

Chairperson Ann Grinnell called the meeting to order at 6:02 p.m.

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, David Lincoln, Secretary Debbie Driscoll-Davis, Mark Alesse, and Deborah Lynch.
Staff present: Chris DiMatteo, Town Planner.

Pledge of Allegiance

Ms. Grinnell led those present in the Pledge of Allegiance.

Minutes: October 22, 2015

Ms. Davis reviewed the tape of the October 22nd meeting and offered corrections. She also suggested that future minutes should include a note directing readers to view the video recording available on the Town's website for complete details.

MS. DAVIS MOVED TO ACCEPT THE MINUTES OF 10/22/15 AS AMENDED, SECONDED BY MS. KALMAR WITH MR. LINCOLN APOSED. MOTION PASSED 6/1/0.

PUBLIC COMMENTS - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address, and record it in writing at the podium.

Ms. Terry Lockhead of 16 Old Armory Way approached the podium. She stated that a group of citizens residing at Foreside put together a proposal after viewing the last Planning Board Meeting when the Foreside Design Review Committee was discussed. The group would like to propose that the Foreside Design Review Committee be revived. The group feels that the Planning Board has made a lot of progress but feels that reviving the Foreside Design Review Committee would be beneficial. She referenced the directions given to the Kittery Foreside Design Review Committee and Code Section 16.3.2.15 which says that the Design Review Committee is designed to facilitate the revitalization of downtown Kittery as a neighborhood center to promote economic business services and walk-in shopping while respecting the zone's historic and residential character. The group feels that emphasis on the historic and residential part of the formula could be served well by reviving the Committee. The group is proposing that the Committee bring forward resident's goals identified at the Foreside forums and the community meeting that was held at Lil's in August 2014; and work with the Planning Board to identify paths forward on these goals and generate volunteer involvement and public support.

The group would like to see the Committee comprised of five members, including two Foreside residents, an individual with architectural and/or historical expertise, a person with communications experience, and an advocate for affordable workforce housing. Ms. Lockhead asked if the proposal should go to Council or the Planning Board first. Mr. DiMatteo explained that the proposal does not have to go through the Planning Board initially, that it can start with

Council, who has jurisdiction over these types of committees. As the Kittery Foreside Design Review Committee doesn't formally exist at this time, Council would need to vote to recreate it. Ms. Lockhead added that as the Foreside Committee would work closely with the Planning Board, the group prefers the Planning Board approach to the Council. Ms. Lockhead noted that the group is now referring to the Committee as the Foreside Neighborhood Committee.

Ms. Cathy Wolf of 10 Old Armory Way approached the podium. Ms. Wolf is asking the Planning Board to support the Foreside Neighborhood Committee; she feels that the proposal would carry more weight with Council with the Planning Board's backing.

Chairperson Grinnell suggested that consideration of the Foreside Neighborhood Committee be addressed at the next meeting on December 10th.

PRESENTATION/PUBLIC COMMENT

ITEM 1 – Kittery Neighborhood Bicycle/Pedestrian Planning

Action: No formal action. The Kittery Area Comprehensive Transportation System (KACTS) and the Town of Kittery are working together, with consultants of Sebago Technics and Alta Planning and Design, to study the Route 1 Bypass from Memorial Circle to the Sarah Mildred Long Bridge to develop a long-term vision for improving bicycle and pedestrian safety. This meeting is an opportunity to review a final draft of the study for a future transformation of the Bypass, i.e. number of vehicle lanes, sidewalks, landscaping, bike lanes, etc. in light of the new bridge. Steve Sawyer, P.E. of Sebago Technics will present.

Mr. Steve Sawyer of Sebago Technics approached the podium. Ms. Grinnell noted that this is the third meeting entertaining the Kittery Pedestrian and Bicycle Improvement Plan and asked Mr. Sawyer to give a brief presentation. Mr. Sawyer reviewed the highpoints of the Plan and recapped what has happened over the past year. He noted that a designer's workshop was held in May and the results were presented to the Committee in July, 2015. Mr. Sawyer explained that there are three options in the Plan. A copy of the Draft Kittery Pedestrian and Bicycle Improvement Plan report was provided to the public in attendance.

