

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Dutch Dunkelberger, Mark Alessi, Drew Fitch, Ronald Ledgett

6

7 Absent: Karen Kalmar, Russell White

8

9 Staff: Kathy Connor, Interim Planner; Adam Causey, Director of Planning and Development;  
10 Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator

11

12 Advisory: Earldean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF MINUTES – June 28, 2018**

17

18 **Mr. Dunkelberger moved to accept the Minutes of June 28, 2018 as written.**

19 **Mr. Alesse seconded the motion.**

20

21 **The motion carried 5-0-0.**

22

23 **PUBLIC COMMENT**

24

25 Chair Grinnell opened the public comment segment of the meeting. There being no  
26 comments, Vice Chair Kalmar closed the public comment.

27

28 **PUBLIC HEARING**

29

30 **OLD BUSINESS**

31

32 **ITEM 1 – Miller Road – Major Subdivision Preliminary Plan Review** Action: Re-schedule  
33 public hearing date. Owners Paul E. and Peter J. McCloud and Applicant Joseph Falzone  
34 request consideration of a 6-lot conventional subdivision on land along Miller Road (Tax Map  
35 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.  
36 Agent is Ken Wood, Attar Engineering.

37

38 Chair Grinnell announced the public hearing for this item was rescheduled for July 26<sup>th</sup> due to  
39 a notice error.

40

41 Brian Neilson, representing Attar Engineering, explained there are new design changes to  
42 maintain the natural landscape and reduce impact to the area. The new design has significant  
43 reductions in grading along the road and they have added 50-ft buffers where possible. Mr.  
44 Neilson explained the plan is to preserve the trees where they can.

45

46 Mr. Dunkelberger asked Mr. Neilson to comment on the LOMA (letter of map amendment)  
47 request as it relates to the resource protection overlay boundary. Mr. Neilson explained that  
48 the original floodplain line on the map included Lot 6 and much of Lot 1 in the floodplain. The  
49 LOMA requesting the floodplain line be moved was accepted by FEMA on May 10, 2018. Mr.  
50 Neilson added since the 100-year flood plan and resource protection boundary shared the  
51 same line previously, they would like to request to have this continue as the same line. Ms.  
52 Connor explained staff contacted the DEP to ensure the adjustment was satisfactory. The  
53 representative at DEP informed staff that legal counsel advised that when adjustments are  
54 more than a 100-ft., a formal shoreland zoning map modification should be made. She added  
55 Ordinance 16.3.2.19 allows the Board to consider Lots 1 and 6 as single-family resident lots  
56 through a special exception in a resource protection area. Staff is advising the Board to also  
57 consider a Special Exception use for Lots 1 and 6 and include in the approval process. The  
58 Town will proceed on making the change to the Shoreland Zoning Map, as a separate process.

59

60 Chair Grinnell asked what waivers will be requested. Ms. Connor explained the applicant is  
61 requesting a waiver for sidewalks. The written request was included in the Board's packet.

62

63 Ms. Connor asked the applicant to address CMA's comment 16.7 – General Development  
64 Requirements. Mr. Neilson explained they need to clarify the calculation for net residential  
65 acreage. The 100-year flood plain was not included in the calculation and he explained why.  
66 They have identified the exposed bedrock and soil classes where presented as unsuitable  
67 soils. He explained drainage easements were added for the new ROW and another driveway  
68 and they are cleared for six lots. Mr. Neilson explained they have added the proposed well and  
69 septic locations on the map and pointed them out to the Board. Language regarding restricting  
70 tree clearing are outlined in Note 10 and Note 11.

71

72 Mr. Neilson read the language pertaining to no disturbance buffers in Note 11. Ms. Wells  
73 questioned if mowing will be done since an exception listed stems that are one inch or less in  
74 size. Ms. Kellogg explained the Town considers trees less than 2 inches are saplings and she  
75 will work with the applicant on language for this note. Ms. Wells pointed out Lot 4 only has one  
76 test pit not in the buffer zone and questioned if the Town would allow the applicant to go into  
77 the buffer if the if the septic for this lot fails. Mr. Neilson will have the answer for this for the  
78 next meeting.

