

1 **CALL TO ORDER**

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3 **ROLL CALL**

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

8

9 Absent: None

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

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14 Advisory: Earledean Wells, Conservation Commission

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16 **PLEDGE OF ALLEGIANCE**

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18 **APPROVAL OF MINUTES – January 10, 2019**

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20 Line 5 – Dutch Dunkelberger was absent.

21

22 Line 8 – Drew Fitch was present.

23

24 Line 240 – vote should be 5-0-1.

25

26 Line 326 – delete “and Dave”

27

28 Line 350 – add “ADA ramps and” in front of sidewalks.

29

30 Line 393 – it should read 60 National “Guardsmen”.

31

32 Line 457 – add “parallel” in front of spaces.

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34 **Vice Chair Kalmar moved to accept the minutes of January 10, 2019 as amended.**
35 **Mr. White seconded the motion.**

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37 **The motion carried 5-0-2.**

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39 **PUBLIC COMMENT**

40 Chair Dunkelberger opened the public comment segment of the meeting. There
41 being no comments, Chair Dunkelberger closed the public comment.

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43 **OLD BUSINESS**

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45 **ITEM 1 - 88 Pepperrell Road – The Bistro – Parking Plan Review for Business Use**
46 **Change**

47 Action: Approve Findings of Fact. Owner, Chatham Street, LLC, and applicant, Ann
48 Kendall are establishing a new business entity in an existing facility, where intensity of
49 use is significantly different, located at 88 Pepperrell Cove (Tax Map 27 Lots 2A & 49) in
50 the Business Local (B-L), Residential – Kittery Point Village (R-KPV) and Shoreland
51 Overlay (OZ-SL- 250') Zones.

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53 Vice Chair Kalmar stated she had a couple of revisions that she wanted made to the
54 Findings-of-Fact. 1) on page 2, add O to the Finding exceptions, and 2) at Finding O
55 add the end of the sentence “within one year of the approval”. She also noted that her
56 name was misspelled at the signature line but it will now be for Chair Dunkelberger’s
57 signature.

58

59 Ms. Wells asked about the snow removal note on the plans. That will be double-
60 checked. Mr. Fitch asked about directional signage for parking. Mr. Causey responded
61 that it would be part of the parking management plan review which still needs to be
62 completed. Mr. Ledgett asked about the status of the BOA reconsideration. Mr.
63 Causey responded that the amended site plan has more landscape plantings that were
64 added after the owners / applicants met with several of the abutters. He noted that the
65 abutter rescinded her request for reconsideration at the last BOA meeting.

66

67 **FINDINGS OF FACT**

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69 The Planning Board made the following factual findings and conclusions:

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71 **A. Development Conforms to Local Ordinances**

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73 **Finding:** The proposed redevelopment does not meet the off-street parking
74 standards outlined in 16.8.9. The Board of Appeals has approved miscellaneous
75 variations from the off-street parking standards, specifically 16.8.9.4.G, 16.8.9.4.K
76 (2), 16.8.9.4.K (3), 16.8.9.4.K (4) and 16.8.9.4.K (5).

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78 **Conclusion:** This standard appears to be met.

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Vote of 7 in favor 0 against 0 abstaining

B. Standards B – O.

Finding: The Board finds that the standards B-N, excepting K, M, and O are not applicable to the proposed parking plan.

Vote of 7 in favor 0 against 0 abstaining

K. Stormwater Managed.

M. Traffic Managed.

O. Aesthetic, Cultural, and Natural Values Protected.

Finding K: There is one open storm drain existing in the north parking lot that appears to be functioning properly. The Board of Appeals approved miscellaneous parking variations of Section 16.8.9.4.K (3) to waive the requirements for additional storm water infrastructure.

Finding M: The proposed redevelopment requires eighty-one (81) parking spaces which is satisfied by the proposed parking layout. The plan proposes a two-way drive aisle for the 90-degree angle parking areas and a on-way exit drive aisle along parallel parking spaces at the western property boundary. The parking plan shows that traffic flow is to be clearly marked with signs and surface directions at all times. Site distances at the parking lot entrance/exit are shown to be 425' to the west and 350' to the east.

A parking management plan will be developed in conjunction with staff which will be reviewed and certified as to compliance by April 1st of every year.

Finding O: The applicant has agreed to conduct a Phase I Archaeology Survey to investigate the existence of unmarked remains beneath the parking lot adjacent to the Pepperrell tomb within one (1) year of approval.

Conclusion: These standards appear to be met.

Vote of 7 in favor 0 against 0 abstaining

118 **P. Developer Financially and Technically Capable**

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120 **Finding:** The developer has successfully redeveloped three-fourths of the property
121 to date.

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123 **Conclusion:** The applicant appears to meet this standard.

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125 **Waivers:** Waiver requested for sidewalks, specifically Sections 16.8.4.13. A & B is
126 denied. Vote 6-0-0.

