

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Karen Kalmar, Ann Grinnell, Dutch Dunkelberger, Mark Alessi, Drew Fitch,
6 Russell White, Ronald Ledgett

7

8 Staff: Kathy Connor, Interim Planner

9

10 **PLEDGE OF ALLEGIANCE**

11

12 **APPROVAL OF MINUTES – March 22, 2018**

13

14 Line 206 – add “park” after “business”

15 Line 239 – change “linear” to “liner” building

16 Line 265 – change end of sentence to “do not have to meet any additional land use”.

17 Line 211 – change “determined” to “were”.

18 Line 129 – change “two” to “knew” and take off the “s” off lot.

19 Line 259 – delete “and” replace with “to see if there is a better way to specify”.

20

21 **Vice Chair Kalmar moved to approve the March 22, 2018 Minutes as amended.**

22 **Mr. White seconded the motion.**

23

24 **The motion carried 6-0-1. Mr. Dunkelberger abstained.**

25

26 **APPROVAL OF SITE WALK MINUTES – 459 Route 1, April 3, 2018**

27

28 **Vice Chair Kalmar moved to approve the site walk minutes for**

29 **Mr. Ledgett seconded the motion.**

30

31 Mr. Ledgett requested to change question “Would the existing parallel lines remain?”

32 delete “if so” and reword to “Is there an active easement or right of way for them?”

33 Mr. White requested to change “striping” to “striping”.

34

35 **The motion carried 6-0-1. Mr. Dunkelberger abstained.**

36

37 **PUBLIC COMMENT**

38

39 The Chair opened the public comment. There being none, the Chair closed the public
40 comment.

41

42 **OLD BUSINESS/PUBLIC HEARING**

43

44 **ITEM 1 – 459 Route 1 - Site and Subdivision Preliminary Plan Review Action:** Hold
45 public hearing, Approve or deny plan. Letter concerns application by owner, DSS Land

46 Holdings, LLC, and applicant, Michael Brigham of Landmark Hill, LLC, which requests
47 consideration of a mixed-use development for a 20-+/- acre site located on U.S. Route 1
48 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Agent
49 is Ken Wood, Attar Engineering.

50
51 Mr. Wood explained this building is the Old Homestead Nursing Home located on a 20-
52 acre site. The current plan has 26 detached elderly buildings along with two mixed-use
53 buildings with first floor for retail and office commercial and 16 dwelling units on the
54 upper floors with parking on the first floor. There are no vernal pools on site and they
55 have worked with staff to maintain wetland setbacks. The stormwater management
56 plan is completed. Mr. Wood informed the Board a cemetery was recently discovered,
57 and they will follow the State of Maine requirement of a 25-ft.

58
59 Mr. Wood agreed to correct notations regarding building types listed from an earlier
60 version on the plan on 1.2 and 1.3 as pointed out by Mr. Dunkelberger.

61
62 Mr. Fitch asked if there is a stipulation to not exceed two bedrooms for the elderly
63 housing units. If there were three bedrooms, they would need two spaces for parking.
64 Mr. Wood replied the units currently have two car garages including two spaces in the
65 driveway. Mr. Wood agreed he will add no parking on the road to the plan.

66
67 The Chair opened the public hearing.

68
69 Earledean Wells referred Page 6.2 regarding the landscaping and requested the
70 applicant have more diversity of trees than what is listed. She requested evergreens be
71 added. The applicant agreed.

72
73 John Thompson, 21 Adams Road asked of the timing of the project and when plans will
74 be available for the public. Mr. Brigham replied they would like to start the project six
75 months after approvals and the documents are available online. He added it is difficult
76 to know exactly when the project will end.

77
78 There being no further comments, the Chair closed the public hearing.

79
80 The following Planner's notes were reviewed:

- 81
- 82 • Special considerations – Page 2. There will be a no cut buffer around the
83 wetland of special significance.
 - 84 • Note 3a Existing trail – Mr. Wood explained there is a trail that runs between the
85 two wetland areas.
 - 86 • The applicant agreed to add the cemetery to the plan.
 - 87 • Note 4a – The applicant explained the long tail for the ponds will grab the
88 stormwater and route it to the ponds.
 - 89 • Note 4b. – The applicant has submitted a waiver request to remove two parking
90 spaces from the 100 ft. setback near the clubhouse.

