

TOWN OF KITTERY, MAINE  
PLANNING BOARD MEETING  
Council Chambers

APPROVED  
October 23, 2014

Meeting called to order at 6:05 p.m.

Mr. Emerson welcomed new Board member David Lincoln.

Board Members Present: Tom Emerson, Karen Kalmar, Mark Alesse, Deborah Driscoll, David Lincoln, Ann Grinnell

Members absent: None

Staff: Chris DiMatteo, Interim Planner

Pledge of Allegiance

WORKSHOP (6:00 - 7:00 PM)

ITEM 1 – Sign Ordinance – Discuss signage in the Town as it relates to the Town Code and future amendments. Kenneth Peskin with the International Sign Association.

Mr. Peskin provided a presentation regarding Kittery's sign ordinance and signage issues.

Minutes: October 9, 2014

Ms. Kalmar moved to approve the minutes as submitted

Mr. Alesse seconded

Motion carried unanimously by all members present

Betty Welch Road Site Walk Minutes: Deferred to November 13, 2014 meeting.

Public Comment:

Jeff Clifford, 27 Miller Road: Would like to remark on proposed ordinance amendments on the agenda.

Board members discussed the request; noted public hearings had been held; no changes could be made at this time; suggested his comments could be informative.

Ms. Kalmar moved to allow Mr. Clifford ten minutes to address ordinance amendments before the Board.

Ms. Driscoll seconded

Motion fails without an affirmative majority:

3 in favor; 3 opposed (Alesse; Emerson; Grinnell); no abstentions

There was no further public comment

PUBLIC HEARING

ITEM 1– Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements. Action: review amendment and make recommendation to Town Council for adoption. Proposed amendment removes a reference to Light-emitting diode (LED) lighting in Title 16.8.10.2.C.

Public Hearing opened at 7:24 p.m.

Tom Hibschan, Pepperrell Road: If the reference to LED lighting is removed, is concerned about light pollution and brilliance.

Ken Lamont, 435 U.S. Route 1: Thanked the Board for this subtle change by removing the LED reference. This change would enhance his property, and well as others; noted he is not a fan of message boards and does not encourage them; new gas price signs cannot be purchased without LED bulbs; ability

to change prices will resolve the safety issues with changing prices manually; LED lights are energy efficient.

There was no further public testimony.

The Public Hearing closed at 7:26 p.m.

Mr. Emerson: The Board will be reviewing light intensity and Mr. Hibschan's concerns are noted.

Ms. Grinnell moved to recommend to Town Council the amendment to Title 16.8.10.2.C relative to LED lighting in signage, as dated October 23, 2014.

Ms. Driscoll seconded

Ms. Kalmar: Enactment language is needed prior to Council submittal

Ms. Driscoll: Believes the Board still needs to address time/temperature signage

Motion carried unanimously

## OLD BUSINESS

ITEM 2 – Town Code Amendment – Title 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil Suitability, 16.8.16 Lots and 16.2.1 Definitions. Action: review amendment and make recommendation to Town Council for adoption. Amendments to the Town Code to address soil suitability as it pertains to septic disposal systems and other development standards. Amendments also address regulations for sewer, subsurface wastewater disposal systems and holding tanks, and changes in form, format and language to address clarity.

Ms. Grinnell moved to recommend to Town Council the adoption of the proposed amendments to Title 16 dated October 23, 2014, including: 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil Suitability, 16.8.16 Lots, and 16.2.2 Definitions.

Ms. Kalmar seconded

Discussion:

Ms. Kalmar: Requested changes to the Ordinance Review Memo as follows:

- Remove bulleted items beginning at Line 71 to Line 82
- Delete bullet item at Line 87.

These items removed no longer apply to the revised ordinance language.

Enactment language will be developed prior to Council review.

Motion carried unanimously

ITEM 3 – Town Code Amendment – Chapter 2, Definitions, Chapter 3, Article 2, Section 17 Shoreland Overlay Zone, Chapter 7, Article 3 Nonconformance and Chapter 8, Article 28 Single and Duplex Family Dwellings in the Shoreland Overlay Zones in Title 16 Land Use Development Code. Action: review amendment and make recommendation to Town Council for adoption. Amendment includes changes to the town's Shoreland zoning to comply with the Maine Department of Environmental Protection 2000 and 2010 conditional approvals.

Ms. Kalmar: Suggested removal of code reference at Line 405 to read:

...in conformance with this Code Section 16.8.7.1 ~~Septic Waste Disposal~~, and the State of Maine Subsurface Wastewater Disposal Rules,....