127
128 **Conditions of Approval:**

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- 130 1. Curb stops must be installed for each parking space and securely anchored in
131 place except in the parallel spaces in the paved portion of the lot.
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 - 133 2. Any parking signs placed in the interior of the parking lot must be affixed to a
134 wooden post – no metal sign posts are allowed.
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 - 136 3. The applicant shall design and construct pedestrian improvements subject to
137 Department of Public Works review and approval.
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 - 139 4. The applicant shall work with CMP to install adequate screening or shielding on
140 any existing street pole mounted lights utilized by the businesses. Any new
141 permanent lighting added will be CMP approved cut-off fixtures with adequate
142 shielding to direct light down and away from adjacent properties.
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 - 144 5. Food and beverage service for The Wharf is restricted to the area designated in
145 the approved license.
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 - 147 6. Restoration of the crushed sea shell area to its previous limit must be performed
148 to the satisfaction of the Shoreland Resource Officer prior to the opening of The
149 Wharf in the spring.
 - 150
 - 151 7. A parking management plan shall be developed in conjunction with staff which
152 will be reviewed annually and certified as to compliance by April 1st of every year.
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154 **NOW THEREFORE** the Kittery Planning Board adopts each of the foregoing Findings of
155 Fact and based on these findings determines the proposed parking plan will have no
156 significant detrimental impact, and the Kittery Planning Board hereby grants final

157 approval for the parking plan at the above referenced property with the above noted
158 waivers and conditions.

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160 The Planning Board authorizes the Planning Board Chair or Vice Chair to sign the Final
161 Parking Plan and the Findings of Fact upon confirmation of compliance with any
162 conditions of approval.

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164 **Vote of 7 in favor 0 against 0 abstaining**
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167 **ITEM 2 – Accessory Dwelling Units (ADU) Regulations**

168 Action: Review draft amendments and schedule a Public Hearing.
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170 Mr. Causey discussed the questions that were posed at the previous meeting.
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172 Chair Dunkelberger commented that the Board needed to separate the ADU regulation
173 from the short term rental (STR) issue. Mr. Ledgett spoke to the connection between
174 the two and agreed that they weren't connected as long as the proposed wording is
175 clarified that neither the principal structure nor the ADU may be rented for less than 30
176 days.

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178 The Board discussed ADUs vs STRs. Mr. Causey clarified the thinking of Housing
179 Working Group in developing the regulations. He explained that the intent was to
180 restrict ADUs from becoming STRs. Mr. Alesse expressed his concern that the
181 proposed regulations were a ban on STRs. The Board discussed advertising the public
182 hearing for the amendments and including in the notice the specific wording on the 30
183 day rental restriction.

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185 **After motion by Mr. White and second Mr. Ledgett the Board scheduled a public**
186 **hearing on the proposed ADU regulation amendments for March 28, 2019.**

187
188 **The motion carried 7-0-0.**
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190 **NEW BUSINESS**
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192 **ITEM 3 – Sandwich Board Sign Regulations**

193 Action: Review draft amendments and schedule a Public Hearing
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195 Mr. Steffen read the proposed amendments which would govern temporary sandwich
196 board signs in the Business, Commercial and Mixed Use zones.

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198 Chair Dunkleberger had a question as to placement of the signs for businesses in and
199 around Post Office Square. The Board discussed the proposed setback requirement of
200 20 feet from the edge of the frontage street pavement and where to allow placement of
201 them outside of parking lots. Mr. Causey discussed the situation with outlet stores. He
202 explained that many are setback far from the road but have concourses where they
203 could be placed. The Board discussed pedestrian traffic, the number of signs allowed
204 and the separation distance between signs.

205
206 **After motion by Mr. Ledgett and second by Mr. White the Board scheduled a**
207 **public hearing on the proposed sandwich board sign regulations for March 28,**
208 **2019.**

209
210 **The motion carried 7-0-0.**

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

213 A. Planning Board Action Item List

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215 Mr. Steffen reviewed the updates made to the list. The Board discussed the priorities of
216 the list. The Board decided to make AirBnB and short term rentals (STR) priority
217 number one. The Board discussed adding other components to the list, such as
218 relooking at the parking and roadway standards. Mr. Ledgett suggested adding to the
219 list the development of a Housing Plan as outlined in the updated Comp Plan.

220
221 Chair Dunkelberger requested that staff plug these into the list and noted that the Board
222 would revisit it at the Board's 2nd meeting in April.

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

225 A. Any

226
227 Mr. Causey reminded the Board about the Elected and Appointed Officials meeting on
228 the recodification scheduled for Monday, March 4 at 6:30 p.m. at the KCC.

229
230 **Mr. Alesse moved to adjourn the meeting.**

231 **Mr. Ledgett seconded the motion.**

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233 **The motion carried 4-0-0.**

234

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

236

237 Submitted by Jamie Steffen, Town Planner, on March 26, 2019.

238

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

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

241 minutes are not intended as a verbatim transcript of comments at the meeting, but a

242 summary of the discussion and actions that took place. For complete details, please

243 refer to the video of the meeting on the Town of Kittery website at

244 <http://www.townhallstreams.com/locations/kittery-maine>.