

CALL TO ORDER

Chair Grinnell called the meeting to order at 6:07 p.m.

ROLL CALL

Members Present: Robert Harris, Dutch Dunkelberger, Karen Kalmar, Ann Grinnell, Debbie Driscoll-Davis, Mark Alesse

Staff Present: Bill Straub, CMA

PLEDGE OF ALLEGIANCE

AGENDA

The Chair requested to amend the agenda and have Town Manager Amaral address the Board before the Public Comment section. Board members agreed.

Town Manager Amaral explained Chris Di Matteo had given his noticed and his departure was timed, and he did not just leave. He wanted his leaving to be kept nonpublic. She added as of tonight, Rebecca Spitko has given her notice and is leaving in three weeks to become the Assistant City Planner in Westbrook. Town Manager Amaral explained she has met with Chair Grinnell and Vice Chair Kalmar to discuss the situation. Bill Straub, from CMA is filling in tonight and others will be as well. She explained the Town is trying to make the transition as smooth as possible. Mr. Di Matteo's emails are going through Ms. Spitko and the Town Manager's secretary. She is looking at the job description and she will be proposing changes. Chair Grinnell added she and Vice Chair Kalmar offered their services and she would like to see Board members go to the Town Manager to offer ideas.

REVIEW OF MINUTES

October 12, 2017

Under Findings of Fact:

Page 19, Item 4 replace "Homeowners Association" instead of easements.

Item 7 - add "within the Shoreland Zone".

Item 11 - add under Condition of Approval - "Applicant to pay for street signs and miscellaneous costs associated with address changes".

Vice Chair Kalmar moved to accept the Minutes of October 12, 2017 as amended.

Mr. Dunkelberger seconded the motion.

The motion carried 6-0-0.

October 26, 2017

**Vice Chair Kalmar moved to approve as presented the October 26, 2017 Minutes.
Mr. Dunkelberger seconded the motion.**

The motion carried 5-0-1.

September 28th Minutes

These Minutes have been approved by the Board and the applicant has suggested changes. Chair Grinnell suggested waiting until the applicant's item before reviewing.

PUBLIC COMMENT

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

PUBLIC HEARING/OLD BUSINESS

ITEM 1 - 10 Spinney Cove Drive – Shoreland Development Plan Review.

Action: Hold a public hearing, approve or deny development plan. Owner and applicant, Lobo Realty, LLC request consideration to demolish and replace a nonconforming single-family dwelling on a 0.44 +/- acre parcel located on Spinney Cove Drive (Tax Map 2 Lot 64) in the Residential Suburban (R-S) and Shoreland Overlay (OZ-SL-250') zones. Agent Bob Bourdeau, Lobo Realty, LLC.

Bob Bourdeau, owner, passed out an updated planning schedule. He explained he is proposing to tear down and rebuild the current structure. He explained the set back on the south side of the property was nonconforming and he is proposing to move the new building 6 feet which would make it conforming. He described of moving two sections of the structure, one 11 feet further than the water and the other 5 feet further from the current location. He explained the reason he came up with the location for the building is due to the slope on the property. He is also proposing a garage and is planning to remove the current deck which will increase the structure to 1.5%. Erosion is an issue and he has hired Woodburn and Company Landscaping who have come up with a plan after meeting with the Maine DEP. A replacement path is proposed because the current one is in an unsafe condition. The new path proposed would be different from the current one and the new design would remove part of the slope. Mr. Bourdeau stated he has met with Jessa Kellogg, Shoreland Resource Protection Officer, who was concerned with the number of trees being replanted. He has added two more trees since the site walk and is shown on the handout. The applicant is reducing the devegetative area.

The following staff comments were reviewed:

1. Location of the building - the applicant explained the location of the new building was determined from the elevation issues on the property. If he were to move the building

back further, he would need to cut down three prime trees. Vice Chair Kalmar asked Mr. Straub if he thinks the applicant's argument is sound. Mr. Straub replied he does and explained because of the lay of the land, the applicant's proposal does balance what can be done with the allowable size of the new structure. To bring it back to the 100-ft. line would require a lot of regrading of the site and disturbance of the trees. The Board referred to Earle Wells' email that suggested moving the structure back further and add a retaining wall to deal with the slope. Mr. Straub believes that plan would be a lot of work because of grading issues and is not technically feasible. He added the applicant's plan is the least disturbing based on the allowable size of the structure. Mr. Harris abstained, and all other Board members agreed to allow the new structure to be located as proposed.

