

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 **Absent:** None

10

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

12

13 **PLEDGE OF ALLEGIANCE**

14

15 **APPROVAL OF MINUTES – None**

16

17 **PUBLIC COMMENTS - None**

18

19 **PUBLIC HEARINGS**

20

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

22 Action: Accept or deny application, Approve or deny plan. Owner, DSS Land Holdings, LLC,  
23 and Applicant Michael Brigham of Landmark Hill, LLC, request consideration of a mixed-use  
24 development consisting of a 112-room hotel, and three residential buildings with 32 elderly  
25 housing units and 16 residential units, for a 20-+/- acre site located on U.S. Route 1 (Tax Map  
26 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Agent is Ken Wood,  
27 Attar Engineering.

28

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

32

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

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

44  
45 Mr. Steffen shared the Fire Chief's plan review comments. He noted the Fire Chief's concern  
46 about fire truck apparatus not having proper access to the rear of the hotel building. He also  
47 noted the Fire Chief's concern about there not being any service vehicle access to the hotel  
48 shown in the plans. Mr. Steffen stated that this has been communicated to Mr. Wood. Mr.  
49 Wood then noted the changes to the plans in response. They will be making adjustments to  
50 the parking and landscaped islands in the rear to accommodate fire truck apparatus. They are  
51 now showing a service entrance and driveway in front of the hotel. He also noted that they  
52 have added walkways around the elderly apartment buildings to provide safer emergency  
53 access for the residents as suggested by the Fire Chief. They have also relocated the fire  
54 hydrant near the single family apartment building to line up with Homestead Circle.

55  
56 **Mr. Dunkelberger moved to approve the site and subdivision preliminary plan dated**  
57 **10/18/2018 as prepared by Attar Engineering for owner, DSS Land Holdings, LLC, and**  
58 **presented by applicant Michael Brigham Landmark Hill, LLC, for 459 U.S. Route 1 (Tax**  
59 **Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones with the**  
60 **conditions that all CMA Engineers comments must be addressed, the Inspection and**  
61 **Maintenance Log of the Operation and Maintenance Manual be revised to the**  
62 **satisfaction of the Town's Shoreland Resource Officer / Stormwater Coordinator and**  
63 **any additional ones that arise from department head comment and the public hearing.**  
64 **Seconded by Vice Chair Kalmar.**

65  
66 **Motion carried 7-0-0.**

67  
68 **Mr. Dunkelberger moved to approve the master site development plan dated 9/20/2018**  
69 **as prepared by Attar Engineering for owner, DSS Land Holdings, LLC, and presented by**  
70 **applicant Michael Brigham of Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60, Lot**  
71 **24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Seconded by Mr. White.**

72  
73 **Motion carried 7-0-0.**

74  
75 **ITEM 2 – 19 Coleman Avenue – Shoreland Development Plan Review**  
76 Action: Accept or deny application. Approve or deny plan. Owner/applicant Ian R. Rex  
77 requests consideration to expand a nonconforming single family dwelling on a 8,895 +/- square

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

80

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

83

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

86

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

88

89 **OLD BUSINESS**

90

91 **ITEM 3 – Bartlett Road/Shaydon Lane – ROW Plan Review**

92 Action: Accept or deny application. Approve or deny plan. Owner and applicant, Rebecca  
93 DeNunzio requests consideration of a right-of-way plan for a 1.42 +/- acre parcel known as Tax  
94 Map 62 Lot 24B located behind 76 Bartlett Road (Tax Map 62 Lot 24) in the Rural Residential  
95 Zone (R-RL) and the Resource Protection Zone (OZ-RP). Agent is David Ballou, Ballou and  
96 Bedell PA.

97

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

106

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

110

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

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

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

123

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

131

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

135

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

140

141 **Mr. Dunkelberger moved to accept the ROW sketch plan application dated October 17,**  
142 **2018 from owner/applicant Rebecca DeNunzio for a 1.42+- acre parcel located behind 76**  
143 **Bartlett Road, Tax Map 62, Lot 24 in the Residential Rural (R-RL) and Resource**  
144 **Protection Overlay (OZ-RP) zones. Seconded by Mr. Ledgett.**

145

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

147

## 148 **NEW BUSINESS**

149

### 150 **ITEM 4 – Yankee Mobile Home Park / Yankee Settlement – Street naming Application –** 151 **Seaglass Lane**

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

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

160

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

162

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

164 Action: Accept or deny application; Approve or deny sketch plan Owner/Applicant Green  
165 Brook, LLC requests consideration to develop a food truck pod on a 1.04 acre lot located at  
166 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1) Zone. Agent is Barbara Jenny.