Ms. Grinnell read the final conclusion of the Report for the public's benefit. She noted that in the conclusion it appears the opinion of the Study Team is that the Bypass should not be touched until a Land Use Study is done as KACTS and MDOT have recommended. It seems to support the Town moving forward with the Plan Map 4-4 for the exterior roads surrounding the Bypass.

George Dow of 1 Bartlet Road, and the Economic Development Committee, approached the podium. He feels the presentation and discussion of the Plan is a great exercise in understanding what can be done with the Bypass. The pedestrian aspect of the Plan outside of the Bypass was well done. Mr. Dow suggested consideration should be given to which one of the three options would encourage business growth. He also suggested that consideration should be given to connectivity and how the plan blends with Route 1.

Ms. Grinnell requested that the Economic Development Committee review the Draft Plan and the Comprehensive Plan and report back to Council.

Mr. Lincoln asked Mr. Dow if the EDC has any plans for development of the property along the Route 1 Bypass. Mr. Dow responded that there are several areas being looked at in Town and the Bypass is one of them. Any development needs to pass muster with current zoning and the Comprehensive Plan (which is currently being updated). He hopes that it will be known how the Bypass will connect with the Sarah Mildred Long Bridge by the time it is completed.

Mr. Dow noted that the EDC has a sunset clause date of December 31, 2015 or sooner, at which time it will need to go before Council. The EDC will be meeting on December 24th to determine if the members wish to continue.

Ms. Grinnell inquired about what the cyclists crossing the bridge from Portsmouth will do when they get to where the bike route ends in Maine. Mr. Steve Workman responded that DOT currently directs cyclists off of the Bypass on both Maine and New Hampshire sides. MDOT does not prohibit cyclists on the Route 1 Bypass north of the bridge. Mr. Workman feels that Kittery has a well thought out vision, a vibrant community, a growing transportation network that includes pedestrians and cyclists; and is making a multi-million dollar infrastructure investment that accommodates cyclists. He noted that Kittery has connectivity problems and most of the planning documents speak to improving that. Therefore, He feels that MDOT's requirement for more planning from Kittery is an effort to stop progression. He urged the Town not to sit idle and push forward with MDOT.

Mr. Workman stated that he thinks the recommendations outside of the Bypass are spot on. He appreciates the bike symbols; and thanked Norman Albert and the crew of the Department of Public Works for the work done to redo the sidewalk and reposition the crosswalk at the intersection of Walker and Government.

Ms. Grinnell asked DPW if there is enough room to paint on the Bypass directing cyclists that go on the Bypass and help with the pinch point. Mr. Albert responded that the Bypass is MDOT's road and therefore DPW cannot paint.

Mr. Alesse asked Mr. Workman if Old Post Road is a good connector to the circle from the bridge. Mr. Workman responded that it is good but doesn't help with the overall connectivity problems. There will be a better handle on the bike traffic volume when the Sarah Mildred Long Bridge is done.

Ms. Davis asked for input from Norman Albert and Dan Cochran (Jacksons Hardware and Marine). She noted that Mr. Albert has spoken about urban compact zone and what the State could do if things were changed on the Bypass and what the expense might be to the Town.

Mr. Cochran is concerned that the Town is trying to fix a problem that may not exist. He does not see a lot of foot or bike traffic, and the Bypass is not very scenic. The businesses along the area are not the type of businesses that would draw foot and bicycle traffic. Mr. Cochran is concerned that truck traffic will increase once the Sarah Mildred Long Bridge is complete and the weight limit goes away. The pinch point over the old railroad bridge will be dangerous. Mr. Cochran agrees with moving forward with the Plan recommendations for the rest of the Town, but feels that the recommendation for the Bypass needs a harder look. There should be a measurement of the

costs involved and who will use the Bypass. Summertime traffic heading southbound for the bridge on weekends already gets backed up with both lanes filled. So to reallocate one of those two lanes, which are already narrow, for pedestrians and bicycles would create a problem even further north. The Irving truck stop is always busy as well.

Ms. Wolf asked what the MDOT's rationalization is for not putting in the ability for bikes to go up and down that road until it is known what is going to happen with long term development. She feels that no matter what is put down on the road it would still be nice to ride bicycles on the road. Mr. Sawyer responded that there is signage currently that prohibits bicycle and pedestrians but that the MDOT would be willing to take it down; at the same time MDOT doesn't want to reallocate travel lanes for bicycle or pedestrian use; and there isn't sufficient room to widen the shoulder.

