

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 **Absent:** Drew Fitch, Member; Dutch Dunkelberger, Member

9

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

11

12 **PLEDGE OF ALLEGIANCE**

13

14 **APPROVAL OF MINUTES – None**

15

16 **PUBLIC COMMENTS - None**

17

18 **OLD BUISNESS**

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

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

27

28 Adam Causey, Director of Planning and Development, gave an overview of the project to date.
29 He then discussed under Section 16.10.2 the concept of a master site development plan. He
30 explained how this development will fit under this type of review. He discussed consolidating
31 the uses for now but leaving the option to divide the lot into two in the future. He discussed the
32 zoning requirements looking at the parcel as a whole and then diving into the preliminary plan
33 review for each lot. He discussed having the Board approve the master site development plan
34 based upon the information and plans already submitted and previous reviews by the Board.
35 He stated he felt like the Board could approve the master site development concurrently with
36 the preliminary and final plan approvals yet to come. Vice Chair Kalmar stated that she
37 appreciates the split lot, if master plan is approved can't decide something else. Treating it as
38 one whole big lot, wont block in the use presumably. Intensity the type the uses and what
39 proposed in certain location. Things change adding landscaping the property plan the

40 standards that will be applied. Apartments in the back will share the same road, wants a
41 oneness even though it may be owner by different individuals.

42
43 Ken Wood, agent for the applicant addressed the Board and introduced Dave Trahan the
44 developer for the apartments. Mr. Trahan stated he is out of Haverhill, MA and has been a
45 partner in the real estate development business with the applicant for close to 30 years.

46
47 Mr. Wood then gave an overview of the project to date. He noted that they are proposing 12
48 32 Elderly Units 12 residential units not 16. He described the revised storm water analysis that
49 has been done. He discussed the residential density calculations. He discussed the State
50 stormwater permit requirements and the analysis that they provided. They are meeting the
51 State requirement for treating 95% of the impervious area. He addressed the comments
52 received from the Town Planner with revisions to the plans. They have updated the
53 stormwater maintenance and inspection plan and logs.

54
55 Mr. Wood discussed the traffic analysis that had been performed. He noted the peak hour
56 trips in the am of 91 and 116 in the pm. He discussed the analysis that had been done for a
57 previous project that showed a large increase in traffic some 690 peak hour trips which was
58 based upon 30,000 square feet of office, retail and a 120 unit hotel. Ms. Kalmar asked if there
59 was a reason they left the existing doctor's office data out of the traffic analysis. Mr. Wood
60 responded that they could add that data for the final plan. After further question from Ms.
61 Kalmar he discussed the existing sewer easement for adjacent lots. Mr. Ledgett asked about
62 cross traffic at the site. Mr. Wood responded that they would have to install and stripe for two
63 center turning lanes per the previous MDOT approved traffic movement plan. Vice Chair
64 Kalmar noted that she would urge the Town to petition MDOT about reducing the speed limit
65 north of the Lewis Road to 35 mph like it is south of Lewis Road.

66
67 Mr. Ledgett asked about compliance with the elderly housing definition. The Board stated with
68 the added community space that would now be compliant.

69
70 Earldean Wells, chair of the Conservation Commission asked about the proposed passive
71 recreation area and trails. She noted that it appeared that there was more than one trail. Mr.
72 Wood and applicant Michael Brigham provided clarification on the proposed trail system. Ms.
73 Well was concerned about another trail going into a significant wetland area. Mr. Steffen noted
74 that they would have to come back to the Board if they proposed another trail.

75
76 Vice Chair Kalmar asked about the phasing plan for the next time the board sees the plans.
77 Mr. Brigham explained the proposed phasing of the development. The two lot would be two
78 different phases with separate bonding. The intention is to build the three apartment buildings

79 at the same time and the hotel concurrently. The will add a phasing plan for the final plan
80 submittal. Further questions were asked regarding snow storage away from the ponds and the
81 HOA buffer language being revised to be similar to what was utilized for the Miller Road
82 subdivision. It was further asked whether CMA had weighed in on the plans yet. Mr. Steffen
83 responded they're still reviewing and will be part of the preliminary plan review.
84

