

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

**APPROVED
DECEMBER 10, 2015**

Meeting called to order: 6:03

Roll Call:

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Secretary Debbie Driscoll-Davis, Mark Alesse

Board members absent: Deborah Lynch

Staff present: Chris Di Matteo, Town Planner and Rebecca Spitko, Assistant Town Planner

Pledge of Allegiance

Minutes: November 12, 2015

Ms. Driscoll-Davis noted line 46-47 should read: "Mr. Di Matteo suggested what the committee is looking for is the applicant to demarcate the devegetated areas by showing the dimensions of the other devegetated areas like the 2015 paver pad."

Ms. Driscoll-Davis questioned why certain pages of the minutes had a few sections highlighted. Mr. Di Matteo clarified those were from previous draft version and not to raise attention to the board. Ms. Driscoll-Davis requested all highlights be removed.

Ms. Kalmar noted the votes on page 11, 16 and 18-22 are incorrect and need to be changed to reflect the 6 Board members who were present and voting at the November 12, 2015 meeting.

Ms. Driscoll-Davis moved to approve the November 12, 2015 minutes as amended.

Ms. Kalmar seconded.

Motion passed 5-0-0

ITEM 1 – Yankee Commons Mobile Home Park Expansion – Final Subdivision Plan Review

Action: Approve or deny plan.

Ms. Grinnell clarified that the staff has not completed their review of the application and CMA comments have not been received. Therefore, although the agenda states 'approve or deny plan', a motion to approve or deny the plan will not be entertained today.

Mr. Thomas Harmon of Civil Consultants approached the Board. He stated he was in agreement with the Board's decision to wait for further staff review before seeking approval and asked the Board for a continuance on the application at this time. Ms. Grinnell asked if Mr. Harmon had received the response letter written by Don Moore from Kittery Conservation Commission. Mr. Harmon confirmed while he has, he received today so he has not been able to review it in detail and, therefore, not prepared to address its contents with the Board.

Ms. Grinnell asked if any Board members had questions for Mr. Harmon. Ms. Kalmar noted the plan made several "hints" to numbers and figures, without going into further detail. Ms. Kalmar asked that be expanded on in future application materials. Mr. Harmon agreed.

Ms. Grinnell asked Mr. Di Matteo when the Board could expect the next review of this application. Mr. Di Matteo explained tonight's motion is to accept the final plan application, which will start the 90-day timeline where the applicant is able to answer any further questions from the Board prior to a vote to approve or deny the plan. In addition, the Board will receive and review CMA's final review of the application. Mr. Harmon asked if there is an approximate date of when staff and CMA review will be available for his review. Mr. Di Matteo stated he is awaiting CMA's response at any time and would like to have everything gathered to present at the January 14th, 2016 Planning Board meeting. Mr. Harmon expressed concern over the possibility of not having enough time to fully review material prior to the January meeting and asked to not be put on the agenda until he feels prepared. Mr. Harmon cited the upcoming holidays and personal time off as a possible catalyst for not having enough time to review materials. The Board agreed.

Ms. Kalmar moved to accept the final subdivision plan application for a 78-lot expansion of the Yankee Commons Mobile Home Park located at US Route 1, for owner/applicant Real Property Trust Agreement, Tax Map 66, Lot 24.

And

Move to continue the final subdivision plan for a 78-lot expansion of the Yankee Commons Mobile Home Park located at US Route 1, for owner/applicant Real Property Trust Agreement, Tax Map 66, Lot 24 not to exceed 90 days.

Mr. Alesse seconded the motion.

Motion carried 5-0-0

Ms. Grinnell clarified the applicant has 90 days from the date of this meeting to return for review. Mr. Harris asked if the Board would be voting on the application at their next review. Ms. Ginnell and Ms. Kalmar answered possibly, but not necessarily. Mr. Harmon acknowledged.

ITEM 2 – 34 Goose Point Rd – Shoreland Plan Review

Action: Accept or deny plan application; Approve or deny plan.

Mr. Mick Sheffield and Ms. Wickie Rowland approached the podium to address the Board. Mr. Sheffield clarified the proposal is only for the addition of the patio. The porch and deck were from a previous application and received a permit by the Code Enforcement Officer September 2015.

