meeting on 1/15/2020 at 6pm, at the York
138 High School on rising sea levels and run-off will be held, open to the public. A two-
139 phase workshop will be addressing specific issues for Maine climate checklists and
140 vulnerabilities. It is a staff and committee member workshop only.

141

142 Vice Chair asked about the new GIS systems and whether it will address the vulnerable
143 areas of the town. Mr. Causey gave an update on the new GIS system.

144

145 Chair Dunkelberger reported he would be scheduling a few workshops: January 23,
146 February 13, and March 26, all at 5pm. Potential topics reviewed: cluster housing,
147 climate change, and re-zoning.

148

149 Kathy Connor, Project Planner, answered Mr. Ledgett's question regarding the number
150 of allowed hotels in the Mixed-Use District: 3 total allowed currently. There is also an
151 online tool on the State's website for the Climate Change Adaptation issues. Ms.
152 Connor told board she would send them the link.

153

154 Earldean Wells, Conservation Commission, asked if the last applicant received a letter
155 from the Army Corps of Engineers, and if there were any after-the-fact permits for the
156 wetland crossing. Mr. Causey reported that the department has not received anything
157 yet.

158

159 **ITEM 5- Town Planner / Director of Planning & Development Items**

160

161 Mr. Causey said he would have a brief update on the recodification at the next meeting.

162

163 **Adjournment**

164

165 **Mr. Ledgett moved to adjourn the meeting. Mr. White seconded the motion.**

166

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

168

169 The Kittery Planning Board meeting of January 9, 2020 adjourned at 7:15 p.m.

170

171 Submitted by Carrie Bacon, Development Staff Clerk on April 27, 2020.

172

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175 minutes are not intended as a verbatim transcript of comments at the meeting, but a
176 summary of the discussion and actions that took place. For complete details, please
177 refer to the video of the meeting on the Town of Kittery website at
178 <http://www.townhallstreams.com/locations/kittery-maine>.

179

180

1 Present: Ronald Ledgett, Member, John Perry, Member, Drew Fitch, Member, Karen
2 Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

3
4 Absent: Russell White, Member, Stephen Bellantone, Member

5
6 Staff: Kendra Amaral, Town Manager, Kathy Connor, Project Planner, Craig Alfis, Code
7 Enforcement Officer

8
9 Advisory: Earldean Wells, Conservation Commission

10
11 **NEW BUSINESS**

12
13 **ITEM 1 – Planning Board Action Items/Priority List Review**

14 PURPOSE: The Planning Board will review and discuss what projects, topics, ordinance
15 revisions, or other ideas they wish to prioritize for study or action in 2020.

16
17 A list of fifteen items was presented to those present, to include:

- 18 1. Cluster Development Ordinance
- 19 2. Workshops with CEO and Port Authority
- 20 3. Zones: too many and too confusing
- 21 4. Rising Sea Levels
- 22 5. Design Handbook
- 23 6. Non-Conforming uses and expansion
- 24 7. Dimension Standards
- 25 8. Density Issues
- 26 9. Allowable uses
- 27 10. Lot Coverage
- 28 11. Development Processes/Requirements
- 29 12. Overlay zone location, interpretation
- 30 13. Created wetlands
- 31 14. Mixed Use Zone
- 32 15. Housing

33
34 Chair Dunkelberger asked if there were any other hot-button issues not posted on the
35 board.

36 Vice Chair Kalmar proposed that after the attendees of this workshop review their
37 recodification materials, they could alert staff if any revised items are of concern to
38 them. Site plan review procedures were mentioned as an example of a proposed
39 revision.

40 Town Manager Amaral clarified there are no policy changes in the recodification.
41 Mr. Ledgett confirmed that there would be a briefing from the Planning Department
42 Director to the board about the recodification.

43
44 Ms. Wells brought up the topic of timber harvesting. Currently the State gives out the
45 harvesting permits. Ms. Wells suggested that residents bring their State permits to the
46 town and receive a town permit as well so that we can ensure the harvesting is done
47 correctly.

48 Mr. Alfis reported that the Code Enforcement office does receive notification of all
49 harvesting permits from the State. The Code Officers do go out and perform compliance
50 checks at the sites. Mr. Alfis offered to notify the Conservation Commission of the State
51 permits.

52 Town Manager Amaral suggested that the permits be uploaded electronically into
53 Viewpoint.

54 Vice Chair Kalmar suggested that “permits by rule” could also be uploaded into
55 Viewpoint.

56
57 Chair Dunkelberger asked those present what item numbers to tackle tonight, and Ms.
58 Connor asked if each item could be reviewed prior to deciding.

59
60 Vice Chair Kalmar reviewed the first item and clarified that the current language in the
61 ordinance could be clearer. Only four dimension modifications can be made in a cluster
62 development, and this is not clearly noted. Ms. Kalmar would like to see applicants
63 submit two sketch plans: one for a traditional subdivision and another for a cluster. She
64 suggested the adoption of the language of the Biddeford ordinance, and Mr. Ledgett
65 agreed.

66
67 Mr. Ledgett reviewed the second item. He suggested that more solid discussions
68 between the Planning Board and the CEO, and the Port Authority would be helpful and
69 would keep the departments on the same page. He mentioned the Port Authority having
70 issues with residents requesting to live on their boats in the winter.

