

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; Adam Causey, Director of Planning and  
9 Development

10

11 **PLEDGE OF ALLEGIANCE**

12

13 **APPROVAL OF MINUTES – April 12, 2018**

14

15 Line 175 - spell out Letter of Map Amendment (LOMA)

16 Line 251 – after “expansion” add “as”

17 Line 31 – change “parallel” to “power”

18 Line 176 – reword after “zones” to “one of the important and contiguous resource  
19 protection zones”

20 Line 241 – strike “1989” and reword “if building permits were issued after January 1989”

21 Line 290 – remove the “f” at end of sentence

22 Line 281 – change to May 24<sup>th</sup>

23 Line 129 – change “variance” to “waiver”

24

25 **Mr. Dunkelberger moved to accept the minutes as amended.**

26 **Mr. Ledgett seconded the motion.**

27

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

29

30 **PUBLIC COMMENT**

31

32 The Chair opened the public comment section. There being none, the Chair closed  
33 the public comment.

34

35 Chair Grinnell introduced Adam Causey, the new Director of Planning and  
36 Development.

37

38 **OLD BUSINESS**

39

40 **ITEM 1– Neighborhood Mixed Use (formerly Business Park) Zoning District**

41 Discussion, Set public hearing. Review and discuss proposed changes to the former  
42 Business Park Zone, now called the Neighborhood Mixed Use Zone. Set public hearing  
43 date.

44  
45 The Board reviewed the proposal that included the changes discussed from a previous  
46 meeting. Ms. Connor addressed Mr. Ledgett’s comment to look at other than typical  
47 square footage for density calculations. After discussions, the Planning Department has  
48 decided not to deviate from the way most of the other zones calculate density and they  
49 will look at his suggestion in the future. She suggested a time to discuss this would be  
50 during the recodification of Title 16.

51  
52 Ms. Connor informed the Board the energy and sustainability remains the same  
53 because the Comprehensive Plan mentions it and Kittery needs to explore this. When  
54 the energy committees make their recommendations, they can add those guidelines into  
55 this document.

56  
57 Ms. Connor also informed the Board they have had discussions with CMA, who have  
58 had a contract with the Town since 2005 and have agreed to review the best  
59 management practices for stormwater for the business park. They also agreed to  
60 outsource if they feel they lack the expertise on a matter. She added CMA is  
61 recommending the drainage structures be allowed to be in the wetland setbacks in this  
62 zone.

63  
64 Mr. Ledgett suggested creating an incentive for developers to build inclusionary  
65 housing. He added the incentive could be density. He also suggested seeking  
66 comments from developers if this proposal will work for users. He recommended the  
67 Inclusionary Housing Working Committee review this document. Ms. Connor  
68 commented one of the barriers to having inclusionary housing in this district is the high  
69 cost to add the infrastructure and the environmental constraints of the area. Mr. White  
70 and Mr. Fitch will bring this document to the Inclusionary Housing Working Committee  
71 for review.

72  
73 Mr. Dunkelberger commented of adding language to allow consideration of uses not  
74 contemplated before. He feels the list “Other Uses” in the document is limiting and does  
75 not like the term similar noted on lines 57 and 58 on Page 2D. He referred to language  
76 on Page 7 of Conditions for Approving Special Exception Uses. He suggested  
77 removing the word “similar” to allow the Planning Board to decide if project is beneficial  
78 for Kittery using the criteria outlined in the document.

79

80 After discussion, the Board was in consensus to have the planning staff make the  
81 suggested changes and bring them back to the Board and asked the Inclusionary  
82 Housing Committee to review the document.

83

84 Vice Chair Kalmar suggested the following changes:

85

- 86 • Add liner building to the list of definitions;
- 87 • Lines 97 and 102 - specify all the parking required must be encompassed in the  
88 building;
- 89 • She asked for an explanation for change in density. Ms. Connor explained it was  
90 suggested in the original study to have 15 units per acre and after receiving  
91 several comments from other committees who want to see more density it was  
92 changed. It is now 14 units per acre for mixed-use and 16 units for multi-unit  
93 residential;
- 94 • Spacing between buildings should be cleared by the Fire Chief before the public  
95 hearing.
- 96 • Add more tree species of trees for diversity. Earldean Wells explained the  
97 number of species depends on the number of trees in the area.

