

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

**APPROVED
April 23, 2015**

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

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Secretary Deborah Driscoll Davis, Mark Alesse, Robert Harris, David Lincoln

Members absent: None

Staff present: Elena Piekut, Assistant Town Planner

Pledge of Allegiance

Minutes: April 9, 2015

Ms. Davis requested an amendment.

Ms. Kalmar moved to approve the minutes of April 9, 2015 as amended.

Ms. Davis seconded.

Motion carried: 6-0-0

Public Comment: Ms. Grinnell opened the public comment period and, hearing none, closed it.

ITEM 1 – Beatrice Way – Major Subdivision Plan Review

Applicant Richard Sparkowich, on behalf of owner Operation Blessing LP, requests comment and discussion with the Board regarding clarity on conditions of preliminary approval for the proposed five-lot subdivision on remaining land from the previously approved three-lot subdivision located between Highpointe Circle and Kittree Lane at Tax Map 61, Lot 8, in the Residential – Rural (R-RL) Zone.

Mr. Sparkowich distributed a plan and explained the proposal to re-delineate certain sections of the wetland boundary. He also pointed out a new note on the plan as to the definition of a driveway. The definition has been discussed as if it refers to dwellings, when in fact it refers to a way serving *lots*. He believes this may solve the issue of driveway length discussed previously. Mr. Sparkowich also provided some overview of the street naming and acceptance process and distributed photographs to illustrate the overlap between Kittree Lane and the right-of-way extending from Highpointe Circle. He also explained that 12 Kittree Lane was so addressed although the deeded right-of-way is through Highpointe Circle and the new right-of-way.

Ms. Grinnell suggested that staff provide the Board with a suggestion of how to address these issues.

Ms. Piekut explained how the Board could address the wetland delineation at this meeting given their previous discussion and preliminary conditions of approval made March 12.

Ms. Kalmar reported that in reviewing the video of that meeting, she saw that the Board raised no objections to the proposed re-delineation, and asked about the staff suggestion to include additional boundaries marked in yellow.

Ms. Piekut explained that the intent is to “close the loop” and define the building envelope for that lot.

Ms. Davis added that it will help also determine the distance between the vernal pools and proposed open spaces.

Discussion ensued with the Board coming to a consensus that the applicant should follow the staff suggestion.

ITEM 2 – Town Code Amendment - Title 16.7.3.5.6 Nonconforming Structure Reconstruction.

Action: discuss amendment and schedule a public hearing. Proposed amendment addresses an omission in the current code related to reconstructing nonconforming structures outside of the Shoreland Overlay Zone.

Ms. Kalmar moved to schedule a public hearing to consider the reconstruction of nonconforming structures for May 28, 2015.

Mr. Alesse seconded.

Motion carried: 6-0-0

ITEM 3 - Kittery Neighborhood Bicycle/Pedestrian Planning – Presentation and Stakeholder Workshop

The Kittery Area Comprehensive Transportation System (KACTS) Metropolitan Planning Organization and the Town of Kittery are working together, with consultants Sebago Technics, to study the Route 1 Bypass from Memorial Circle to the Sarah Mildred Long Bridge. This meeting is an opportunity to provide input on the 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 facilitated.

Mr. Sawyer provided an introduction for the Planning Board and the attendees (approximately 25) about the project's scope, progress to date, and its end product. Ms. Grinnell paused the meeting for 5 minutes to allow everyone to review first-hand the graphics that were provided, including Study Area mapping and Inventory information as well as a large scale aerial photograph of the Route 1 Bypass from Bridge Street to the Memorial Circle.

Following the recess, Ms. Grinnell opened the workshop for public comment, summarized below:

Norm Albert – Public Works Commissioner

- Explained that the Town is currently in the process of connecting “sidewalks to nowhere” through the Capital Improvement Plan

Russell White – Member of Town Council and Comprehensive Plan Committee

- The Route 1 Bypass is a major entry into Kittery
- The Town has identified future growth areas as being south of Spruce Creek—the Bypass is within this area of town
- Pedestrian and Bike usage will increase in the future
- He favored a change in the Bypass character's to be less vehicle dominant

Steve Workman – Bike/Ped advocate and resident of Bridge Street

- Worked on creation of Eastern Trail and East Coast Greenway
- He favored a “Complete Street” focus for the Bypass through reallocation of the existing ROW to additional modes of travel
- He mentioned the need to accommodate the large truck users
- He mentioned that the Bypass is a gateway to Kittery and Maine
- He has worked throughout the development of the new Sarah Mildred Long Bridge on the issue of allowing bikes on the Bypass
- He would like to see narrower lanes on Bridge Street by adding edge lines
- He suggested sharrows be added to Cook Street and Old Post Road
- He suggested the addition of edge lines and possibly sharrows on South Eliot Road as soon as it is repaved

