

**TOWN OF KITTERY
PLANNING BOARD MEETING**

Thursday, April 21, 2005

APPROVED
Council Chambers

Meeting called to order at: 6:23 p.m.

Present: Ron Ledgett, Doug Muir, Chairman Russell White, Scott Mangiafico, Megan Kline, Janet Gagner

Also Present: Planner Jim Noel

1. ROLL CALL

Roll call noted.

2. DISCUSSION 6:27 to 8:45 p.m.

Mr. Patten regarding zoning at the former Danish Health Club

Brett Patten represents H&M Realty. They acquired the land known as the Danish Health Club. It is split between Commercial and Urban Residential. There is not enough parking for a restaurant or function center. There are about 30 parking spaces. As for Urban Residential, the site is under .85 acres, so that is not practical. They also looked at Local Business. It says that if you don't use the first floor as commercial, it has to go back to 20,000 sf per dwelling. They want to do town homes, 8 units. The building and billboard would come down. The building is not structurally very sound. They would be looking at removing the building. Everything around there is residential or converted residential. It would be positive for the property and the town. He is here to see what the Planning Board thinks.

Chairman White asks if he currently cannot have a multi-unit apartment building.

Planner Noel says that it is now commercial, so residential is not allowed.

Chairman White says we did bat around what to do there. Residential is allowed in LB.

Mr. Patten says the front corner of the building is within 100' of water.

Mr. Mangiafico says if it doesn't meet the setback requirement, it can be a problem.

Planner Noel says that someone else had it measured by a professional, and it was between 75' and 100' from the water, the closest point being 75'.

Mr. Muir says that if he tears down the building, that may prevent any further use.

Mr. Ledgett says the proposed state guidelines have changed on the shoreland zone to allow full tear down.

Ms. Kline says that if you tear it down, you will have to correct the shoreland issue and pull it back from the water.

Mr. Ledgett says that the question for this Board is not designing the zone for this project.

Mr. Mangiafico says that we did not come to a clear definition of what that area was.
Chairman White says the question is whether we extend the LB all the way.
Ms. Kline says the future use plan made it LB.
Mr. Patten says that currently, it is Commercial.
Chairman White says that the Comprehensive Plan puts it all in LB and in the shoreland zone.
Mr. Patten says that the problem with that is the parking issue.
Chairman White says it is 1.5 spaces per residence.
Chairman White says it is 2 normally with residents. There is an incentive to put parking under the building.
Mr. Patten asks if LB will be defined as it is now.
Ms. Kline says it is changing - we are working on it. The future land use thing is allowing residential there.
Chairman White looks for what our land use coverage is.
Ms. Gagner reads that with town sewer, the land area needed is 8,000.
Mr. Ledgett says that with town sewer, and it's all residential, the proposed requirement is 8,000 sf per dwelling unit. If the first floor is nonresidential, that is cut in half to 4,000 sf per dwelling unit.
Ms. Gagner and Mr. Ledgett say there is no parking incentive in LB. It is in the Foreside.
Mr. Muir asks about the applicant's plan.
Mr. Patten says that there is a building in the Badgers Island zone they are looking at. The lot is .85 acres.
Mr. Ledgett says that he could get 8 units if he had commercial on the first floor.
Mr. Patten says that getting the parking in there is not possible.
Ms. Gagner explains that it is done that way because it is seen as shared parking with the residents and the commercial parking.
Mr. Ledgett thinks the conversation is going beyond where it needs to go, as input for zoning changes.
Mr. Patten thinks the land is useless except as residential because of parking.
Chairman White says there are a lot of difficult lots to use here. We need to look at the build out possibilities and Mr. Patten can say what his concerns are about that and we can look at that going forward. What he is hearing is to do just residential under the contemplated ordinance, the applicant could do 4 units with parking. He has also heard that with commercial on the first floor, the applicant might get a bonus and be able to put some additional units upstairs. It's not a hard position, but it's where this is now.
Mr. Patten asks what is recommended in terms of communication.
Chairman White says that what he might want to do is get a draft of the ordinance, knowing that it changes every time the Planning Board looks at it, and if he has some thoughts, he can put them in writing. We are doing a zone-wide change and want the properties in that zone to be usable.
Mr. Patten leaves.
Mr. Ledgett thinks the core zoning issue raised is addressed by the Comprehensive Plan and the ground gets slippery when you try to design ordinances for any specific piece of property.
Chairman White agrees, but people do get to present their concerns.

Mr. Mangiafico says that it is right beside residential and it is the only one there.

Ms. Kline says that it can be 4 condo units.

Mr. Ledgett says that it would be a high value piece of property.

Chairman White agrees.

Ms. Kline thinks that is fine. It allows for some open space for the people there to use.

Mr. Ledgett says there are lots of creative things you can do with the railway. You can buy the air rights.

Ms. Kline reminds him that it is in the shoreland zone setback, so it won't work.

Chairman White is reassured that something could be done with that property to yield a reasonable commercial return.

See 4/21/05 Action Items.

3. PLANNER'S TIME

Mr. Hollis will not be back on the agenda until July. Planner Noel is preparing a bunch of questions for him and is seeking Board input.

Chairman White has some problem even considering a plan for something that does not exist in the ordinance. If that is the case, he feels Mr. Hollis should apply to the Town Council and ask them to amend the ordinance.

Ms. Kline is unclear as to where the new pier will be in relation to the old trolley pier. Ms. Kline would like the trolley bed on their map.

Mr. Ledgett and Mr. Mangiafico say that from the bridge, you will see the pier first.

Ms. Kline would like to know where the 150' puts him out beyond the existing trolley bed pier.

4. ADJOURNMENT

Mr. Mangiafico moves to adjourn. Mr. Ledgett seconds. All in favor. Meeting adjourns at 9:08 p.m.