98

99 The Board questioned the maximum height of a building the Fire Department's trucks  
100 can manage. Mr. Causey reported he has spoken with the Fire Chief and 50 ft. is the  
101 height limit now. Ms. Connor will remove the 60 ft. height limit from the document.

102

103 The Board determined a public hearing will not be schedule until they review the next  
104 draft with the changes highlighted.

105

## 106 **NEW BUSINESS**

107

108 **ITEM 2 – MS4 (Municipal Separate Storm Sewer Systems) Presentation and Q&A.**  
109 Jessa Kellogg, MS4 Coordinator and Shoreland Resource Officer will present.

110

111 Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator presented the  
112 annual MS4 General Permit for Stormwater Discharges. She explained a stormwater  
113 permit is administered by Maine DEP and the Town is required to ensure there is no  
114 discharge of polluted stormwater going into the waters of the State. She read over the  
115 required six minimum control measures. She explained the areas the Planning Board  
116 reviews and the Town encourages developers to keep stormwater on their property.  
117 Ms. Kellogg pointed out the Board packet contains a map of the urbanized area. She is

118 not concerned with any items in Kittery and the Town hasn't had any violations to her  
119 knowledge.

120

121 **ITEM 3 – Kittery Foreside Land Use Parking and Transportation Study**

122 Discussion: Discuss the February 2018 Final Report.

123

124 The Board agreed to allow public comment for this item.

125

126 Mr. Causey explained there is previous list of items that has not been given to  
127 consultant and will be incorporated soon. He will be requesting the consultants to  
128 upgrade the maps and send an editable copy, so changes can be edited.

129

130 Mr. Dunkelberger reminded the Board the Navy will be doing a traffic study and  
131 partnering with them could expediate the process. The opportunity could include funding  
132 for improvements. Mr. Causey informed the Board the Town is seeking grant funding to  
133 partner with the Navy to do a joint traffic and land use study.

134

135 The Chair opened the public comment.

136

137 Ryan Burbridge, 4 Newmarch Street, explained he appreciates the process to involve  
138 local stakeholders. He listed inconsistencies with the study of creating two-way traffic  
139 on Newmarch Street and was happy to hear there will be updates for speed data on  
140 Route 1. Mr. Burbridge expressed his concerns of the possibility of increased speeds if  
141 the road is widened. He expressed his concern to decrease part of the park to add  
142 parking and believes the recommendation would increase traffic in front of his home.

143

144 Mr. Dunkelberger explained the Foreside Working Group Committee would like to  
145 reroute traffic in that area to enable more use of the park and improve the traffic flow.  
146 Vice Chair Kalmar pointed out the previous concerns were not documented, and she  
147 would like to see the report represent both the positive and negative points expressed.  
148 She added her concern of expanding the road in that area would require cutting into  
149 tree roots which would kill the trees.

150

151 Chair Grinnell pointed out the Board has not weighed in on increasing access to the  
152 park as stated in Section 5.3.1. She added she is concerned with adding parking on  
153 Hunter Street because of the restaurant and she would like the opinion from the head of  
154 Public Works of the impact of creating a dead-end street. Chair Grinnell would like to  
155 know if the Town would consider using speed tables which can be plowed.

156

157 Ms. Connor reminded the Board are just recommendations and are not mandated. The  
158 Board requested a prioritized action list be added to the report and to set up a workshop  
159 with the Foreside Working Group Committee to work on the list and review the  
160 amended document. Mr. Causey will consolidate the document and will circulate to the  
161 Board.

162  
163 Vice Chair Kalmar referred to the zoning recommendations and expressed her concern  
164 of a disconnect of verbiage of maintaining the scale of the Foreside.