85 **Mr. White moved to accept the preliminary master site development plan dated**
86 **September 20, 2018 from Attar Engineering on behalf of Owner, DSS Land Holdings,**
87 **LLC, and applicant Michael Brigham of Landmark Hill, LLC, for a mixed-use**
88 **development consisting of a 112-room hotel, and three residential buildings with 32**
89 **elderly housing units and 12 residential units on a 20+/- acre site located on U.S. Route**
90 **1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones as**
91 **complete. Seconded by Vice Chair Kalmar.**

92
93 **Motion carried 5-0-0.**

94
95 **Vice Chair Kalmar moved to schedule public hearing for November 8, 2018 for the**
96 **preliminary master site development plan dated September 20, 2018 from Attar**
97 **Engineering on behalf of Owner, DSS Land Holdings, LLC, and applicant Michael**
98 **Brigham of Landmark Hill, LLC, for a mixed-use development consisting of a 112-room**
99 **hotel, and three residential buildings with 32 elderly housing units and 12 residential**
100 **units on a 20+/- acre site located on U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use**
101 **(MU) and Rural Residential (R-RL) Zones. Seconded by Mr. Ledgett.**

102
103 **Motion carried 5-0-0.**

104
105 **NEW BUISNESS**

106
107 **ITEM #2 – Starkey Lane – Street Naming Application**

108 Action: Accept or deny application. Grant or deny approval of street name. Applicant William
109 Cullen requests consideration of naming an unnamed private right-of-way off of Martin Road to
110 Starkey Lane (Tax Map 11, Lot 29-2).

111
112 Chair Grinnell stated that she had a difficult time finding the right-of-way which off of Martin Rd
113 The Board discussed which lots were served by the ROW and extent of it. Chair Grinnell
114 asked Mr. Cullen to address the Board's question about the ROW and noted that there were
115 other owners present that wished to speak to the request. Mr. Cullen explained that when he
116 went in for a building permit for his lot it was noted by Department that it was a safety concern
117 that the ROW was not named. He explained that there are five houses on the gravel road and

118 he detailed the lot numbers, 26A, 25C, 25A, 25B, 25C, 29-1, and 29-2. He discussed a prior
119 attempt at naming Bayberry Lane. He discussed how Starkey Lane was chosen. Vice Chair
120 Kalmar asked if all owners had to agree on the name. Mr. Steffen read the application wording
121 that states that signatures are required accepting the names are required from all owners
122 along the road.

123 There was discussion with the applicant and other owners the Bergers regarding the lots
124 serviced by the ROW and the extent of the road. Joshua Berger one of the owners spoke in
125 opposition to the name. There was discussion about possible names and the Town
126 requirements for naming it. The Town Planner was asked to find out if they all need to agree
127 to a name. Vice Chair Kalmar stated that once that is answered the applicant could come
128 back with an acceptable name.

129
130 **Mr. White moved to continue the application for street naming. Seconded by Vice Chair**
131 **Kalmar.**

132
133 **Motion carried 5-0-0.**

134
135 **ITEM #3 – 19 Coleman Avenue – Shoreland Development Plan Review**

136 Action: Accept or deny application. Approve or deny plan. Owner/applicant Ian R. Rex
137 requests consideration to expand a nonconforming single family dwelling on a 8,895 +/- square
138 foot parcel located at 19 Coleman Avenue (Tax Map 26 Lot 7-1) in the Residential – Kittery
139 Point Village (R-KPV) and the Shoreland Overlay (OZ-SL-250') Zones.

140
141 Ian Rex and Caroline Nielson owners presented an overview of the project. Mr. Rex briefly
142 described the history of the house on the property. He described their renovation plans and
143 stated they are looking to make a little more comfortable for the family and visitors.
144 Mr. Ledgett discussed the code requirement for expansion of a nonconforming structure and
145 stated that there was a certain volume of the porch that couldn't be expanded. Mr. Rex
146 responded by explaining that the code does not include the volume requirement any longer
147 and that they are keeping the renovation under the 1000 sf requirement for nonconforming
148 structure expansions. Mr. Ledgett continued to discuss his concern about the expansion to the
149 portion of the structure that is within 25 feet of the high tide line.

