

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

**APPROVED
May 28, 2015**

Meeting called to order: 6:00 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: Chris Di Matteo, Town Planner; Elena Piekut, Assistant Town Planner

Pledge of Allegiance

Minutes: May 14, 2015

Mr. Lincoln requested amendments.

Ms. Davis moved to approve the minutes of May 14, 2015 as amended.

Mr. Lincoln seconded.

Motion carried: 6-0-0

Public Comment: Ms. Grinnell recognized that there were no members of the public in the audience.

ITEM 1 – Town Code Amendment – Title 16.7.3.5.6 Nonconforming Structure Reconstruction.

Action: hold a public hearing; make recommendation to Town Council. The proposed amendment addresses an omission in the current code related to reconstructing nonconforming structures outside of the Shoreland Overlay Zone.

Ms. Grinnell opened the public hearing and, hearing no comment, closed it.

Ms. Davis said that she agrees with the Conservation Commission's concerns as presented in their letter. She suggested the Board consider limiting expansion as is done in the Shoreland Overlay Zone to avoid the addition of second and third stories on nonconforming lots.

Discussion ensued concerning the Code's provision for expansion that is no more nonconforming than the existing condition, height restrictions, septic system suitability, and the different density goals for sewer and nonsewer areas of the Town. The Board came to a consensus that this concern should be addressed in a separate amendment process.

Mr. Di Matteo explained that the amendment as written mirrors what is found in the shoreland zoning, asked whether the Board may want to use the Shoreland Zone method of addressing destruction or demolition under and over 50% of the market value of the structure separately.

Mr. Lincoln said he wants to leave 16.7.3.5.6.C as is and the Board agreed.

Mr. Alesse asked whether a demolition permit is required when a structure is damaged.

Mr. Di Matteo said that it is.

Ms. Kalmar brought up the Conservation Commission's concern about dangerous foundation holes, and discussion ensued regarding the length of time allowed and permitting process for demolition

Mr. Harris noted that insurance company procedures can delay demolition and reconstruction.

Ms. Davis added that insurance companies also will dictate coverage based on the requirements of local ordinances.

Ms. Kalmar and Ms. Davis agreed that the amendment should be passed as written with additional concerns put back on the action list to address at a later date.

Ms. Kalmar moved to recommend the proposed amendments to Title 16.7.3.5.6 Nonconforming Structure Reconstruction as written.

Mr. Lincoln seconded.

Motion carried: 6-0-0.

ITEM 2 – Town Code Amendment – 16.5.2.4 Permit Period, Appendix A Schedule 16 Land Use and Development Fees Action: review amendment and schedule a public hearing. The proposed amendment corrects a discrepancy between 16.5.2.4 and Fee Schedule 16, where the Code refers to the renewal of expired building permits upon reapplication and payment of a renewal fee, but the Fee Schedule omits any reference to a renewal fee.

Ms. Grinnell asked where the proposed fee is found in the fee schedule.

Mr. Di Matteo explained that the base application fee is used.

Discussion ensued regarding the fee and how it is referred to in the code.

Ms. Kalmar asked about the subjectivity of the phrase “substantially complete.”

Ms. Davis noted that there is a definition of “substantially complete” in the construction trades.

Mr. Di Matteo explained that the determination is at the discretion of the Code Enforcement Officer and suggested inserting on line 10, “as determined by the Code Enforcement Officer.”

Ms. Kalmar agreed and pointed out that the phrase occurs in two other places whether the same revision might be considered. She also requested that lines 14-15 be revised to read, “with all applicable fees doubled.”

Ms. Grinnell asked staff to add the fee in question to the Fee Schedule.

Ms. Kalmar moved to schedule a public hearing for Town Code Amendment, Title 16.5.2.4 Permit Period, and Appendix A Schedule 16 Land Use and Development Fees on June 25, 2015.

Ms. Davis seconded.

Motion carried: 6-0-0.

ITEM 3 – Board Member Items / Discussion

A. Committee Updates

B. Action List

C. Other

Mr. Lincoln asked Mr. Di Matteo to explain the issue raised at the previous night’s Town Council meeting regarding freestanding signs in the code.

Mr. Di Matteo explained that Mr. Dennett was referring to applications from 2003 for signs on Route 236 similar to the signs in question, where there was no option for a freestanding sign on the application. The current applications include freestanding signs and are clearer.

Ms. Davis requested an update from the sewer department on the current expansion of the system.

Mr. Alesse explained his earlier email regarding bike and pedestrian safety. He provided a handout of suggested signage. He would like the Town to place signs on the most used roads to instruct cyclists and pedestrians to “bike right, walk left.”

Ms. Grinnell said this was a matter to be addressed through Public Works.

Mr. Di Matteo said he would speak to the Public Works Commissioner and suggested that the Maine Bicycle Coalition may have more local signage or resources.

ITEM 4 – Town Planner Items:

A. Town Code Amendments for 16.7.8 Land Not Suitable for Development; 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil Suitability, 16.8.16 Lots; 16.2.2 Definitions; and associated zones in 16.3.2. Request to schedule a public hearing.

B. Other

Mr. Di Matteo asked the Board to schedule a public hearing for these amendments as revised based on the May 4 joint workshop with the Town Council.

Mr. Alesse moved to schedule a public hearing for June 25, 2015 for Town Code Amendments for 16.7.8 Land Not Suitable for Development; 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil Suitability, 16.8.16 Lots; 16.2.2 Definitions; and associated zones in 16.3.2.

Ms. Kalmar seconded.

Mr. Lincoln asked for confirmation that the revisions presented were based on the Council's comments at the workshop.

Mr. Di Matteo said that they were, with the caveat that the substitution of "land area" for "acreage" was not made, and confirmed that there are no new additions to the amendment.

Motion carried: 6-0-0

Ms. Davis moved to adjourn.

Ms. Kalmar seconded.

Motion carried: 6-0-0

The Kittery Planning Board meeting of May 28, 2015 adjourned at 6:55 p.m.

The meeting was followed by a workshop of Title 16.8.11, Cluster Residential and Cluster Mixed-Use Development.

Submitted by Elena Piekut, Assistant Town Planner, June 1, 2015.