Ms. Grinnell asked Mr. Sawyer if it is clear that MDOT doesn't want to give up any travel lane space for bicycles and pedestrians. Mr. Sawyer explained that there is no prohibition for using the travel lanes or the narrow shoulders. Expansion would need to be done and there isn't sufficient room to expand where there is narrow or non-existent shoulder. MDOT has indicated that they would be willing to discuss options if the Town would consider a land use plan/redevelopment plan and be willing to put forth some public investment funds to change the number of, or widen lanes and/or add a multiuse path. MDOT would want to see the Town's land use plan first.

Ms. Davis asked if the State plans to fix the railroad pass under the bridge. Mr. Sawyer responded that in the State's structurally deficient and functionally obsolete bridge list, the structure is listed as needing repairs in the not too distant future. Mr. Sawyer was told by the bridge maintenance engineer in Augusta that there is no reason to have the old railroad trestle bridge any longer since the railway has been abandoned. Filling in the bridge was discussed but there might be some right-of-way impacts where the fill slope would end at the bottom. MDOT didn't want to talk to the abutting property owners about purchasing more land, so they abandoned the idea. Mr. Sawyer added that MDOT would be willing to work with the Town if the Town was willing to negotiate with the abutters. There are probably other ideas out there such as putting up some retaining walls at the bottom of the slope to keep the fill contained.

Ms. Lynch inquired if consideration could be given to shifting to one northbound lane and two southbound lanes with the turn lane in the center and still having the bike lanes on the sides to accommodate the pinch point if the bridge would be too expensive. Mr. Sawyer agreed that is an idea that could be explored.

Mr. Sawyer noted that all the southern coastal communities such as Wells, Ogunquit and York deal with the same traffic issue on Route One in the summer. He questioned whether it makes sense to design for the worst case condition that occurs only during certain times of the year. He added that there are choices for the vision that can be discussed. He noted that the choke point is no longer at the York toll plaza but is now at the bridge since the Turnpike has been widened to six lanes.

Mr. Harris stated that the place to start is with an idea and then you follow with action.

Ms. Grinnell asked when the bridge is complete, who will decide what will happen to pedestrians and bikes after they cross the bridge and get to the intersection. Mr. Alesse suggested that pedestrians and cyclists can make the choice to continue up Route One or choose to take Old Post Road. He added that signage might be installed to encourage them to take Old Post Road.

Mr. Sawyer explained that his firm was involved in the design of the new bridge and added that the design plans call for bike stenciling on the shoulders from the center of the bridge to the New Hampshire side and there is nothing in the Plan for the center of the bridge to the Maine side.

The NHDOT has decided that all bicycle and pedestrian traffic will exit at the Albacore Museum and there will be signage. Pedestrians and cyclists will not be allowed on the bypass south of that point.

MDOT is different in that stenciling was not included but since construction has started they have decided to add bicycle stenciling on the bridge. It is not yet clear what will be done at the Bridge Street intersection. Mr. Sawyer noted that he has told the State that he wants to wait until the study is done and Kittery makes a decision for what it wants to do north of the bridge. The intersection would be changed to mold to whatever plan is adopted. He noted that once Kittery decides and the report is finalized this month, he will go back to the State to address the configuration. The bridge will be finalized in 2017 and that gives the Town a year and a half to finalize its vision.

Ms. Kalmar suggested that the Board might take time during the meeting to decide how to start discussing the vision and if the Board is willing to make some recommendations to Council about the path outside of the Bypass. She also suggested that the Board might want to make a recommendation that the EDC continue looking at the Bypass.