165  
166 Mr. Alesse recommending removing the traffic triangles located at the intersections  
167 because they are too large and not needed. Chair Grinnell commented she does not  
168 like n the flat roof depicted on the graphic on Page 97, which does not meet zoning.

169  
170 Planning staff will keep the Board updated on this item.

171  
172 **ITEM 4 – Board Member Items/Discussion**

173  
174 A. Update on the Inclusionary Housing Working Group

175  
176 Mr. White gave an update and listed items discussed at the last Inclusionary  
177 Housing Working Group meeting. A design Charette is planned next fall for a Route  
178 1 parcel, which needs to be determined. He summarized the suggestions from the  
179 meeting for reviewing the Accessory Dwelling Units (ADU) ordinance and air B&B  
180 regulations. Mr. Fitch explained the meeting was focused on adjusting the ADU  
181 regulation. He explained the Town currently has a cap of 10 ADU units per year and  
182 they are looking to change the regulation, so people will want to use it and will know  
183 about it. The Chair thanked Mr. White and Mr. Fitch for their efforts.

184  
185 B. Planning Board Action List

186  
187 Chair Grinnell requested the Board add to their action list working with Eliot on the  
188 Route 236 corridor. This will be listed under priority 1.

189  
190 **Item 5 - Town Planner Items**

191  
192 A. York River Watershed Study

193  
194 Ms. Connor explained the information from the York River Water Shed study will be  
195 presented to the Board on May 24<sup>th</sup>. She gave a background of the study and

196 explained four communities are looking to have the river designated as a wild and  
197 scenic river. She added they would also like to produce a water shed stewardship  
198 plan. She listed the surveys and the studies the YRWS has done. The watershed  
199 stewardship plan includes a grant of a build out analysis for the four communities  
200 which will be shown on the 24<sup>th</sup>. Ms. Connor pointed out she included a link of the  
201 study on the agenda.

202  
203 Ms. Connor looked into the parking requirement for 88 Pepperrell Cove. She  
204 explained the Minutes from July 27, 2017 covered the special exception granted for  
205 the ice cream shop and included discussion of a parking lot less than a mile away  
206 with valet parking. The October 26, 2017 Minutes reflected a condition in the motion  
207 that the owners need to come back to staff prior to the last business being opened  
208 with a detailed plan for parking. Ms. Connor reported this is happening. She added  
209 there are 26 parking spaces across the street from the businesses and she  
210 described the other parking areas. She explained the way the Code Enforcement  
211 Office is proceeding before a permit is given. After discussion, it was decided that  
212 the owners of 88 Pepperrell will go through the staff not the Board regarding the  
213 parking plan and staff will keep the Board informed.

214  
215 Mr. Ledgett referred to discussion in Item 4B and commented on the increased  
216 interest in ADU's. He suggested being cautious and pointed out there have been  
217 problems. He referred to a past issue of an attempt to sell an ADU as a separate  
218 parcel. He pointed out there is a requirement to change the deed before an  
219 occupancy permit is granted. Mr. Fitch commented that is a valid point and he would  
220 like to see the regulation include no short-term rentals for ADU's.

221  
222 **Item 7 - Adjournment**

223  
224 **Mr. Alesse moved to adjourn the meeting.**  
225 **Mr. Dunkelberger seconded the motion.**

226  
227 **The motion carried 7-0-0.**

228  
229 Point of Order: Mr. White announced there was a public hearing on the Comprehensive  
230 Plan. The next step is State final review and then it will go to the Town Council for  
231 hearings in July and August.

232 .  
233 The Kittery Planning Board meeting of April 26, 2018 adjourned at 7:43 p.m.

234

235 Submitted by Mary Mancini, Minute Recorder, on May 2, 2018.

236

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

238 Whilst every effort has been made to ensure the accuracy of the information, the  
239 minutes are not intended as a verbatim transcript of comments at the meeting, but a  
240 summary of the discussion and actions that took place. For complete details, please

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

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

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