- He mentioned that Dennett Road now has suitable shoulders and should not require any further treatments for bike safety
- He would like to see the Study include the intersections of Government and Walker with Route 1 be added because they both are deficient in having turning lanes for bikes
- He would like to see the intersection of Old Post Road and Bridge Street addressed due to the lack of sufficient sight distance when exiting Old Post Road onto Bridge Street—make one way or prohibit left turns for improved safety

Kelly Moore – Oak Terrace Resident

- She would like an Rectangular Rapid Flash Beacon (like near Beach Pea) installed at the Bridge Street crosswalk near Old Post Road
- This would help the Oak Terrace area feel more connected to the neighborhood

Steve Sawyer

- Explained that the final surfacing and pavement markings around the bridge will not be permanent until it opens
- DOT has provided written confirmation that bikes will not be prohibited from the Bypass

Ms. Grinnell asked for a show of hands of those that favored allowing and providing for bikes on the Bypass—the majority in attendance supported this idea.

David Lincoln – Planning Board member

- Had Mr. Sawyer explain that there is no bicycle traffic on the New Hampshire side of the Bypass and bikes are routed to the Albacore Connector and Market Street
- Noted that there are multiple types of traffic: transit, recreational, Shipyard

Tom Emerson – Member of the Economic Development Committee, Ox Point Drive resident

- He would like to see better access to the Bypass for local businesses, i.e. slower speeds and updated zoning to encourage new business creation
- He thinks the Bypass doesn't function as a bypass in the conventional sense anymore and the need for five lanes was not necessarily needed anymore in light of the two-lane SML Bridge

Ms. Grinnell asked for a show of hands of those that favored reducing the current Bypass lanes from five to three. The majority supported this idea.

George Dow – Member of the Economic Development Committee

- He expressed concern about reducing the number of lanes on the Bypass because he thought it would make locating a business there less likely because it would be more difficult to gain access

Mark Alesse – Planning Board member

- Agrees that Bypass should remain four lanes, thinks road could be widened to accommodate bike/ped as well

Craig Wilson – resident biker

- He thought speeds on the Bypass were too high for safe bike travel
- Suggested that a pedestrian lane could be cantilevered out at railroad crossing
- Pointed to success of traffic circles for cyclists in North Conway, NH's North-South Road bypass

Debbie Driscoll-Davis – Planning Board member

- The existing railroad underpass on the Bypass is a limiting roadway width factor to providing bike lanes—there currently are no shoulders across this structure. It would have to be widened to accommodate bikes unless the number of lanes were reduced. She mentioned that she thought that this structure was on the MaineDOT’s list for rehab in the foreseeable future.

Norm Albert – Public Works Commissioner

- He commented that Memorial Circle is currently being redesigned and it will have accommodations for pedestrians and bikes

Charlie Bourdage – Biker and resident of Government Street

- He thought the Study Area should have been extended to the north and commented that the existing roadway network north of Memorial Circle was a mess

Mark Della Pasqua – Owner of Coastal Fitness on the Bypass

- He thought that the business community should make investments to their properties along the Bypass before the community put forth public money for any roadway improvements

Dan Cochran – Owner of Jackson’s Hardware on the Bypass

- He wasn’t convinced that there was a demand for bike and pedestrian travel on the Bypass
- He pointed out that the current SML bridge is posted to large trucks and as soon as the new bridge opens, large trucks will begin traveling the Bypass in greater numbers—due to this, he was concerned that bikes and trucks might not mix well

Steve Workman

- He mentioned that providing safe and inviting facilities will encourage usage by residents and visitors to the area, e.g. Portland, OR
- He mentioned the growing interest in “ecotourism” and its potential for the Seacoast area could be a big economic impact
- He said that there is much data to support the notion that usage will follow if facilities are built

The workshop concluded with the understanding that Sebago would take the comments received at the meeting into consideration and develop several alternatives for presentation to the group at their meeting in early June.

ITEM 4 – Board Member Items / Discussion

- A. Discussion of Foreside Forums Report
- B. Committee Updates
- C. Action List; review, edit, and prioritize
- D. Other

Ms. Grinnell and Ms. Kalmar framed the discussion by explaining that the Council has asked the Board to determine whether and how to reinstate the Kittery Foreside Committee for design review. Ms. Grinnell read from the Town Manager’s report of February 9: “I recommend the Council allow the Planning Board to work on the broad issue of the Kittery Foreside Committee composition and ordinance language, and in the interim, the Planning Board can decide whether to request a peer review for design standards.” She explained that the Committee is in the code and is inactive because it sunset.

Ms. Davis expressed her opinion that if a committee is reestablished, the positions should be filled by people who live and work in the Foreside, but it disbanded over the years for the lack of those people. She asked if the committee is reinstated, “what teeth is it going to give us?” and wants the Board to look at the

report to determine zoning changes that will help “the Foreside area continue to grow without hurting the residential aspect of it.”

Ms. Kalmar understands from the Council that their goal is to engage a consultant who will make recommendations on how to implement the vision of the Foreside Forums Report. She is in favor of waiting for that process before reinstating the Committee and using peer review if the Board needs assistance in evaluating how a design meets the code.