- 91 • No.8 Landscaping and plant spacing - Mr. Wood will contact CMA and review.
- 92 • No 9b Traffic flow at Lewis Road – Ms. Connor explained the report from CMA’s
- 93 traffic engineer will be ready for the next meeting. Mr. Wood added there is an
- 94 entrance permit from the Maine Department of Transportation and he will send
- 95 them the revised traffic analysis. He also explained the conditions for the permit
- 96 include restriping the lane and he will give DOT’s response to the Board at final.
- 97 • Note 10 – Mr. Ledgett asked what the number of parking spaces are and pointed
- 98 out there is a requirement for 100. Ms. Connor replied there are 98 and explained
- 99 the two missing spaces have to do with a misunderstanding of the requirements
- 100 for the building that is commercial and club so the total number would be 94 .
- 101 She added part of the clubhouse parking area is within the 100 ft setback and
- 102 staff suggested a parking waiver for two spaces would be the best solution. She
- 103 explained the clubhouse would have mostly people that live nearby and would
- 104 not need the parking. The applicant will need a waiver for four spaces. Ms.
- 105 Connor explained why this is not a Board of Appeals jurisdiction as outlined in
- 106 16.9.8.4C. She added the Findings of Fact will quote the section. Mr. Wood
- 107 added none of the spaces taken away include those for the elderly residents. The
- 108 clubhouse will not have a swimming pool. The Chair asked if the clubhouse will
- 109 be open to the public. Mr. Brigham responded it is for the use of the residents
- 110 and not meant to be rented out.
- 111 • Snow storage – Applicant agrees with this note.
- 112 • Page 5 of CMA comments – The applicant agrees, and the road will be kept
- 113 private with a note added to the plan.
- 114 • No.14 – Applicant will use same language as Seward Farm. The road will be
- 115 private
- 116 • Page 2 - 16.8.4.2(F) - The applicant will work on the two proposed entrances and
- 117 Mr. Wood will send the DOT permit to CMA when confirmed valid. Ms. Connor
- 118 reminded the Board it is not in their purview to waive road design standards. Mr.
- 119 Wood reported the peak hour trips for retail and residential.
- 120 • Lighting – The applicant will provide a lighting plan and added the only existing
- 121 active utility easement is underground sewer. Mr. Ledgett suggested finding out
- 122 the owners of the utility poles. The applicant will have the surveyor look at the
- 123 easements.
- 124 • Sidewalks – The Board would like sidewalks. Mr. Wood will need to request the
- 125 DOT for a utility location permit to allow the sidewalks to be constructed close to
- 126 Route 1. Ms. Kellogg verified the Town would be responsible for the
- 127 maintenance of the sidewalks once they are completed.

128
129 Ms. Connor recommended the Board wait to vote on the variances for parking and
130 expansion of the mixed-use zone after the plans have been revised according to CMA
131 and the tonight’s comments.

132
133 After a poll was taken, the Board was in consensus to favor the waivers.

134

135 **Vice Chair Kalmar moved to continue the preliminary site and subdivision plan**
136 **application dated March 28, 2018 from applicant, Michael Brigham of Landmark**
137 **Hill, LLC, for 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed Use Zone not to**
138 **exceed 90 days.**

139 **Mr. Dunkelberger seconded the motion.**

140

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

142

143 **OLD BUSINESS**

144

145 **ITEM 2– 506 U.S. Route 1 (Estes Business Park) – Site and Subdivision Sketch**
146 **Plan Review Action: Accept or deny application, Approve or deny plan.**

147 Owner/Applicant, M&T Realty LLC, request consideration of a mixed-use development
148 for a 28-+/- acre site located on U.S. Route 1 (Tax Map 67, Lot 4) in the Mixed-Use
149 (MU), Shoreland Overlay (OZ-SL), Resource Protection (OZ-RP) and the Residential-
150 Rural (R-RL) Zones. Agent is Ken Wood, Attar Engineering.