Mr. Sheffield gave a presentation to the board describing the proposed development as outlined in the application. Mr. Sheffield noted the total devegetated area would be approximately 1380 square feet; however, they are trying to utilize and build around native features as much as possible so the proposed devegetated area could be less. Ms. Rowland handed out an additional sketch of the proposed development to the Board.

Ms. Grinnell asked if any Board members had any questions or comments for the applicant. No questions or comments were presented.

Ms. Kalmar moved to accept the Shoreland Development Plan application dated November 19, 2015 from Kevin Fickensher & Suzanne Olbricht for 34 Goose Point Rd. (Tax Map 34, Lot 2B) in the Residential-Rural and Shoreland Zone.

Mr. Harris seconded the motion.

Motion carried 5-0-0.

Ms. Kalmar moved to grant conditional approval for the Shoreland Development Plan application dated November 19, 2015 from Kevin Fickensher & Suzanne Olbricht for 34 Goose Point Rd (Tax Map 34, Lot 2B) in the Residential-Rural and Shoreland Overlay Zones upon the review and voting in the affirmative on the Findings of Fact.

Ms. Driscoll Davis seconded.

Kittery Planning Board

APPROVED

**Findings of Fact
For 34 Goose Point Rd
Shoreland Development Plan Review**

WHEREAS: Kevin Fickensher & Suzanne Olbricht requested approval of their Shoreland Development Plan to construct a patio adjacent to an existing conforming dwelling located at 34 Goose Point Rd. (Tax Map 34 Lot 2B) located in the residential-rural and shoreland overlay zones, hereinafter the “Development” and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted {in the plan review notes prepared for 12/10/2015};

Shoreland Development Plan Review	12/10/2015
Site Walk	
Public Hearing	
Approval	12/10/2015

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”) {as noted in the plan review notes prepared for 12/10/2015};

1. Shoreland Development Plan Application, received November 19, 2015.
2. Site Plan, Ambit Engineering, Inc., November 2015

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone

1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...

Findings: The current devegetated area is 16.5% of the total property. The proposed development increases the devegetated coverage to a maximum of 18.23%.

Conclusion: The requirement appears to be met.

Vote: _5_ in favor _0_ against _0_ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: _5_ in favor _0_ against _0_ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: _5_ in favor _0_ against _0_ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development doesn't require any changes to existing disposal wastewater system.

Conclusion: This requirement is not applicable.

Vote: 5 in favor 0 against 0 abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: 5 in favor 0 against 0 abstaining

5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

6. Protect archaeological and historic resources;

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The proposed development is not in the commercial fisheries/maritime use zone.

Conclusion: This requirement is not applicable.

Vote: 5 in favor 0 against 0 abstaining

8. Avoid problems associated with floodplain development and use;

Finding: The proposed development does not appear to be in the flood hazard zone.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

9. Is in conformance with the provisions of this code;

Finding: The proposed development appears to meet all the dimensional standards of the R-RL zone and exists outside of the 100-foot setback from the Highest Annual Tide.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

10. *Be recorded with the York county Registry of Deeds.*

Finding: A plan suitable for recording has been prepared.

Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.

Vote: 5 in favor 0 against 0 abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of Kevin Fickensher & Suzanne Olbricht, owners and applicants, to construct a patio adjacent to a conforming single family dwelling located at 34 Goose Point Rd (Tax Map 34, Lot 2B) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250') zones and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be depicted on final plan to be recorded):

1. No changes, erasures, modifications, or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer.
5. All Notices to Applicant contained herein (Findings of Fact dated 12/10/15).

Conditions of Approval (not to be depicted on final plan):

6. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 5 in favor 0 against 0 abstaining

APPROVED BY THE KITTELY PLANNING BOARD ON December 10, 2015

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

Mr. Sheffield asked if Title 16.6.2.A is stating the applicant must wait 45 days to proceed with development. Mr. Di Matteo clarified the applicant should proceed at their own risk and be aware an appeal is possible during the 45-day period directly following tonight's vote.

ITEM 3 – 20 Whippoorwill Ln – Shoreland Development Plan Review

Action: Accept or deny play application; Approve or deny plan.