Mr. Alesse asked whether the product of the consultant will include draft ordinances.

Ms. Kalmar suggested they will make recommendations, not necessarily draft language, and suggested that the Board formulate “big-picture” questions for the consultant, e.g. “How do we incentivize adaptive reuse?” or “How do we address parking issues through the Code?”

Mr. Lincoln directed the Board to page 4 of the Foreside Forums Report, where the work of the former Foreside Committee is mentioned, and asked whether it is the same as the design committee being discussed.

Ms. Davis explained that it is not, that it was an original committee for revitalization, and that the design review committee grew out of that.

Mr. Lincoln is in favor of the Board addressing design review in the Foreside if the Board is “willing to invest the time, energy, and thought” about design and not just codes. He said that there are 30 items in the report that are parallel to the codes now, that the Board could be thinking about and working on without any formal, final proposals from a consultant. He referred to his experience on the Foreside Housing Committee and brought up adaptive reuse as an example of work the Planning Board can undertake now.

Mr. Lincoln expressed his concern about going to an outside group for a plan when the Planning Board could do the work.

Ms. Piekut explained that it can be a complementary process, the consultant can provide an objective point of view, and that hiring a consultant was the direction laid out by the Foreside Forums Report and Town Council.

Mr. Lincoln isn’t bothered by receiving suggestions from an outside organization, but is bothered to “sit here and do nothing” in relation to current codes. He brought up the lot known as the Water Department property and ways that redevelopment could be encouraged through zoning or a TIF district.

Ms. Davis agrees with Mr. Lincoln and raised the issue that parts of Kittery Foreside which may be less commercial or less conducive to commercial activity, are all zoned the same and a mix of residential and commercial could go anywhere.

Discussion ensued concerning specific buildings, zoning, and overlay districts.

Mr. Lincoln suggested each Board member use the report to identify codes and zoning to consider changing, and referred to his effort to engage the Economic Development Committee.

Ms. Kalmar read the response she received after reaching out to the committee chair, George Dow: “In the EDC discussions we have always felt it extremely important to understand as much as possible about the areas or growth in the town and their either current limitations or potential opportunities. Having a discussion with the Planning Board was something I thought would be a valuable conversation so that we have a sense of what the Planning Board’s idea of growth is. I am looking to get another EDC meeting together and we will have this discussion and get back to you.”

Mr. Lincoln brought up the transportation section of the Foreside Forum Report and the potential interaction with the bicycle and pedestrian planning discussion earlier in the meeting.

Mr. Harris brought up the example of how the Wentworth Dennett School was closed.

Ms. Davis said she would like to consider some minor amendments to parking credits that are given in the Foreside, particularly on the side streets that do not have on-street parking.

Ms. Grinnell described that as a tangible task, and suggested the Board encourage some small improvements, though not Planning Board items, that can be done in the Foreside such as restriping crosswalks and installing trash receptacles.

Mr. Alesse said he'd like to see infrastructure improvements in the Foreside such as trees and cobblestone sidewalks and other aesthetic improvements to stimulate growth in the area.

Ms. Grinnell noted that the State is going to spend over \$800,000 on the Wallingford Square intersection, and that the Board should see the plans. Ms. Piekut agreed to look into it for the next meeting.

Mr. Harris suggested working more closely with the Economic Development Committee.

Ms. Grinnell brought up the instance where the EDC and Planning Board have worked together toward the development of the Business Park Zone.

Ms. Davis noted that with 700+ new employees coming to the Shipyard, perhaps they could lease a lot in the Business Park as a site for parking and busing people to the Shipyard.

Ms. Kalmar suggested the Board look at the allowed uses in in the Business Park Zone.

Mr. Lincoln asked whether the Planning Board was or is involved in the establishment and growth of TIF districts. Ms. Grinnell explained that it is not and the City Council set those up.

Mr. Harris reported that the athletic fields report was made to the Town Council.

Earldean Wells of the Conservation Commission addressed item six on the Board's action list regarding roads, "sidewalks to nowhere," shared driveways, right-of-way standards, and emergency access roads. She said she served on a subcommittee to look at those and in light of the driveway definition brought up by Mr. Sparkowich earlier in the meeting, the Board may want to revisit the definition as it will be affecting other properties as well. She said it was assumed in that subcommittee that driveways serve a structure, not lots as Mr. Sparkowich said.

Ms. Kalmar asked for confirmation of the meeting time of the May 4 joint workshop.

Ms. Piekut reminded the Board of the May 4 joint workshop, May 6 site walks at 8:00 a.m. and 9:00 a.m., and the upcoming cluster subdivision workshop on May 28.

Mr. Alesse moved to adjourn.

Ms. Davis seconded.

Motion carried: 6-0-0

The Kittery Planning Board meeting of April 23, 2015 adjourned at 8:46 p.m.

Submitted by Elena Piekut, Assistant Town Planner, April 27, 2015.