150
151 The Board continued to discuss the proposed change within the 25 foot area and asked for
152 clarification from the Shoreland Resource Officer, Jessa Kellogg. Vice Chair Kalmar clarified
153 that the Board's concern was only for a small sliver of the expansion, only that three foot
154 portion. She explained that any kind of expansion within that portion is prohibited. Mr. Steffen
155 stated his understanding regarding the proposed expansion was that it was allowed as long as
156 it didn't go any closer. He stated he didn't think volume was part that calculation. Mr. Rex

157 explained the volume change relative to the porch expansion. Mr. Ledgett noted that there
158 weren't calculations provided for volume. He commended the applicant for what he has done
159 with the plans but noted the technicality. Vice Chair Kalmar also asked for clarification on
160 whether the lateral expansion of the patio within the 25 foot setback is allowed. Further
161 discussion ensued regarding the applicable regulations. It was noted that the applicant will
162 need to request a waiver of the roof pitch. Mr. Rex explained that he would like to echo the
163 pitch of the existing structure which is a six pitch. Mr. Steffen noted that the language for roof
164 pitch is proposed to be taken out as part of the proposed amendments that are before the
165 Town Council. He noted a December time frame for consideration.
166

167 **Mr. White moved to schedule a site walk for October 25th at 10 am and a public hearing**
168 **for November 8, 2018 for the Shoreland Development Plan application dated June 28,**
169 **2018 from owner/applicant Ian R. Rex to expand a nonconforming single family dwelling**
170 **on a 8,895 +/- square foot parcel located at 19 Coleman Avenue (Tax Map 26 Lot 7-1) in**
171 **the Residential – Kittery Point Village (R-KPV) and Shoreland Overlay (OZ-SL-250')**
172 **zones. Seconded by Mr. Ledgett.**

173
174 **Motion carried 5-0-0.**

175
176 **ITEM #4 – Pinkham's Lane – Major Subdivision Sketch Plan Review**

177 Action: Accept or deny application; Approve or deny sketch plan Owner Niles Pinkham
178 requests consideration of a 6-lot residential subdivision on 41.17 +/- acres of land on
179 Pinkham's Lane (Tax Map 62 Lot 10) in the Residential-Rural (R-RL) and Resource Protection
180 Overlay (OZ-RP) Zones. Agent is Paul Dobberstein, Ambit Engineering.
181

182 Paul Dobberstein of Ambit Engineering gave an overview of the proposed 6 lot subdivision on
183 behalf of owner Niles Pinkham and his daughter Rudy Shayganfar. He passed out 11 x 17
184 colored versions of the plan for the Board. He stated that it is a unique property with a lot of
185 wetlands and they are attempting to design a plan to get a couple of building lots out there. He
186 noted that the Pinkhams have owned property for 80 years and Ms. Shayganfar is working on
187 purchasing the property. He noted that Pinkham's Lane runs east to west back to Bartlett
188 Road. The wetlands have been delineated by Joe Noel who has identified five (5) vernal pools,
189 two (2) of which are Maine DEP significant. He discussed the color-coded plan and
190 highlighted what the different colors represented. He discussed the intent of trying to lessen
191 the impacts on the property.
192

193 Mr. Dobberstein then discussed the review by the town planner. He noted that they are
194 proposing a conventional subdivision instead of a cluster subdivision which would require a
195 waiver. He explained that due to the lay of the land it would not be suitable for cluster

196 development. He discussed previous subdivisions of the property by the owner. He noted that
197 they have proposed two open space parcels. The open space parcel to the southwest is
198 provide with a pedestrian access easement to get to that back land. They envision it as more
199 of a private homeowner's administered situation. He discussed the restricting features on the
200 site - a significant flood zone and wetland areas. He discussed that the flood zone mapping
201 was based upon the older maps and the new flood hazard maps that have been released for
202 comment show a significant reduction in the flood zones for the property.

203

204 He discussed the lot configurations. He discussed the flag shape of proposed lot 4. He noted
205 that the existing lots have "funny" shapes to begin with. He noted the individual lots would all
206 have individual septic systems and wells. He discussed the roadways. The width of the
207 existing ROW is 40 feet wide. The road gravel surfaced and varies in width from 12-14 feet
208 wide. He noted that Mr. Pinkham maintains it. He discussed a proposed turnaround area to
209 be located in the northerly corner in what is designated as an open space area on the plan.