151

152 *This item was tabled.*

153

154 **NEW BUSINESS**

155

156 **ITEM 3 – Miller Road – Major Subdivision Sketch Plan Review Action: Accept or**
157 **deny application, Approve or deny plan.** Owners Paul E. and Peter J. McCloud and

158 Applicant Joseph Falzone requests consideration of a 6-lot conventional subdivision on
159 land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and
160 Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering.

161

162 Vice Chair Kalmar recused herself for this item.

163

164 Mr. Wood explained the proposed plan is for a conventional six lot subdivision. Lot 1
165 and Lot 2 will have access of the private road to reduce curb cuts. A special exception
166 will be needed because the ordinance only allows for cluster subdivisions in this district.
167 Mr. Wood explained a cluster subdivision would not work for the zone and would create
168 more pavement. Mr. Wood presented a diagram of a cluster subdivision for the site to
169 show there would be more road which wouldn't benefit the area.

170

171 Mr. Ledgett commented he understands the disadvantages, but the advantage of the
172 cluster would eliminate Lot 6 which is mostly in the Resource Protection (RP) Zone and
173 he explained why the Board would not be permitted to approve the waiver. Mr. Wood
174 explained he is expecting the flood study for this area being approved and he will
175 receive the LOMA. Mr. Ledgett believes the wetland in this RP Zone is one of the most
176 important and contiguous zones in Kittery. Mr. Wood drew the building envelope for Lot
177 6 as presented if LOMA is approved. Ms. Kellogg asked if Mr. Wood could redesign the
178 proposed right of way to provide access for lots 1, 2 and 6 including the cul de sac
179 outside the existing RP line if LOMA was not approved. He replied that if LOMA is not

180 approved, he will not ask the Board to approve the plan. If approved, he would ask to
181 have the RP District readjusted. Ms. Kellogg commented the designation of the RP
182 Zone is up to the State.

183
184 Chair Grinnell asked how much more impervious surface would be created with the
185 cluster subdivision. Mr. Wood replied he would need to increase approximately 18 ft. of
186 gravel and pavement width and increase the length of the road approximately 250 ft. He
187 added he would need a paved cul de sac with a cluster subdivision. Mr. White
188 suggested incorporating shared driveways into the plan. Mr. Wood commented there
189 would be no issue having two lots with a shared driveway.

190
191 After further discussion, the Board requested to have two plans drawn up for
192 comparison and include Mr. White's suggestion of shared driveways. Ms. Kellogg
193 commented it appears the stormwater difference with a cluster would create more
194 disturbance leading to more stormwater impacts. Mr. Dunkelberger commented he
195 could support the conventional design but requested the applicant give more thought to
196 the cluster design and meet with the planner to come up with a different idea. Mr.
197 Alesse asked what the house orientation would be with a cluster design. Mr. Wood
198 explained he has struggled with this and the cluster design will bring houses closer to
199 Miller Road. Mr. Wood agreed to create a cluster site plan including shared driveways.

200
201 Mr. White commented the materials and information and good and suggested a site visit
202 might help before seeing the new sketch plan.

203
204 **Mr. White moved to continue the sketch plan dated March 22, 2018 from owners**
205 **Paul E. and Peter J. McCloud and applicant Joseph Falzone for a 6-lot subdivision**
206 **on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and**
207 **Resource Protection Overlay (OZ-RP) Zones. the sketch plan not to exceed 90**
208 **days.**

209 **Mr. Ledgett seconded the motion.**

210
211 **The motion carried 6-0-0.**

212
213 Mr. Ledgett agreed with Mr. White to have a site walk. Mr. Wood explained he could
214 stake out the plan options. Mr. Dunkelberger was not in support of a site walk before
215 the site plan is accepted.

216
217 **Mr. White move to schedule a site walk for May 1st at 10:30 a.m.**
218 **Mr. Ledgett seconded the motion.**

219
220 **The motion carried 5-1-0. Mr. Dunkelberger opposed.**

221
222 **ITEM 4 – 50 Chauncey Creek – Shoreland Development Plan Review Action:**
223 **Accept or deny application, Approve or deny plan.** Owners and applicants, Thomas
224 and Michele Jordan, request consideration to expand a nonconforming single family

225 dwelling on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax
226 Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-
227 SL-250') and Resource Protection (OZ-RP) zones. Agent Tom Emerson, studioB-E.