167

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

175

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

181

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

185

186 **Mr. Dunkelberger moved to accept and approve the sketch plan application dated**  
187 **August 21, 2018 from owner/applicant Green Brook, LLC for 230 U.S. Route 1 (Tax Map**  
188 **22 Lot 14) in the Commercial (C-1, C-3) Zones. Seconded by Mr. Ledgett.**

189

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

191

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

194

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

196

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

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

202

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

207

208 Mr. Steffen explained that since the boathouse is an accessory structure closer to the water  
209 than the principal structure it can't be expanded. Mr. Haight responded that they would not be  
210 expanding the footprint. Mr. Dunkelberger asked if it would be considered a water dependent  
211 structure. Mr. Steffen responded it would not and explained as a structure reconstruction it  
212 would have to meet the setback from the Highest Annual Tide (HAT) line to the greatest  
213 practical extent. Mr. Haight responded that it does not make sense to move it 100 feet away  
214 with the function that it has for pool supplies and kayak storage. Ben Auger, Auger Building  
215 Co., discussed the existing structure. The building has a rubble foundation and is more than  
216 100 years old. It is in disrepair. They are proposing to save some of the timbers and keep the  
217 same look of the building.

218

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

224

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

231

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

233 **Seconded by Mr. Ledgett.**

234

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

236

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

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

243

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

250

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

258

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

261

262 **Mr. Dunkelberger moved to accept the preliminary plan, dated October 18, 2018 from**  
263 **owner/applicant Arthur W. Andrews Rev Trust for an 11-lot cluster subdivision on**  
264 **106.82 acres located off Deer Ridge lane (Tax map 60, Lot 10) in the Residential Rural**  
265 **(R-RL) and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250") Zones as**  
266 **complete. Seconded by Mr. Ledgett.**

267

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

269

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

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

275  
276 **Motion carried 7- 0- 0.**

277  
278 **ITEM 8 – Board Member Items / Discussion**

279  
280 Vice Chair Kalmar read the proposed letter of support to the Town Council from the Planning  
281 Board for the York River Watershed Stewardship Plan and Wild & Scenic River Partnership  
282 designation. **Mr. Alesse moved to the send the letter of support to the Town Council.**  
283 **Seconded by Mr. Ledgett. Motion carried 7-0-0.**

284  
285 Mr. White mentioned putting the Comprehensive Plan priority list on a future agenda. The  
286 Board discussed possibly putting it on for the 2<sup>nd</sup> meeting in January.

287  
288 **ITEM 9 – Town Planner/Director of Planning & Development Items**

289  
290 Mr. Causey gave an update on the Recodification effort. A kick-off meeting with Northstar  
291 Planning would be held soon. At that meeting, the steering committee will work with the  
292 consultant to lay out the overall project timeline and tasks.

293  
294 **Adjournment**

295  
296 **Moved by Mr. Alesse, seconded by Mr. White.**

297  
298 **Motion carried 7-0-0**

299  
300 Board meeting of November 8, 2018 adjourned at 7:50 p.m.

301  
302 Submitted by Jamie Steffen, Town Planner, on January 22, 2019.

303  
304 **Disclaimer:** The following minutes constitute the author’s understanding of the meeting.  
305 Whilst every effort has been made to ensure the accuracy of the information, the minutes are  
306 not intended as a verbatim transcript of comments at the meeting, but a summary of the  
307 discussion and actions that took place. For complete details, please refer to the video of the  
308 meeting on the Town of Kittery website at [http://www.townhallstreams.com/locations/kittery-](http://www.townhallstreams.com/locations/kittery-maine)  
309 [maine](http://www.townhallstreams.com/locations/kittery-maine).

310  
311