Mr. Michael Moran and Mr. Chris Moran approached the podium to address the Board. Mr. M. Moran gave a brief presentation on the proposed development as outlined in the application. Ms. Kalmar noted a notice of violation (NOV) was issued on 12/8/2015 addressing the illegal tree clearing that occurred 2012 – 2014. Ms. Kalmar asked Mr. Di Matteo to clarify whether the Planning Board can review an application with an outstanding NOV. Mr. Di Matteo stated, if desired, the Board may grant approval of

an application with an outstanding NOV, so long as a resolution of the violation is a condition of approval.

Ms. Driscoll-Davis asked the applicant for an update on the status of the replanting plan. Mr. C. Moran stated he spoke with both the Assistant Town Planner and the Shoreland Resource Officer prior to tonight's meeting with the Board. Mr. C. Moran apologized for the clearing stating he was unaware it was a violation as it occurred outside the 100-foot setback from the highest annual tide. Mr. C. Moran stated he has full intentions of working with the Shoreland Resource Officer and revegetating the property as requested. Mr. Di Matteo confirmed and noted ongoing discussions between Mr. C. Moran and the Shoreland Resource Officer regarding the 3:1 replanting requirement. Ms. Driscoll-Davis asked if the septic system would create any replanting issues. Mr. M. Moran responded the septic does not create any issues and stated all replanting will be within the 250-foot shoreland zone, although likely not within the 100-foot buffer.

Ms. Kalmar asked why or how the applicant would know if additional information regarding the flood zones on the property is required. Mr. Di Matteo stated this would be through the building permitting process, not the Planning Board, and that this added as an informational note in the staff review. Mr. Di Matteo clarified the proposed development is outside of the flood zone.

Ms. Kalmar moved to accept the Shoreland Development Plan application dated November 23rd from Christopher Moran for 20 Whippoorwill Ln (Tax map 33 Lot 3) in the Residential-Rural and Shoreland Overlay Zones.

Mr. Harris seconded the motion.

Motion passed 5-0-0

Ms. Kalmar moved to grant conditional approval for the Shoreland Development Plan application dated November 23rd, 2015 from Christopher Moran for 20 Whippoorwill Ln (Tax Map 33, Lot 3) in the Residential-Rural and Shoreland Overlay Zones upon the review and voting in the affirmative on the Findings of Fact.

Kittery Planning Board

APPROVED

**Findings of Fact
For 20 Whippoorwill Ln
Shoreland Development Plan Review**

WHEREAS: Christopher Moran requests approval of their Shoreland Development Plan to expand an existing conforming single-family dwelling as well as construct a deck and patio on the property located at 20 Whippoorwill Ln (Tax Map 33 Lot 3) located in the residential-rural and shoreland overlay zones, hereinafter the "Development" and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted {in the plan review notes prepared for 12/10/2015}

Shoreland Development Plan Review	12/10/2015
Site Walk	
Public Hearing	
Approval	12/10/2015

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”): {as noted in the plan review notes prepared for 12/10/2015}

1. Shoreland Development Plan Application, received November 23, 2015.
2. Site Plan, Anderson Livingston Engineers, Inc. November 18, 2015

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone
<i>1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...</i>
<u>Findings:</u> The proposed development increases the property’s devegetated area from 7.3% to 12.9%.
<u>Conclusion:</u> The requirement appears to be met.
Vote: <u> 5 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits
<i>D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:</i>
<i>1. Maintain safe and healthful conditions;</i>
<u>Finding:</u> The proposed development does not appear to have an adverse impact.
<u>Conclusion:</u> This requirement appears to be met
Vote: <u> 5 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<i>2. Not result in water pollution, erosion or sedimentation to surface waters;</i>

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: _5_ in favor _0_ against _0_ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development is connecting to an existing septic system.

Conclusion: This requirement appears to be met.

Vote: _5_ in favor _0_ against _0_ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: _5_ in favor _0_ against _0_ abstaining

5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: _5_ in favor _0_ against _0_ abstaining

6. Protect archaeological and historic resources;

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: _5_ in favor _0_ against _0_ abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The proposed development is not in the commercial fisheries/maritime use zone.