79

80 The applicant will provide the impervious surface calculations for the next meeting.

81

82 **Mr. Dunkelberger moved to reschedule a public hearing formerly set for July 12th to**  
83 **July 26, 2018 for the preliminary subdivision application dated May 23, 2018 with**  
84 **revisions dated June 20, 2018 from owners Paul E. and Peter J. McCloud and applicant**  
85 **Joseph Falzone for a 6-lot subdivision on land along Miller Road (Tax Map 59 Lot 20) in**  
86 **the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.**

87 **Mr. Ledgett seconded the motion.**

88

89 **The motion carried 5-0-0.**

90

91 Chair asked if any of the residents present wanted to comment.

92

93 Jeff Clifford, 27 Miller Road, shared the process has been good and the developer has been  
94 forthcoming. The developer has met with the abutters and listened to their comments. He  
95 requested the Board add restrictions on ledge removal during the construction period. Mr.  
96 Clifford added it is important to provide rural aspect of the scenic road and asked that some  
97 underbrush remain, which would help with the health of the trees. He also recommends tree  
98 stumps be ground. He suggested having plan references in the HOA documents for  
99 consistency.

100

101 Mike Getty, 36 Miler Road, asked if applicant has met with CMP about the location of the poles  
102 for the new homes. Mr. Falzone commented that he has no problem having the abutters  
103 present when he meets with CMP but he has no control where the utility poles will be located.

104

## 105 **NEW BUSINESS**

106

107 **ITEM 2– 459 Route 1 - Site and Subdivision Sketch Plan Review** Action: Approve or deny  
108 plan. Owner, DSS Land Holdings, LLC, and Applicant Michael Brigham of Landmark Hill, LLC,  
109 request consideration of a mixed-use development consisting of a 112-room hotel, and three  
110 residential buildings with 32 elderly housing units and 16 residential units, for a 20+/- acre site  
111 located on U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-  
112 RL) Zones. Agent is Ken Wood, Attar Engineering.

113

114 Michael Brigham explained his proposal for a 112-room hotel to be located near the front of the  
115 property and three residential buildings in the rear. One building will offer two floors of age-  
116 restricted housing plus ground floor parking and the other two buildings will contain age-  
117 restricted housing on one floor, and general housing on the top floor. Mr. Brigham explained

118 why he believes this is a better plan for the property. The plan will enable greenspace to  
119 remain and will expand the walking trails. He explained the hotel is an extended stay hotel with  
120 rates that will be lower than the Hampton Inn. The elderly apartments will include a  
121 membership at the hotel for the pool and gym. The property has wetlands on three sides.  
122

123 A document from a board member who was unable to attend the meeting was read by Mr.  
124 Dunkelberger. This Board member questioned if the project can meet the Town's definition of  
125 elderly housing and if the project is independent or congregate living. Another question was  
126 how the mixed-use requirement applies to this project.  
127

128 Mr. Brigham explained the elderly housing units are stand-alone independent living  
129 condominiums and no medical staff will be at the location.  
130

131 Detailed discussion ensued of this project meeting the definition of mixed-use buildings/zone,  
132 permitted Special Exception use and the elderly housing criteria.  
133

134 **Mr. Dunkelberger moved to accept and approve the sketch plan dated 6/20/2018**  
135 **prepared by Attar Engineering, Inc and presented by applicant, Michael Brigham,**  
136 **Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed-Use Zone.**  
137 **Mr. Alesse seconded the motion**  
138

139 Mr. Dunkelberger pointed out staff's comment in Note 7 regarding the hotel being parallel to  
140 Route 1 and the Code's requirement of no parking in front or to the sides of the building. Mr.  
141 Brigham responded they had to make the hotel parallel to the road because of the design of  
142 the buildings. There will be no parking in the front of the building and there is a large ROW in  
143 front of the property which will be well landscaped. He added they are requesting the State to  
144 reduce this front ROW and staff recommended him to make the request because the ROW is  
145 twice as wide as normal.  
146