Mr. Norm Albert, Commissioner of Public Works, approached the podium and said that an update from MDOT indicates the Memorial Circle Project will have a shared bike/ped path going from Old Post Road around the traffic circle to Adams Drive. Once the Sarah Long Bridge is complete, they will move on to the high level bridge, and traffic will be diverted back to the Sarah Long Bridge. The Portsmouth side has two lanes going north and two going south and then it reduces down to two Lanes going over the bridge. There will be intense traffic for the near future. This may be one of the reasons why MDOT is holding out; for the Town to “get their eggs in a row” and then take the opportunity to hand that part of the road over to the Town. Mr. Albert thinks that might be the same for the railroad trestle. The Irving Gas station was done with the MDOT as well. Mr. Alesse commented that it sounds like another three years of high volume traffic over the Sarah Long Bridge. Mr. Albert commented that if the State hands it over to the Town, plowing, maintenance and all expenses would be Kittery’s responsibility. He stated that York just purchased a truck for over two hundred thousand and hired another person. York will be doing the same again next year because MDOT handed all roads back to York. He added that MDOT uses population count rather than urban compact standard to turn roads over to the Town. Paving and culvert replacement would remain with MDOT but plowing goes to the Town. The vision is great but consideration needs to be given to what the cost will be to the Town.

Mr. Albert explained to Mr. Dow that MDOT has given the section of Route 1 from Lewis Road to the York Town line to Kittery, and Kittery is now responsible for its maintenance because it is

a compact road. MDOT is still responsible for paving and culvert replacement. The reason Kittery has not been given the Bypass is because it is not compact. MDOT is trying to redefine the wording for compact, and more than sixty towns that would be affected. MDOT has closed their York station and they no longer have an inexpensive way to plow the Bypass so they wanted to pay Kittery to do the plowing. Mr. Albert declined. He suggested that these things should be considered in the plan.

The Council took a five minute recess at this point.

ITEM 2 – Board Member Items / Discussion

A. Election of Officers and Board Appointments

Ms. Grinnell announced that according to the Bylaws, appointment of officers must take place in during the first meeting in December, which would be December 10th. This would be for the positions of Chair, Vice Chair and the Secretary. Ms. Grinnell would like to step down from the Kittery Port Authority and asked the Board to entertain the appointment of a new representative for the coming year. She announced that she will be Haiti for the next meeting of the Port Authority on the first Thursday in December.

Mr. Harris would like to wait for elections to take place with the Council which might result in a change in the membership on the Planning Board. Ms. Grinnell noted that there is only one opening on the Planning Board that the Council will have next Monday. She believes the re-appointments will be interviewed first. Then there will be interviews from the pool for Mr. Lincoln's seat as he will be stepping down following this meeting of the Planning Board.

Mr. Harris stated that he will wait for the December 10th meeting. In the interest of continuity Ms. Davis stated that she is willing to proceed with the appointment of a Planning Board representative to the Port Authority at this meeting. Ms. Lynch asked if it would be possible to have a representative sit in for the Port Authority meeting that Ms. Grinnell will be missing and then vote the person in during the December meeting.

A VOTE WAS TAKEN TO PROCEED WITH THE APPOINTMENT OF A PLANNING BOARD MEMBER TO THE KITTERY PORT AUTHORITY. WITH MR. HARRIS, MS. LYNCH AND MR. LINCOLN OPPOSED. THE MOTION CARRIED 4/3/0.

Ms. Grinnell suggested that if a new person is appointed to the Planning Board next week, the Board would want that person to serve on the Board for a while before being appointed as a representative to a committee.

Mr. Lincoln noted that his term expires on November 30th and if a new person is appointed next week, they will not begin serving until December 1st.

Ms. Grinnell commented that the Port Authority is trying to decide if it should stay as an independent Board under the legislature or come under the umbrella of the Town.

Mr. Alesse expressed interest in serving on the Port Authority.

MS. KALMAR NOMINATED MR. ALESSE TO THE KITTERY PORT AUTHORITY, MS. DAVIS SECONDED. A VOICE VOTE WAS TAKEN, 4/3/0 WITH MR. HARRIS, MS. LYNCH AND MR. LINCOLN OPPOSING.

Ms. Grinnell noted that the Port Authority meets on the first Thursday of the month and Mr. Alesse's appointment will be for one year. She noted that other appointments will be on December 10th.

B. Action List

Ms. Grinnell suggested that after the discussion of the Bypass Vision earlier in the meeting that it should be an agenda item and given a priority of number one.

Mr. Lincoln commented that at one time the Board felt it was responsible for assuring that the Codes and the Town Charter were followed. He questioned why the Board is spending so much time on the Bypass issue. He feels that there is no point in the Board deciding what the zoning should be until the Economic Development Committee comes up with some plans for development of commercial activity. He felt that the Bypass discussion was premature.

