

TOWN OF KITTERY, MAINE  
PLANNING BOARD MEETING  
Council Chambers

APPROVED  
December 11, 2014

Meeting called to order at 6:04 p.m.

Mr. Emerson welcomed new Board member Robert Harris.

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

Members absent: None

Staff: Chris DiMatteo, Town Planner

Pledge of Allegiance

Ms. Grinnell requested a change in the agenda to begin with election of officers. Board members agreed.

Ms. Kalmar nominated Ann Grinnell as Chair

Ms. Driscoll Davis seconded

Motion carried unanimously

Ms. Grinnell nominated Karen Kalmar as Vice Chair

Mr. Emerson seconded

Motion carried unanimously

Ms. Grinnell nominated Deborah Driscoll Davis as Secretary

Ms. Kalmar seconded

Motion carried unanimously

Mr. Emerson asked about committee representatives:

Ms. Driscoll Davis is representative to the Comp Plan Committee

Ms. Grinnell is representative to the Port Authority

Ms. Grinnell asked Tom Emerson to be the Planning Board representative to the Economic Development Committee.

Mr. DiMatteo will check to see if there are other committees and appointments will be made at the December 18 scheduled meeting.

Ms. Grinnell took the position of Chair for the meeting

Minutes: November 13, 2014

Ms. Kalmar moved to accept the minutes as submitted

Ms. Driscoll Davis seconded

Discussion: Mr. Lincoln noted corrections to the minutes

Motion carried 6-0-1 (Mr. Emerson abstained)

Public Comment: Earle Wells asked whether a site walk had been scheduled for the Betty Welch Road Cluster Subdivision.

Ms. Grinnell: This has not yet been scheduled.

There was no further public comment.

## **OLD BUSINESS**

### **ITEM 1 – Bartlett Hill Multifamily Cluster Subdivision – Subdivision Preliminary Plan Review.**

Action: Grant or deny request to continue application. Owner and applicant Peter J. Paul Trustee of AMP Realty Holdings LLC, is requesting consideration of plans to develop a multi-family residential cluster subdivision. The approximately 18 acre parcel is located on a portion of Tax Map 28, Lot 14 with frontage along Fernald Road and Route 236, in the Residential Suburban Zone with portions in the Commercial C-2 zone and Resource Protection Overlay Zone. Agent is Tom Harmon, Civil Consultants.

Mr. Harmon explained the request for continuance was due to the Board's development of amendment language to the code regarding soils that would affect this project.

Ms. Kalmar moved to continue for 90 days from December 11, 2014, per the request by owner and applicant Peter J. Paul, Trustee of AMP Realty Holdings LLC, for consideration of the multi-family residential cluster subdivision located at Fernald Road and Route 236, Tax Map 28, Lot 14.

Mr. Alesse seconded

Mr. Lincoln asked about the status of the code amendments regarding soil suitability

Mr. DiMatteo: These amendments will be discussed further at the January 5, 2015 joint workshop with the Town Council, and the meeting time will be confirmed.

Motion carried unanimously

## **NEW BUSINESS**

### **ITEM 2 – McCoy Residence - Shoreland Development Plan Review.**

Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk. Kevin and Terry McCoy, owners and applicant request approval for a nonconforming structure reconstruction in the Shoreland Zone to include the removal of an existing house, garage and shed and construct a new house, garage and barn at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones. Agent is architect Tom Emerson, Studio B-E

Mr. Emerson recused himself to present the plan.

Mr. Emerson summarized the proposal:

- This is a conforming lot with five, nonconforming structures, built before zoning in Kittery;
- The existing house sits 10.8 feet from the resource where 100 feet is the minimum; side setback is 8.3 feet where 20 feet are required; a deck/promontory and boat house are both within the resource; south of the freshwater wetland is a garden shed, within the 50-foot setback; and the existing garage is 20 feet from the rear setback where 40 feet is required.
- The buildable area on the lot is primarily ledge;
- The applicant would like to remove the existing boathouse, but there may be significant impact to the shoreland with such removal; the garden shed and existing shop and garage will be removed;
- The proposed garage and storage structures will be located within the buildable area of the lot due to the amount of ledge, as these structures do not require basements;
- The proposed house will be moved further from the resource but will still be located within the 100-foot setback (at 50 feet) as the natural slope of the land accommodates this structure.
- The proposed house has a smaller footprint, but the volume has increased;

Mr. Harris: This plan appears to be better, as it is more conforming.

Earldean Wells: Why wasn't the entire house placed in the buildable area on the lot?

Mr. Emerson: The septic field is currently located within the resource setback. A new, pretreatment septic system will be located in the buildable area to conform to resource setbacks as well as setbacks from structures, and where there is no ledge. The majority of the buildable area is ledge, limiting placement of structures while meeting setback requirements.

Ms. Kalmar: Could the Conservation Commission weigh in on the boat house structure, as to whether it should remain or be removed.