71 Town Manager Amaral agreed that a workshop with Planning Board and Port Authority
72 would be useful. The Port Authority has sole authority for decision-making regarding the
73 posed issue of residents living on their boats and the Planning Board would not be
74 involved. Applications that require both Planning Board and Port Authority approval
75 could benefit from joint discussions, especially if one board is likely to deny the
76 application. This would save the Town and the applicant time.

77 Chair Dunkelberger recognized that in the last ordinance change a lot of the permitting
78 responsibility was reassigned to the Code Enforcement Office instead of the Planning
79 Board. He asked if there are other issues along the same lines that they could address?
80

81 Chair Dunkelberger reviewed the third item regarding zones. He would like to tackle this
82 in a building block, with dimensional standards, density issues, and lot coverage to
83 come up with a basic zone that encompasses most of Kittery. Then come up with the
84 exceptions such as overlay zones. He asked if we could simplify the zones to make it
85 easier for everybody. This would be a bigger, long-term project.

86 Mr. Ledgett suggested looking at other communities for ideas.

87 Chair Dunkelberger said we should not look to other towns but to reality and have the
88 zones reflect reality.

89 Discussion continued on simplifying zones and current characteristics of the zoning.
90

91 Mr. Ledgett reported that a two-session workshop is scheduled for item four on rising
92 sea levels. Communities have put a delta on the how far to build above the highest
93 tidemark to accommodate rising sea levels.
94

95 Mr. Ledgett also explained item five, the design handbook. In particular pitched roof
96 design. Portions of the design handbook could be required by zone. There is urgency
97 for design standards on the waterfront.

98 Vice Chair Kalmar asked if aesthetics were the main factor behind the waterfront
99 urgency.

100 Mr. Ledgett clarified the architecture shouldn't stand out or conflict with the design
101 handbook.

102 Chair Dunkelberger cautioned against tackling this item due to personal taste.

103 Town Manager Amaral suggested looking at the design handbook to see if it expresses
104 what the Town wants and updating it.

105 Vice Chair Kalmar agreed that it is a big discussion that involves people's tastes and
106 first amendment rights.

107 Mr. Ledgett disagreed and refocused back on the comprehensive plan, stating the
108 design emphasized a more historical design standard.
109

110 Ms. Wells reviewed item thirteen and the process around created wetlands: applicant
111 can go to the DEP and say this is a man made wetland and get a permit to fill it. No
112 question is given to if the created wetland is now a functioning wetland. The
113 Commission asks protection be given to wetlands that have the hydric soil, vegetation
114 and functioning as wetlands. She stated the Town is losing a number of wetlands.
115

116 Staff requested items, seven through twelve, were mentioned next. Ms. Connor
117 requested that Mixed-Use Zone be added to the list.

118

119 Chair Dunkelberger identified Items 1, 2 and 4 as priorities for when time and
120 opportunity allows.

121 Town Manager Amaral requested clarification on the Mixed Use Zone item
122 Ms. Connor gave a brief summary of the zone and stated it makes development hard.
123 She suggested some standards should be relaxed to encourage the residential
124 development needed in the zone.

125

126 Mr. Ledgett stated the Mixed-Use Zone and the Cluster Development Ordinance could
127 be developed by staff as straightforward policy changes. The second priority item is a
128 scheduling issue to set up workshops between boards and departments. The third
129 identified priority of sea levels will be a specific recommendation out of the workshops.

130

131 Town Manager Amaral reviewed the process of amending Title 16, explaining the Land
132 Issues Committee reviews any proposed changes prior to the board receiving the draft.

133

134 Discussion continued on what is needed to initiate the priorities, including staff shortage.

135

136 Mr. Fitch gave input on his priorities to include lot coverage, dimensional standards, and
137 density issues. He thought this would be ideal to address during recodification.

138 Town Manager Amaral clarified that the recodification is not addressing technical policy
139 issues, but that a running list is created with policy issues.

140 Ms. Connor asked for housing to be added to the list as item fifteen.

141

142 Mr. Perry was asked if he had any comments, but he did not.

143

144 Ms. Connor reported that the dimensional standards were important to the Director of
145 Planning, as well as Cluster Development. Mixed Use could be discussed after the
146 Cluster Development Ordinance.

147 Mr. Ledgett asked if the recodification would include a matrix table to include
148 dimensional standards and zoning.

149 Mr. Fitch brought up reducing the parking standards for developments. Vice Chair
150 Kalmar agrees and does not think parking lots are best in all areas.

151

152 Town Manager Amaral reminded the members that the Town Council is still working on
153 objectives from prior years, including short-term rental ordinance, recodification, and the
154 five-year comprehensive plan.

155

156 Ms. Wells reported that her priority list included the created wetlands, overlay zone, and
157 the rising sea levels.

158

159 Mr. Alfis agreed with Ms. Connor and reported that dimensional standards drive a lot of
160 structures into non-conformance. It creates a lot of board approval for projects.

161

162 The Kittery Planning Board workshop of January 23, 2020 was adjourned by the Chair
163 at 5:54 p.m.

164

165 Submitted by Carrie Bacon, Development Staff Clerk on June 6, 2020.

166

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173

174