2. Shoreland Development Plan - the applicant informed the Board Robbie Woodbury has not formally applied for Permit by Rule and will once the Planning Board items are settled. The applicant agreed to show the revisions on the plan block on the latest Shoreland Development Plan.
3. New structure - after extensive discussion of the proposed replacement path, the Board explained they cannot allow the applicant's proposed plan per Code 16.3.2.1.7.D.2.E.
4. Trees - twenty-two trees will be coming down and the applicant will be replanting thirteen with the new proposal. Jessa Kellogg explained she walked the property today with the owner and looked at the canopy. The applicant has agreed to add two more trees. Ms. Kellogg explained some trees are not required to be replanted because they do not exceed the 40% rule for the total number of trees on the lot and thinning of trees is allowed as well.
5. Structure Height - the applicant agrees to have the condition of approval to include the 29.6 ft. height restriction.
6. Existing easements - the applicant explained the comment from North Easterly Survey regarding a 40-ft. easement. The applicant explained the history of the lots and was told in 1969 an easement was purchased from the previous owner. He added he is not proposing anything to prevent a 6-ft. pathway and you cannot develop in the easement area in the Shoreland zone. When he purchased the property, his lawyer said he had a clear title. The Board agreed to allow this because it would be a civil issue if challenged in the future not a Planning Board issue.
7. Metes and bounds - Mr. Bourdeau explained North Easterly Survey is in the process of adding the metes and bounds to the plan and added the lots are shown on a recorded survey plan reference #2.
8. Notational errors will be corrected on the final plan.

The applicant stated the exposed pipe was determined to be inactive and will be removed after the sloping is completed.

The Chair opened the public hearing. There being none, the Chair closed the public hearing.

The Board determined conditions of approval include the height of the proposed building will not exceed 26.9 feet and the replacement path will be removed from the plan.

Vice Chair Kalmar moved to approve with conditions the Shoreland Development Plan dated October 26, 2017 from owner applicant Bob Bourdeau for 10 Spinney Cove Road (Tax Map 2 Lot 64) in the Residential-Suburban and Shoreland Overlay Zones, upon the review and voting in the affirmative on the Findings of Fact.

Mr. Alesse seconded the motion.

The motion carried 5-0-1. (Mr. Harris abstaining)

M2 L64

Kittery Planning Board

UNAPPROVED

Findings of Fact

For 10 Spinney Cove Drive

Shoreland Development Plan Review

WHEREAS: Owner and applicant, Lobo Realty, LLC request consideration to demolish and replace a nonconforming single family dwelling on a 0.44 +/- acre parcel located on Spinney Cove Drive (Tax Map 2 Lot 64) in the Residential Suburban (R-S) and Shoreland Overlay (OZ-SL-250') zones,

hereinafter the "Development" and Pursuant to the Plan Review meetings conducted by the Planning Board as noted {in the plan review notes prepared for 11/9/2017}

Shoreland Development Plan Review	10/12/17	HELD
Site Walk	11/2/17	HELD
Public Hearing	11/9/17	HELD
Shoreland Development Plan Approval	11/9/17	GRANTED

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"): {as noted in the plan review notes prepared for 11/9/2017}

1. Shoreland Development Plan Application, dated 9/21/17
2. Shoreland Development Plan, North Easterly Surveying, 10/26/17.
4. Water Access and Slope Stabilization Plan, Woodburn & Company, 10/18/17.