<p>Conclusion: This requirement is not applicable.</p>
<p style="text-align: center;">Vote: <u>4</u> in favor <u>0</u> against <u>1</u> abstaining (Mr. Harris abstaining)</p>
<p><i>8. Avoid problems associated with floodplain development and use;</i></p> <p>Finding: A portion of the property is located in Flood Hazard Zone A. The existing structures and proposed development is at a higher elevation and not in the flood hazard zone. The applicant may need to provide additional information or documentation, such as an elevation certificate, to the Code Enforcement Officer prior to obtaining a building permit.</p> <p>Conclusion: This requirement appears to be met.</p>
<p style="text-align: center;">Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p><i>9. Is in conformance with the provisions of this code;</i></p> <p>Finding: The proposed development appears meets all dimensional standards of the R-RL zone and exists outside of the 100 foot setback from the Highest Annual Tide.</p> <p>Conclusion: This requirement appears to be met.</p>
<p style="text-align: center;">Vote: <u>4</u> in favor <u>0</u> against <u>1</u> abstaining (Mr. Harris abstaining)</p>
<p><i>10. Be recorded with the York county Registry of Deeds.</i></p> <p>Finding: A plan suitable for recording has been prepared.</p> <p>Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p>
<p style="text-align: center;">Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan application of Christopher Moran, owner and applicant, to expand an existing conforming single-family dwelling located at 20 Whippoorwill Ln (Tax Map 33, Lot 3) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250') zones and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be depicted on final plan to be recorded):

6. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
7. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
8. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
9. Prior to the issuance of any building permits a replanting plan must be submitted and approved by the Shoreland Resource Officer.
10. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer.
11. All Notices to Applicant contained herein (Findings of Fact dated 12/10/15).

Conditions of Approval (not to be depicted on final plan):

6. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 5 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON December 10, 2015

Notices to Applicant:

5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.
6. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.

7. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
8. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

ITEM 4 – Board Member Items/Discussion

A. Election of officers and Board appointments

Ms. Kalmar nominated Ms. Debbie Driscoll-Davis for Secretary of the Planning Board for the 2016 calendar year.

Ms. Grinnell seconded the nomination

Motion passed 4-0-1 (Mr. Harris abstaining)

Ms. Grinnell asked Mr. Harris why he chose to abstain his vote. Mr. Harris stated he was uncomfortable with elections in the absence of a full Board.

Mr. Alesse nominated Ms. Karen Kalmar for Vice Chair of the Planning Board for the 2016 calendar year. Ms. Driscoll-Davis seconded the nomination

Motion passed 4-0-1 (Mr. Harris abstaining)

Ms. Driscoll-Davis nominated Ms. Ann Grinnell for Chair of the Planning Board for the 2016 calendar year.

Ms. Kalmar seconded the nomination

Motion passed 4-0-1 (Mr. Harris abstaining)

Mr. Di Matteo reviewed the Board appointed Mr. Mark Alesse to the Kittery Port Authority for the 2016 calendar year at the November 19, 2015 Planning Board meeting, and they may consider appointments to the Comprehensive Plan Committee as well as the Open Space Committee.

Ms. Grinnell nominated Ms. Karen Kalmar to the Open Space Committee and Ms. Debbie Driscoll-Davis to the Comprehensive Plan committee for the 2016 calendar year.

Mr. Alesse seconded the nomination

Motion passed 4-0-1 (Mr. Harris abstaining)

B. Foreside Neighborhood Committee

Terry Lockhead, 16 Old Armory Way, approached the podium to address the Board. Ms. Lockhead presented the Board with a proposal to revive the Foreside Design Review Committee with the intent of working with residents and the Planning Board to organize/prioritize goals of Foreside neighborhood residents, as well as generate volunteer involvement. Ms. Lockhead noted the proposal includes signatures of 12 residents who are in support of reviving the committee. Mr. Di Matteo noted the committee would need approval from Town Council to repopulate and Ms. Lockhead is seeking a letter of support from the Planning Board to present to Town Council.

Ms. Driscoll-Davis inquired about the change of committee name from Foreside Design Review to Foreside Neighborhood Committee. Ms. Lockhead explained the name change was an attempt to broaden the scope of the committee, however she understand this could create unintended problems if it conflicts with the language used in the Town Code and is not against using the original Foreside Design Review title.

