

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING
Council Chambers**

APPROVED
July 8, 2010

Meeting called to order at 6:06 p.m.

Board Members Present: Michael Luekens, Joseph Carleton, Russell White, Ernest Evancic, Scott Lincoln

Members absent: David Kelly and George Burke

Staff: Gerry Mylroie, Town Planner, Mike Asciola, Assistant Town Planner

Minutes: June 10, 2010 Planning Board Meeting

Mr. Luekens moved to accept the minutes as presented

Mr. Lincoln seconded

Motion carries by all members present

June 24, 2010 Planning Board Meeting

Mr. Luekens moved to accept the minutes as presented

Mr. Evancic seconded

Motion carries, 4 in favor, 1 abstention (Lincoln)

PUBLIC COMMENT – There was no public comment.

ITEM 1- B & F Land Development - 240 US Route 1 - Site Plan Amendment to Previously Approved Plan - Planning Board Acceptance/Schedule Public Hearing. Rowell LLC, owner, proposes a change of use within the building from warehouse to retail and office to rooming house for 16 to 18 units including a manager's unit. The development is located at 240 US Route 1 in the Commercial 1 Zone and recorded as Map 22 Lot 13. The owner's agent is Christopher Baudo.

Mr. Mylroie summarized the prior site plan review and approval and the requested amendment to eliminate the office space, replacing with rooming house units and a manager's unit, a proposed use in the C-1 zone. The parking requirements for the requested change of use can be met on site. The Board's review at this time is to determine whether they have sufficient information to move forward and schedule a public hearing.

Mr. Baudo, applicant, further described the proposal and required parking spaces:

1. Rooming house service area of 400 sf on the lower area, requiring no parking spaces;
2. Warehouse storage area of 3,497 sf, requiring 7 spaces;
3. Rooming house manager's unit, requiring 1 space;
4. Retail area of 1,909 sf, requiring 11 spaces;
5. Remaining square footage will be designed for rooming house units;
6. The total parking spaces required would be 36, where 52 spaces are provided on the site plan.

Mr. Baudo read the following definitions from the Code:

- **rooming house** means a residential use in which the owner or manager of the facility resides on the premises and in which more than three persons who are not part of the owner/manager's family, are housed in rooms for compensation with or without meals. This includes fraternities and sororities.
- **apartment building** means a building arranged, intended or designed to be occupied by three or more families each living in its own separate dwelling unit.
- **dwelling unit** means a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, eating, and sanitary facilities. It shall comprise at least six hundred fifty (650) square feet of habitable floor space, except for elderly housing, accessory dwelling unit, or a temporary, intra-family dwelling unit. The term does not include a trailer.

The current application will create 16-18 units, none of which will equal or exceed 650 sf, so as not to meet the criteria of an apartment. The units are intended for short stay or temporary living facilities for visitors or new workers at the Shipyard or seasonal rentals. Daily, weekly and monthly rates would be offered. The building will have a manager's office, a laundry and vending machine area. Discussion followed regarding the use of the units vs. apartment units. **Mr. Baudo** stated his proposed units will be less than 650 sf and will present the room layouts at the public hearing. **Mr. Mylroie** stated the applicant would like direction from the Planning Board regarding his intended use, and will then proceed with the necessary reviews from Public Safety and the Planning Office. **Chairman White** referenced Litson Villas as an example of short-term lodging. **Mr. Baudo** agreed this proposal is similar to Litson Villas, and read the following definition:

Motel means a building or group of detached or connected buildings designed, intended, or used primarily to provide sleeping accommodations without cooking facilities for travelers for compensation and having a parking space adjacent to a sleeping room.