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone
<i>1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...</i>
<u>Findings:</u> The existing devegetated area is 28.7%. In order to avoid increasing devegetated area, the proposed development proposes to revegetate an existing devegetated area (paved area), as depicted on the final plan, dated 10/26/2017. The proposed development result in a devegetated area of 28.0%, which is no greater than 28.7% of the total lot.
<u>Conclusion:</u> The requirement appears to be met.
Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining Mr. Harris abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS

Article III Nonconformance

16.7.3.1 Prohibitions and Allowances
<i>A. Except as otherwise provided in this Article, a nonconforming conditions must not be permitted to become more nonconforming</i>
<u>Finding:</u> The proposed development does not encroach on any front or side yard set backs. The proposed development does however increase the encroachment in the 100-foot setback greater than currently exists by 1.5% as allowed by Code, and not closer to the protected resource than the existing principle structure. Additionally, new structures are not permitted within the required setback and the proposed “replacement path” depicted on the plans to replace the existing concrete steps is not in kind and the associated pavers, steps and retaining wall are considered new structures within the setback which is not permitted (see condition #6). The applicant will revegetate paved areas, and decrease patio sizes in order to avoid an increase to the lot’s devegetated area.

Conclusion: With consideration of condition of approval #6 the requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

16.7.3.3.2 Nonconforming Structure Repair and/or Expansion

E. In addition to the standards in the above subsections 16.7.3.3.2.A-D, the expansion of nonconforming structures located in the Shoreland or Resource Protection Overlay Zone must meet the following:

1. Wherever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the structure and new foundation must be placed such that setback requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Title 16.7.3.3.1.B, Nonconforming Structure Relocation.

2. Expansion of any portion of a structure that is located within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland is prohibited.

3. Notwithstanding Title 16.7.3.3.2.E.2 above, if a legally existing nonconforming principal structure is entirely located less than 25-feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland, that structure may be expanded as follows,

a. the maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater. Roof slope must not be less than an 8:12 pitch.

4. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or coastal or freshwater wetland setback requirement. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or coastal or freshwater wetland setback requirements may be expanded or altered as follows:

a. For structures located less than 100 feet from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum

height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater. Roof slope must not be less than an 8:12 pitch.

b. For structures that are located within the Resource Protection Overlay Zone, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet, or 30% larger than the footprint that existed at the time the Resource Protection Overlay Zone was established, whichever is greater. The maximum height of any structure may not be greater than 25 feet, or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 100 feet from the normal high water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland must meet the footprint, roof pitch and height limits in 16.7.3.3.2.E.4.a, above.

Finding:

1. Not applicable since the entire structure is being considered under .16.7.3.3.1.B, Nonconforming Structure Relocation.
2. The proposed plan includes new steps and walkway within 25' of the normal high-water line that is not allowed. The proposed structure is removed with condition of approval #6.
3. Not applicable, since the structure is located outside of 25' of the normal high-water line
- 4(a). The maximum total combined increase for the principal structure is less than 30%. (There is no demonstration for the roof pitch requirement and is required per condition #6)
- (b). Not applicable.

Conclusion: With consideration of condition of approval #6 the requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

16.7.3.3.3 Nonconforming structure reconstruction

A. In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or coastal or freshwater wetland and which is removed, damaged or destroyed, by any cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or coastal or freshwater wetland setback requirement to the greatest practical extent as determined by the Planning Board. In determining whether the structure reconstruction meets the setback to the greatest practical extent the Planning Board must consider, in addition to the criteria in Section 16.7.3.3.1,B Nonconforming Structure Relocation, the physical condition and type of foundation present, if any.

B. In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or coastal or freshwater wetland and removed, damaged or destroyed by any cause by 50% or less of the market value of the structure before such damage, destruction or removal, may be reconstructed in-place if a permit is obtained from the Code Enforcement Officer within twelve (12) months of the established date of damage or destruction.

C. Outside of the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is removed, damaged or destroyed by any cause may be restored or reconstructed in-place if a permit is obtained from the Code Enforcement Officer within eighteen (18) months of the date of said removal, damage or destruction. Such restoration or reconstruction must not make the structure more nonconforming than the prior nonconforming structure.

D. Nothing in this section prevents the demolition of the remains of any structure damaged or destroyed. Application for a demolition permit for any structure that has been partially damaged or destroyed must be made to the Code Enforcement Officer.