Ms. Kalmar suggested it might be beneficial for the committee to work closely with the Comprehensive Plan Committee. Ms. Kalmar explained the Planning Board is a regulatory body while the Foreside Neighborhood Committee was intended to focus on the broader, vision of the neighborhood. This topic is currently being addressed with the Comprehensive Plan Committee. Ms. Kalmar asked if it would be possible for the Foreside Neighborhood Committee and Comprehensive Plan Committee to interface with one another. Mr. Di Matteo affirmed. Ms. Lockhead clarified the board endorses reviving the Foreside Neighborhood Committee, and also suggests a collaboration with the Comprehensive Plan Committee.

Ms. Grinnell asked the Board if they are in favor of reviving the Foreside Neighborhood Committee. Board responded 4-1-0 with Mr. Harris opposed

Ms. Lockhead asked about next steps to reviving the Foreside Neighborhood Committee. Ms. Grinnell explained the committee currently exists in the Town Code, however it has been dormant and must go before Town Council to repopulate. Ms. Grinnell stated the Planning Board will produce a letter of support to Town Council to revive the committee. Mr. Di Matteo agreed to draft a letter of support to be reviewed by the Planning Board prior to submittal to Town Council.

Ms. Grinnell also suggested Ms. Lockhead attend the next Comprehensive Plan Committee held Wednesday, January 20th, 2016 at 6pm in Conference Room A.

C. Bylaw Revision

Ms. Grinnell asked if the Board had any additional comments or revisions prior to voting. Ms. Kalmar suggested changing section one "Newly appointed members must attend.." to "Members must attend". Mr. Alesse and Ms. Driscoll-Davis agreed.

Ms. Driscoll-Davis moved to accept revisions to Kittery Planning Board Bylaws.

Ms. Kalmar seconded

Motion approved 4-0-1 (Mr. Harris abstaining)

ITEM 5 – Town Planner Items

A. FEMA revised Zone A Flood Hazard Areas

Mr. Di Matteo explained the maps included in the Board's packets are working maps sent out to municipalities prior to preliminary maps being set. Once preliminary maps are finalized, the formal appeal process will begin. This is expected to occur during the spring of 2016 with the appeal period occurring summer 2016. Maps are then expected to be finalized during the spring of 2017 and effective July 2017. The working maps in front of the Board are informational and no further action is required at this time.

B. Code Amendment – Title 16.8.11 – Cluster Residential and Cluster Mixed-Use Development

A discussion ensued on the draft changes to Title 16.8.11 that included the following actions to be reviewed at the January 14, 2016 Planning Board meeting:

1. 16.8.11.1.C – staff will review the public roadway setback provided in neighboring town codes and produce a suggestion for Board consideration
2. Review language of scenic road buffers to differentiate between buffering development from the road and impeding on scenic views.
3. 16.8.20.1 – Break section to highlight A. noise pollution and B. vegetative buffers in order to avoid confusion of a relationship between the buffer and noise pollution.
4. 16.8.11.5.A.5 – Change “The lots shown in the conventional subdivision sketch plan must be achieved without modifications to dimensional standards and shall not require a variance or waiver from the existing ordinances.” To “ The lots shown in the conventional subdivision sketch plan must comply with all local regulation within this code”
5. 16.8.11.6.E.1 – Remove “and be comprised of” and replace with “and must include”
6. 16.8.11.6.I.5 – Remove “the most restrictive requirement(s) shall apply” and replace with “The most restrictive requirement applies”

Mr. Di Matteo presented the following updates to the Board

1. Updated Title 16 Code books have been printed and a copy has been given to each Board member. Ms. Earledean Wells requested a copy. Mr. Di Matteo agreed.
2. Ms. Catherine Harman has resigned from her duties as minute recorder. Ms. Rebecca Spitko will act as interim recorder for Planning Board meetings.

Ms. Kalmar asked the Board if they should present suggestions from the Fire and Police chief regarding possible traffic pattern changes in the Foreside neighborhood at the February workshop with Town Council. Ms. Driscoll-Davis recommended bringing this to the Comprehensive Plan Committee for them to include with the planned February public forum. Ms. Grinnell and Mr. Di Matteo agreed.

Mr. Alesse moved to adjourn.

Ms. Driscoll-Davis seconded

Motion carried 5-0-0.

The Kittery Planning Board meeting of December 10, 2015 adjourned at 7:28 p.m.

Submitted by Rebecca Spitko, Assistant Town Planner, on December 15, 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>.