and explained his proposal is not meant to meet a motel because he wants to include for modest kitchen facilities in each units. **Chairman White** asked if the Board has sufficient information to proceed, or do they need the floor plans to find the application substantially complete. **Mr. Baudo** stated he would show at the next meeting the floor plan and dimensions of each unit and proposed facilities. The exterior design and dimensions and parking have not changed, except the ground floor storefronts will be re-designed to look more like a storefront rather than a glass front as was approved. **Mr. Luekens** asked why the use is changing from the originally approved project. **Mr. Baudo** explained there is a glut of vacant office space in the area, and the use of the space as a rooming house seems a more viable use in this community and in this economy. The proposed retail space will be used as a kitchen and bath showroom, with the warehouse/storage area utilized by the retail showroom for displays. A full-time manager will be on-site. **Mr. Carleton** stated it is difficult to fully understand the applicant's request without a plan submission that includes a drawing of the units proposed for the rooming house, and illustrating the retail and warehouse space. The parking calculations provided do not correspond with any plan drawing. **Chairman White** stated the Board has requirements that materials be submitted two weeks or 10 days prior to review so the Board can make a learned decision. Materials submitted on the night of the meeting cannot be accepted. **Mr. Baudo** stated he can have the materials and drawings to the Planning Office ten days prior to the next meeting. **Mr. Luekens** stated if the materials are not received, the application will be moved to the next scheduled meeting. **Mr. Baudo** stated he will illustrate each unit and number with corresponding square footage, and provide same information for other uses.

Mr. Luekens moved to find the application substantially complete and a public hearing be scheduled, and that all materials for the public hearing be submitted to the planning office at least of 10 days prior to the hearing.

Mr. Lincoln seconded

Motion carries 4 in favor, with 1 opposed (Carleton)

ITEM 2 - Zoning Map Amendment – BJP Corp. - Application Completeness/Acceptance/Schedule Public Hearing. Bill Conda, owner, proposes a zone boundary change on Tax Map 61 Lot 28 by moving the Mixed Use/Rural Residential boundary currently 1,500 feet from the centerline of US Route One north near the southwest corner of US Route 1 and Lewis Road thereby enabling the development of residential units north of Zakayla Lane.

Mr. Mylroie stated that following the site walk, the Board wished to review the item again, before the public hearing was scheduled. **Chairman White** noted this item had been determined complete at the prior meeting. **Mike Asciola, Assistant Planner**, presented a revised map of the property illustrating the zone line adjustment. After meeting with the Town Attorney, it was advised that the Board could recommend to the Council for the zone line change. Discussion followed as to where the zone boundary would be moved. **Mr. Conda** and Board members agreed moving the line northwesterly to the corner point of the abutting property (Johnston), approximately 150 feet, then westerly approximately 80 feet,

and then across to Map 122, Lot 26, approximately 450 feet. The Board agreed that a public hearing could now be scheduled.

ITEM 3 - Town Code Amendment to Title 16 – Plan Review Findings of Fact Basis for Decision - Planning Board Acceptance/Schedule Public Hearing

The Board of Appeals felt it was important they be able to review items based on their use to determine if they meet specific criteria. These criteria will be combined with the Planning Board's Findings of Fact when special exceptions are reviewed by the Planning Board. **Mr. Asciola** explained special exceptions reviewed by the Board of Appeals typically are conducted separately if not part of a Planning Board review project. Those exceptions too small for Planning Board review will be reviewed administratively. **Mr. Mylroie** read the four criteria used by the Board of Appeals when granting a special exception, and noted these criteria would, mostly likely, be included with the Findings of Fact when reviewed by the Planning Board.

ITEM 4 - TOWN PLANNER'S TIME - *no items*

OTHER BUSINESS

ITEM 5 - Growth Management Program Advisory Committee Progress Report – Mr. Lincoln, representing the Planning Board, will be working on the 'Existing Land Use' and water resources components of the report. Issues regarding the Comprehensive Plan and the section on community water resources and its inclusion and expansion in the new report were discussed. The next committee meeting will be July 28, 2010.

ITEM 6 - Planning Board Workshop (continuation) – Community Growth Management / Comprehensive Planning and Design.

The Planning Board meeting of July 8, 2010 adjourned at 8:25 p.m.

Submitted by Jan Fisk, Recorder – July 11, 2010