E. In the Shoreland or Resource Protection Overlay Zone(s), if the total footprint of the original structure can be reconstructed beyond the required setback area, no portion of the reconstructed structure may be reconstructed at less than the setback requirement for a new structure. If the reconstructed or replacement structure is less than the required setback, it may not be any larger than the original structure, except as allowed in Title 16.7.3.3.2, Nonconforming Structure Repair and Expansion.

F. When it is necessary to remove vegetation to reconstruct a structure, vegetation will be replanted in accordance with Section 16.7.3.3.1.C, Nonconforming Structure Relocation.

G. Except where expressly permitted in this code, in no case may a structure be reconstructed or replaced so as to increase its non-conformity.

Finding: The proposed reconstruction does not conform to the required setback, however, the Planning Board, with consideration of 16.7.3.3.1.B, *Nonconforming Structure Relocation* find the proposed development is in compliance with required setback ***to the greatest practical extent***

Conclusion: The requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

<p>16.10.10.2 Procedure for Administering Permits</p> <p><i>D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:</i></p>
<p><i>1. Maintain safe and healthful conditions;</i></p> <p><u>Finding:</u> The proposed development as represented in the plans and application does not appear to have an adverse impact.</p> <p><u>Conclusion:</u> This requirement appears to be met</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p> <p style="text-align: right;">Mr. Harris abstaining</p>
<p><i>2. Not result in water pollution, erosion or sedimentation to surface waters;</i></p> <p><u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters. An existing eroded slope will be revegetated.</p> <p><u>Conclusion:</u> This requirement appears to be met</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p> <p style="text-align: right;">Mr. Harris abstaining</p>
<p><i>3. Adequately provide for the disposal of all wastewater;</i></p> <p><u>Finding:</u> The proposed development does not increase the impact on the existing wastewater disposal system.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p> <p style="text-align: right;">Mr. Harris abstaining</p>

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

6. Protect archaeological and historic resources;

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The proposed development does not adversely impact existing commercial fishing or maritime activities.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

8. Avoid problems associated with floodplain development and use;

Finding: The property is designated Zone C by FEMA Flood Zone standards and is defined as an area of minimal flood hazard. The proposed development does not appear to have an impact on a floodplain or flood-prone area.

<p><u>Conclusion</u>: This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p> <p style="text-align: right;">Mr. Harris abstaining</p>
<p><i>9. Is in conformance with the provisions of this code;</i></p> <p><u>Finding</u>: The proposed development complies with the applicable standards of Title 16.</p> <p><u>Conclusion</u>: This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p> <p style="text-align: right;">Mr. Harris abstaining</p>
<p><i>10. Be recorded with the York county Registry of Deeds.</i></p> <p><u>Finding</u>: A plan suitable for recording will be prepared.</p> <p><u>Conclusion</u>: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds within 90 days of approval prior to the issuance of a building permit.</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p> <p style="text-align: right;">Mr. Harris abstaining</p>

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers: None

Conditions of Approval (to be depicted on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. The height of the building to be erected not to exceed 26.9-feet.
3. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
4. With the exception of the trees identified on the plan for removal, no trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer. Efforts to protect existing trees must be in place prior to grading or

construction. The applicant will replace trees removed with native species, per the approved plan prepared by Woodburn & Company.

5. Prior to the commencement of onsite construction, areas to remain undisturbed must be clearly marked with stakes and caution tape. All stakes, caution tape, silt fences, and other materials used during construction must remain until all onsite work is completed. Prior to removal, written permission to remove such materials must be given by the Code Enforcement Officer.
6. All Notices to Applicant contained herein (Findings of Fact dated 11/9/2017).

Conditions of Approval (not to be depicted on final plan):

7. Incorporate any plan revisions, including the removal of the proposed new “replacement path water access”, on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of required plan changes.

Vote: 5 in favor 0 against 1 abstaining

Mr. Harris abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON 11/9/2017

Ann Grinnell, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final Mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.