Ms. Grinnell moved to recommend to Town Council the adoption of the proposed changes to Title 16, dated and as amended on October 23, 2014 including: 16.2.2 Definitions; 16.3 Land Use Zone Regulations; 16.3.2.17 Shoreland Overlay Zone; 16.7.3 Nonconformance; and 16.8.28.1 Design and Performance Standards.

Ms. Kalmar seconded

Motion carried unanimously

ITEM 4 –Town Code Amendment – Title 16.7.8 Land Not Suitable for Development.

Action: review amendment and make recommendation to Town Council for adoption. An amendment to the Town Code to address the applicability of the Soil Suitability Guide for Land Use Planning in the State of Maine referenced in Title 16.7.8.1 Locations of Sewage, item 5, which pertains to soils related to septic sewage. The proposed amendment also includes changes to the net residential area calculations and associated definitions, Title 16.2.2.

Ms. Grinnell moved to recommend to Town Council the adoption of the proposed amendments to Title 16 dated October 23, 2014 including: 16.7.8 Land Not Suitable for Development; and 16.2.2 Definitions.

Ms. Kalmar seconded

Motion carried unanimously

ITEM 5 – Board Member Items / Discussion

Executive Summary/Report to Council:

Correct spelling of Councilman Thomson's name

Item 6: Remove final sentence referencing *Soil Suitability Guide* and add to Item 10 bullet list.

Item 10: Correct code reference to 16.2.2 Definitions and add definition for *Cemetery and burying ground*

Add Item 13: 16.8.11.5.A.1.b

A. Action List - Updated

Mr. Lincoln: Suggested action items provide more explanation and the entire list be reviewed more regularly.

B. Proposed Amendments to Town Council– 11/10/14 Council Meeting

C. Route 1 – BP District Quality Improvement Plan TPB Advisory Committee

D. Quality Improvement Overlay Zone (Kittery Crossing and Coastal Route 1 Malls)

E. Kittery Foreside Committee per Title 16

F. Committee Updates

Ms. Driscoll: The Comprehensive Plan is on hiatus until November

Ms. Grinnell:

– Economic Development Committee - Need Council review in December.

– Port Authority: Workshop meeting with the Town Manager will be held on November 5.

Ms. Driscoll:

– The DPW has installed crosswalk signs with flashers. Will these be installed all over town?  
Discussion followed regarding striping of crosswalk areas in town.

– Grant review is necessary to be sure grant applications made by various departments conform with Title 16. Mr. DiMatteo will present at Department Head meeting.

Mr. Emerson: Status of Gate 1 grant. Mr. DiMatteo will follow up and report.

Ms. Driscoll: Are turn-lanes to be re-aligned, street parking impacted, street light changes, etc.

ITEM 6 – Town Planner Items:

A. Memorial Circle Improvement Plan;

KACTS made a request to MDOT for additional funding and was denied; geographic scope has been reduced to bring project into budget. Project will stop at Kittery Estates with no improvements up Rogers Road. Crosswalks will be marked around the traffic circle.

B. Foreside Committee: Mr. DiMatteo will follow up with the Town Manager.

C. KACTS Grant for Route One By-Pass - TY-Lin and Sebago Technics have submitted proposals.

Ms. Driscoll: Asked if the tunnel area under the bypass will be include in the grant. Who will be responsible for maintenance of the crosswalks along the By-Pass? Mr. DiMatteo: This is under discussion.

D. Public Works Town related projects - This is a work in progress with the Director of DPW.

E. Title 5.10 Use of the Public Way Ordinance:

Discussion followed regarding whether this amendment will be expanded to all non-residential zones; whether it should remain in Title 5 or move to Title 16; provision of zone plans for Council review/acceptance; issues of liability regarding furnishings in the ROW; responsibility for trash/recycling receptacles; visual impact of furnishings; fee schedule and renewal periods for application; specifying removal of furnishings, etc. at end of season; identify property owners with access to ROW use (immediate abutter?); enforcement of use/renewal permit.

Item will be discussed further at the December 18 Board meeting.

F. Other:

- Sewer expansion: The proposed new garage structure at Dennett Road facility has no existing Planning Board approved plan, so the proposal will be reviewed through the building permit process. There are no parking changes.

There will be no second meeting in November. Board members agreed to hold the second meeting in December on December 18, 2014.

Ms. Kalmar moved to adjourn

Ms. Grinnell seconded

Motion carried unanimously

The Kittery Planning Board meeting of October 23, 2014 adjourned at 9:40 p.m.

Submitted by Jan Fisk, Recorder, October 27, 2014