Mr. Lincoln: Is the boat house part of the proposal for consideration?

Mr. Emerson: No. The applicant would like it removed, if feasible.

Ms. Driscoll Davis: Is the boat house used in any of the proposed calculations for this proposal.

Mr. Emerson: No.

A site walk was scheduled for Monday December 22, 2014 at 11:00 a.m., with a snow date scheduled for December 29, 2014 at 11:00 a.m.

Mr. DiMatteo noted he will not be available for these scheduled site walk dates.

Ms. Kalmar moved to schedule a Public Hearing for the McCoy property, Tax Map 34 Lot 9, to be held on January 8, 2015

Ms. Driscoll Davis seconded

Mr. Lincoln thanked Mr. Emerson for his complete and clear submittal materials

Motion carried with 6 in favor; 0 against; 1 abstention (Emerson)

Ms. Driscoll Davis moved to accept the Shoreland Development Plan application from Kevin and Terry McCoy, for a nonconforming structure reconstruction and demolition at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones.

Mr. Lincoln seconded

Motion carried with 6 in favor; 0 against; 1 abstention (Emerson)

### **ITEM 3 – Beatrice Way – Preliminary Major Subdivision Plan –Completeness Review**

Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Tax Map 61 Lot 08, ±65 acres, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

Ken Markley summarized the proposal:

- Proposed 5-lot subdivision, encompassing 57.6 acres
- Proposed lot sizes: 0.92; 1.67; 3.4; 7.12; 43.03 acres
- 570'- long roadway, permitting access by all parcels
- Soil testing, test pits, wetland delineations, and the boundary survey have been completed

Mr. DiMatteo: A communication has been received from abutter Gasparro and this will be forwarded to the Board and applicant for their information.

Ms. Grinnell: CMA review of the proposal needs to be prepared prior to formal preliminary review. With two new Board members, another site walk should be considered.

Ms. Kalmar moved to accept the application from Operation Blessing LP and applicant Richard Sparkowich, for a five lot subdivision located between Highpoint Circle and Kittree Lane, Tax Map 61 Lot 08, in the Residential - Rural Zone, and to schedule a Public Hearing on February 12, 2015 and a site walk on December 22, 2014 at 12:00 p.m., with a snow date of December 29, 2014 at 12:00 p.m.

Mr. Emerson seconded

Motion carried unanimously

### **ITEM 4 – Board Member Items / Discussion**

A. Amendments to Title 16, scheduled Town Council 12/8 Public Hearing and 1/5 Joint Workshop

Mr. Emerson: The issue was proper notice, though when public hearings are held, no one attends. Additionally, Council members said they did not understand the amendments.

Mr. DiMatteo: Code amendments requires two notices; the newspaper ran one notice only one time, rather than twice. Two of the eight amendment items will be re-heard at a January 26 Council public hearing; three will be reviewed at the January 5 joint workshop. Another Planning Board public hearing will held (January 8) to meet notice requirements.

Ms. Driscoll Davis: The Comprehensive Plan Committee met on December 10. The Town Manager submitted preliminary Plan revisions to Mark Eyerman and the Southern Maine Regional Planning Commission. To address Plan needs, the Town will contract with a consultant for an estimated \$100,000, with funds from the CIP. The Plan will not be completely re-written, but additional public input is needed.

Mr. DiMatteo: The state certifies comprehensive plans which are good for 10 years. Because of the lapse of time, the data in the plan is no longer applicable. It was a logistical, time issue not a standards issue.

Ms. Kalmar: Requested the Town Planner sit next to the Chairman during meetings for ease of communication.

Mr. Emerson: What is the status of the Gate 1 intersection construction?

Mr. DiMatteo: He will get further information to the Board on this.

**ITEM 5 – Town Planner Items:**

1. KACTS Route One By-Pass Study

Copies of the proposal will be provided to the Board.

2. Lewis Farm III Minor Modification to an Approved Plan

The modification to be a minor change and administrative approval was granted. Another plan, noting the change, will be recorded.

3. Other:

Board members scheduled a site walk for the Betty Welch Cluster Subdivision on Tuesday, January 6, 2015 at 9:00 a.m., with a snow day scheduled for Tuesday, January 13, 2015 at 9:00 a.m.

Mr. Harris suggested it would be easier to reach the leach field site from Cutts Road. As an abutter, he stated he offered to recuse himself from Board deliberation on this project.

Mr. DiMatteo: The Board should entertain this at the time the project is before the Board. As an abutter, he may attend site walks and speak at public hearings.

He will notify the Board where to meet for the scheduled site walk.

Mr. Emerson moved to adjourn

Mr. Alesse seconded

Motion carried unanimously

The Kittery Planning Board meeting of December 11, 2014 adjourned at 7:10 p.m.

Submitted by Jan Fisk, Recorder, December 14, 2014