3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

OLD BUSINESS

ITEM 2 – Town Code Amendment – 16.2.2 Definitions, 16.3.2.15 Mixed Use Kittery Foreside Zone

Action: Review Amendment and make recommendation to Town Council. Applicant, Wallingford Square, LLC, requests consideration of an amendment to Title 16, Land Use and Development Code, to allow as a special exception Inns with greater than 12 and no more than 30 rooms in the Mixed-Use Kittery Foreside (MU-KF) Zone. Agent Leah Rachin, Bergen & Parkinson, LLC

Ms. Rachin, representing the applicant, reviewed the concerns and input they received from the Board. She explained the amendment asks to allow between 12 and 30 rooms as a special exception in the mixed-use zone in the Foreside. She reviewed how this item has evolved. The applicant has reduced the number of rooms from their original request based on concerns raised. She reviewed their attempts to address concerns and added special exception requires a more stringent review. The applicant has agreed there will be an on-duty manager added which was a request from a previous Board meeting and a parking management plan will be required. She referred to the information heard at tonight's workshop meeting for the Foreside Study of the possibility of adding 100 and 150 new parking spaces. She also referred to the comprehensive plans and a letter submitted stating inns of a limited size would preserve the quaintness of the town.

Vice Chair Kalmar requested the applicant strike Item 13 and add the language to Number 4 under special exception. Ms. Rachin pointed out the minutes dated September 28, 2017 should read 12 to 30 rooms not 12 to 20 rooms.

Chair Grinnell commented her concerns have not been addressed because an inn of that size is not consistent with what exists in the Foreside. She added there are two comprehensive plans

and a foreshore forum, and she did not hear from constituents they want a change. She feels her vote should reflect the documents and what she has heard at the public hearings.

Vice Chair Kalmar requested the definition proposed be changed to “Inn means a commercial place of lodging with a manager on call 24 hours, 7 days a week which has no more than 30 guest rooms”. The applicant agreed to revise the definition.

Ms. Driscoll-Davis commented of her appreciation of the efforts made by the applicant and explained her concern with the number of rooms at 30. She added the Board had recommended no more than 20. She also explained her concern of the parking issues in the Foreside and the people that were recently displaced from the property has affected her opinion of the project. She added most people that commented were not in favor.

Chair Grinnell asked why Line 138 was added stating an applicant may request a decrease in the number parking places to the Board of Appeals. The applicant believes it was from the cut and paste from previous provisions. Chair Grinnell commented it should not be in this special exception amendment.

Vice Chair Kalmar reiterated her concern about the guest room number limitation based on the current square footage footprint limit. She added she is also concerned of the buffer being removed even though it was requested by the Board. The applicants stated they are willing to add the buffer language back if that is what the Board would want.

Mr. Dunkelberger moved to recommend to Town Council, with the agreement to the changes, the adoption of the proposed amendments to Title 16 regarding Inns within sections: 16.2.2 Definitions and 16.3.2.15 Mixed Use Kittery Foreside Zone, as presented at the November 9, 2017 Planning Board meeting.

Mr. Harris seconded the motion.

Mr. Alesse pointed out he does not believe parking would be as bad as previously thought because the previous tenants had cars. He added the inn would not be fully booked all year long, so parking is not as bad as assumed. He will vote for the amendment.

Mr. Dunkelberger commented on the applicant’s good work and added it is an ordinance change and is not tied to any project.

Chair Grinnell added the importance of keeping the process of the Foreside Study going and it is not the time to make a major change. She cannot vote in favor.

The motion did not carry 3-3-0.

ITEM 3 – Board Member Items / Discussion

A. Committee reports

None.

B. Changes to previously approved meeting minutes for 9/28/2017

C. Other

ITEM 4 – Town Planner Items

A. Minor Modification to an approved Plan –Landmark Hill, Rt. 1

Chair Grinnell and Vice Chair Kalmar met with the planning staff to decide if a modification to the approved plan for Landmark Hill was minor or major. It was decided it was a minor modification. She added she was happy to see the document.

ITEM 5 - Adjournment

Mr. Alesse moved to adjourn the meeting.

Vice Chair Kalmar seconded the motion.

The motion carried 6-0-0.

The Kittery Planning Board meeting of November 9, 2017 adjourned at 7:47 p.m.

Submitted by Mary Mancini, Minute Recorder, on November 27, 2017.

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