Ms. Davis added that it is the job of the Board to address regulatory work such as zoning, the Charter and the Comprehensive Plan and that it may be premature but that it is a priority.

Ms. Davis suggests that it should be on the action list after the presentations that have been given by Sebago Technics but not given a number one. She expects that the EDC will be having some discussions about this and will hopefully bring ideas to the Comp Plan Update Committee and to public meetings. Hopefully it will be incorporated into the Comp Plan. This means that it would come before the Planning Board in another year or so. It should be added to the list so as not to lose sight of the Bypass Vision.

Mr. DiMatteo added that he sees the Planning Board's role as one of participation not action, and is free to make some recommendations. The Comp Plan would be a good vehicle to move this idea along. The Board could be part of putting together an RFP if a further study were to be done. The Board administers Title 16 and the Comp Plan and does mostly regulatory work. However, since the Comp Plan is the Committee's long term planning piece, it is not out of context for the board to consider the Bypass Vision.

Ms. Kalmar suggested that the Planning Board recommend that the EDC consider this topic and make recommendations to the Comp Plan. Ms. Grinnell added that the Board also suggest that the EDC not "sunset" on December 31st. Mr. DiMatteo added that the Board could draft a letter or take a vote with its recommendation to Council.

Ms. Grinnell asked if the Board would be willing to write a letter to the Council. The Board agreed and Mr. Lincoln suggested that the letter include the rationale for its recommendation.

Mr. Lincoln thought there would be discussion about parking in Foreside. Mr. DiMatteo noted that he spoke to the Chiefs and Mr. Albert and a letter summarizing their recommendations is in the Board's packet.

Mr. Lincoln brought to the attention of the Board a newspaper article dated November 11, 2015. The subject was the appeal of the hotel. He noted that the Board did not wish to speak about it at the last meeting but he recommended that each member consider the article privately.

Mr. Lincoln distributed his recommendation on how applicants can be prepared to be more effective once they are on the Board. Ms. Grinnell responded that the procedure is that the people would be interviewed first for reappointment, and then applicants in the pool would be interviewed for Mr. Lincoln's seat. The Council does have a copy of his recommendations but the Council needs to decide what the procedure would be.

Ms. Kalmar said that the Board had a meeting with Council in February. She would like to see some cluster items from the action list and thus allow time to discuss the Foreside parking situation with the Council as well. Mr. DiMatteo asked if item five from the action list could be included. The list of items is in the June 25th minutes.

Ms. Kalmar asked if the Council would support the recommendation to include Adaptive Reuse Ordinance to be included in the Comprehensive Plan to the Council. There was a discussion about the merits. Ms. Lynch asked if a historic district or historic structures should be included as well. Mr. Alesse felt that it would be good to come up with some incentives for Adaptive Reuse.

ITEM 3 – Town Planner Items:

A. By-law revision

Ms. Grinnell asked if there could be something in the Bylaws to allow some slack in the number of required meetings in October, November and December because it's very difficult for Staff to have back to back meetings. Mr. DiMatteo noted that traditionally the Board was having just one meeting in November and December and thought perhaps the Board was formally voting on this each year. In the Bylaws the expectation is that there are two meetings in November and December. Mr. DiMatteo suggested that while the Board is looking to change their Bylaws perhaps it could be worded the meetings would be "as required". Ms. Grinnell read Section 3 in the Bylaws which states that meetings of the Planning Board are held at 6:00 p.m. at the Town Hall on the second and fourth Thursdays of the calendar month; except in November and December when the meetings will be held on the second and third Thursdays of the month.

Ms. Davis and Mr. Lincoln suggested that the second meeting be as required, and that the second meeting be on the third Thursday if required. Mr. DiMatteo will draft an amendment and it can be voted on at the next meeting in December.

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

**APPROVED
NOVEMBER 19, 2015**

MR. ALESSE MADE A MOTION TO ADJOURN AT 8:14 P.M., SECONDED BY MS. DRISCOLL-DAVIS. MOTION PASSED BY VOICE VOTE 7/0/0.

Submitted by Cathy Harman, Minutes Recorder, December 3, 2015.

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>.