210

211 Mr. Steffen noted his comments regarding the proposed ROW and what may be required for
212 waivers. He stated he researched what was existing for lots served by Pinkham's Lane and
213 came up with 5 lots. Mr. Dobberstein noted one additional lot so Mr. Steffen noted 6 lots plus
214 the 6 lots proposed resulting in a total of 12 lots off of Pinkham's Lane. He recited the road
215 standards for a minor street which is the class of road based upon the estimated ADT. He
216 noted it would require a 60 foot wide ROW with a 20 foot wide travel pavement, 2 foot wide
217 paved shoulder on one side and 8 foot paved shoulder on the opposite side plus 2 foot wide
218 gravel shoulders on each side and a cul-de-sac not exceeding 1,200 feet in length.

219

220 Mr. Dobberstein discussed have the property mapped aerially to get an idea of the planimetric
221 features. The Board noted that flag lots are not allowed by code and they were not at liberty
222 waive that requirement. Vice Chair Kalmar asked about the length of the road to Bartlett Road.
223 Mr. Pinkham estimated it be 1,700 to 1,800 feet in length. He discussed keeping the road
224 gravel and noted that the road would be maintained by the association. It was noted that the
225 Board has authority to waive sidewalks. Vice Chair Kalmar noted that there was no connecting
226 infrastructure in that area of town. The Board discussed the other needed waivers. It was
227 determined that Staff needs to figure out what is permissible for waivers and give that input for
228 next time. Mr. Steffen noted that the waiver for doing a conventional subdivision would
229 actually be a special exception. Ms. Shayganfar discussed the flag shaped lots. She
230 acknowledged that Lot 4 is a flag shaped lot but lot 6 already has that shape. She felt that
231 configuration of the lots were due to preexisting conditions. Vice Chair Kalmar stated that was
232 a fair justification but that a legal opinion may be in order. Mr. Steffen mentioned seeking relief
233 through the miscellaneous variation request. The Board stated that it would need to be worked

234 out with staff. There was further discussion by the Board regarding the site constraints and
235 advised the applicant to work with staff to address the concerns.

236

237 **Mr. White moved to continue the sketch plan application dated September 20, 2018 for a**
238 **6-lot residential subdivision on 41.17 +/- acres of land on Pinkham's Lane (Tax Map 62**
239 **Lot 10) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.**
240 **Agent is Paul Dobberstein, Ambit Engineering. Seconded by Mr. Ledgett.**

241

242 **Motion carried 5-0-0.**

243

244 Mr. Pinkham approached the Board and discussed the possible location of his new house and
245 the access to it utilizing an old roadbed.

246

247 **OLD BUSINESS**

248

249 **ITEM #5 – Board Member Items / Discussion**

250

251 **Mr. White discussed the site walk planned for 35 Walker Street - the old ambulance**
252 **building as part of the Affordable Housing Workshop. It is scheduled for Wednesday,**
253 **October 24th at 3:30 pm. He noted everyone is welcome to attend. The design team will**
254 **then gather later at the community center at 6:00pm for two-hour community listening**
255 **session. Then on Friday, October 26th the team will present their ideas and concepts for**
256 **the public to consider.**

257

258 **Mr. White also noted that the Comprehensive Plan would be on the ballot for November**
259 **and encouraged people to come out and vote for it.**

260

261 **ITEM #6 – Town Planner/Director of Planning & Development Items**

262 **None.**

263

264 **Adjournment**

265

266 **Moved by Mr. Alesse, seconded by Vice Chair Kalmar.**

267

268 **Motion carried 5-0-0**

269

270 Board meeting of Oct 25th, 2018 adjourned at 7:49 p.m.

271

272 Submitted by Jordan Williams, Minute Recorder, on October 4th, 2018.

273

274

Disclaimer: The following minutes constitute the author's understanding of the meeting.

275

Whilst every effort has been made to ensure the accuracy of the information, the minutes are

276

not intended as a verbatim transcript of comments at the meeting, but a summary of the

277

discussion and actions that took place. For complete details, please refer to the video of the

278

meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery->

279

[maine](http://www.townhallstreams.com/locations/kittery-maine).

280

281