147 Chair Grinnell shared her concern of sharing the health club and pool between two entities.  
148 Mr. Brigham explained he will be open to add the clubhouse back into the plan if necessary.  
149 The Board requested the applicant provide more detail on the hotel's health club and the pool  
150 for the next meeting.  
151

152 Ms. Connor pointed out the layout meets Title 16 siting requirements for stormwater,  
153 landscaping and buffers. There are no stormwater ponds near the wetlands of special  
154 significance and the southern wetlands are within the desirable setbacks. Parking will be  
155 behind the building.  
156

157 The applicant will address the staff comments for the next meeting. Ms. Connor added the net  
158 residential density is correct based on the number shown on the plan.

159  
160 Earldean Wells pointed out there are two snow storage areas on the plan and asked the  
161 applicant to clarify as a note that snow will be removed from the property if there is an  
162 abundant amount. She also requested to have a mixture of deciduous and evergreen trees  
163 per staff comment #20.

164  
165 Mr. Brigham agreed to address the Board's concerns and comments at the next meeting.

166  
167 **The motion carried 4-1-0. Chair Grinnell opposed.**

168  
169 **ITEM 3 – Johnson's Mobile Home Park – Street Naming – Aspen Circle, Balsam Lane**  
170 **and Cherry Lane** Action: Accept or deny application. Grant or deny approval of street names.  
171 Applicant Mark G. Phillips requests consideration for naming three currently unnamed roads  
172 within the park to assist with deliveries and emergency responses, Aspen Circle, Balsam Lane  
173 and Cherry Lane (Tax Map 21 Lots 3 and 7).

174  
175 Mr. Phillips explained he purchased the park 12 years ago. He explained the post office wants  
176 the mailbox location changed and Mr. Phillips wants to implement a numbering system which  
177 would require the roads to be named. He added this would be a benefit for 911 as well and he  
178 will pay for the street signs.

179  
180 Ms. Connor shared that the Fire Chief and acting Police Chief find the street names  
181 satisfactory. She added the assessor has not had the opportunity to comment but she  
182 discovered the proposed road names would not be duplicated.

183  
184 **Mr. Dunkelberger moved to accept the application of Mark G. Phillips naming three**  
185 **currently unnamed roads to Aspen Circle, Balsam Lane and Cherry Lane enhance 911**  
186 **numbers to follow.**

187 **Mr. Ledgett seconded the motion.**

188  
189 **The motion carried 5-0-0.**

190  
191 **ITEM 4 – Board Member Items / Discussion**

192  
193 Tonight's meeting is the last meeting Ms. Connor will be attending and the Board thanked her  
194 for her good work and service to the Town.

195

196 **ITEM 5 – Town Planner Items A. Other**

197

198 Title 16 has been reformatted and is now available online. The Board will be receiving new  
199 binders with the new formatted Title 16.

200

201 **ITEM 6 - Adjournment**

202

203 **Mr. Alesse moved to adjourn.**

204 **Mr. Dunkelberger seconded the motion.**

205

206 **The motion carried 5-0-0.**

207

208 Board meeting of July 12, 2018 adjourned at 7:38 p.m.

209

210 Submitted by Mary Mancini, Minute Recorder, on, July 15, 2018.

211

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

213 Whilst every effort has been made to ensure the accuracy of the information, the minutes are  
214 not intended as a verbatim transcript of comments at the meeting, but a summary of the  
215 discussion and actions that took place. For complete details, please refer to the video of the  
216 meeting on the Town of Kittery website at [http://www.townhallstreams.com/locations/kittery-](http://www.townhallstreams.com/locations/kittery-maine)  
217 [maine](http://www.townhallstreams.com/locations/kittery-maine).