228
229 Tom Emerson explained the site of the project is known as the Estes House. He added
230 nonconformance is the proximity of resource, lack of front yard setback and the
231 devegetated area of the lot. He is planning to add a 177 sq. ft. addition to the west side
232 of the structure and extend the porch on the east side. The 177 sq. ft. is an allowable
233 building coverage and he will also be removing asphalt and materials that need to be
234 cleaned out at the entrance to the public right of way. He added they are planning to
235 blast ledge and he will reuse the rock for pathways and steps. The intention is to have
236 stone steps to the waterfront and the current ramp will be removed. Mr. Emerson
237 added there hasn't been any expansion to the building to his knowledge and there is a
238 full foundation.

239
240 Mr. Ledgett pointed out the reasons he believes the structure has been expanded and
241 suggested the Planner review the 1989 file. The planner will look at file to find out if
242 there has been any enlargement to the structure.

243
244 Ms. Connor asked for clarity of the structure height. Mr. Emerson explained the existing
245 ridge will stay the same and the area where the porch is now will expand higher by 2 ft.
246 Total height will be 24 to 25 ft. and will not exceed the height limit. Ms. Connor pointed
247 out the height cannot be more than 20 ft. or the height of existing structure if it is 25 ft.
248 from the highest annual tide. After discussion, Mr. Emerson agreed to lower the gable
249 and not expand 2 ft. Mr. Dunkelberger referred to 16.7.3.3.2E 2 and 3 on Page 163 of
250 the Code regarding expansion. After discussion, the Board was in consensus that the
251 expansion proposed by the applicant is not allowed and suggested Mr. Emerson work
252 with staff to resolve the issue.

253
254 **Mr. Dunkelberger moved to continue the application dated March 21, 2018 from**
255 **owners and applicants, Thomas and Michele Jordan, who request consideration**
256 **to expand a nonconforming single family dwelling on a 7,800 +/- square foot**
257 **parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential**
258 **Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource**
259 **Protection (OZ-RP) zones and not to exceed 90 days.**
260 **Vice Chair Kalmar seconded the motion.**

261
262 **The motion carried 7-0-0.**

263
264 Staff agreed to review paragraph E in the Code and the building permit record.

265
266 **BOARD MEMBER DISCUSSION ITEMS**

267
268 The Board reviewed the amended action list and made the following changes:
269

- Move No. 5 to No. 1 (sign ordinance changes);

- 270 • The definition for No. 3 was discussed and Ms. Kellogg explained she believes
271 this is regarding sea level rise and the implication to the coastline. The Board will
272 defer this item until the research from the Climate Adaptation Study is completed.
273 Ms. Connor will strike “level 6” from this item; and
274 • No. 9. Chair Grinnell would like to add Mr. White and Mr. Fitch are on the
275 Affordable Housing Workshop Committee which is now called Inclusionary.
276

277 Vice Chair Kalmar informed the Board that the Vernal Pool Workshop is full but there is
278 a waiting list.
279

280 Ms. Connor explained the next Board meeting will include the business park. She added
281 the York River Study presentation will be on May 2nd. Ms. Connor will check with the
282 Town Manager regarding when the Foreside Plan Review will happen.
283

284 Discussion of the Frisbee Complex parking ensued. Ms. Connor informed the Board it
285 is being handled through the Code Enforcement Department. Attar Engineering is the
286 engineer for the project and they will be looking at the parking as each component goes
287 to the Code. Mr. Ledgett referred to previous Planning Board Minutes stating there is a
288 requirement that the owners need to come back to the Board before the last business
289 opens. Ms. Connor will look in to this. Vice Chair Kalmar would like to know who is
290 supposed to sign off f.
291

292 **PLANNER ITEMS**
293

294 None.
295

296 **ADJOURMENT**
297

298 **Mr. Alesse moved to adjourn.**

299 **Mr. Ledgett seconded the motion.**
300

301 **The motion carried 7-0-0.**
302

303 The Kittery Planning Board meeting of April 12, 2018 adjourned at 8:05 p.m.
304

305 Submitted by Mary Mancini, Minute Recorder, on April 17, 2018.
306

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

