

CALL TO ORDER

ROLL CALL

Present: John Perry, Member, Drew Fitch, Member, Steve Bellantone, Member, Ronald Ledgett, Member, Russell White, Member, Karen Kalmar, Vice Chair and Dutch Dunkelberger, Chair

Absent: None

Staff: Bart McDonough, Town Planner and Adam Causey, Director of Planning

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- None

PUBLIC COMMENTS

Public comment and opinion are welcome during this open session. However, comments related to development projects currently under review by the Planning Board shall be heard only during their respective scheduled public hearing. Due to the current pandemic, all meetings and public hearings held by the Planning Board are conducted via Zoom webinar. To register in advance for the webinar, please submit a request to bmcdonough@kitteryme.org. After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during the public hearing and public comment period. Members of the public unable to participate during the webinar may submit comments for agenda items via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to bmcdonough@kitteryme.org. Comments received by noon on the day of the meeting will be read into the record by the Planning Board Chair.

There being no comments, the Chair closed the public comments.

OLD BUSINESS

6:20

ITEM 1—459 U.S. Route 1—Major Modification Review to a Master Site Development Plan and Subdivision / Site Plan

Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or deny plan: Pursuant to §16.10.9.3 *Modifications to approved plan* of the Town of Kittery Land and Use Development Code, owner/applicant Middlesex Land Holdings, LLC requests the review and consideration of a major modification to both an approved Master Site Development and Subdivision plan proposing to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (16 age-restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated improvements on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

Mr. McDonough gave a review and an update on the project. CMA comments were received.

Brian Nielsen reviewed the site plan and the minor corrections. ADA access to the community center, community garden and snow storage, children play space, landscaping details, basement ownership, removal of volleyball court, storage unit, and stormwater management explained.

Mr. Nielsen reviewed CMA's comments.

The Board asked about reviewing the homeowner documents prior to approving the plan. Stormwater maintenance between the hotel and the housing units discussed briefly. Visual screening of the hotel parking lots from the housing units discussed. Requests of CMAs comments regarding the most recent plan, and reviewing the phasing plan suggested by the Board. Replanting for the life of the development corrected, and landscaping plan discussed. HOA documents and lead times discussed.

Mr. White moved to continue the plan to May 13, 2021. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.

36:50

ITEM 2—4 Pepperell Road—Shoreland Development Plan Review

Action: Accept or deny application as complete; continue application to a subsequent meeting, schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland Development Review* of the Town of Kittery Land Use and Development Code, the Planning Board shall consider an after-the-fact permit application from owner/applicant Elizabeth Kirschner requesting approval to maintain a patio with an enclosed screened

porch and expand a legally nonconforming dwelling unit on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone on real property with an address of 4 Pepperrell Road, (Tax Map 18, Lot 45-4) located in the Residential-Kittery Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones

Mr. McDonough noted that the applicant was not in attendance at the meeting. Discussion around due process and the direction of the Board's decision.

Vice Chair Kalmar moved to continue the item until May 13, 2021. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

42:33

ITEM 3— Land Use Development Code Amendments—Proposed Revisions to Title 16 to Include Marijuana Uses

Action: Continue to a subsequent meeting, recommend or not recommend amendments to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning Board seeks to make recommendations to Town Council on amendments to §16.2 *Definitions*, §16.3 *Land Use Regulations* and §16.8 *Design and Performance Standards for Built Environment* and §16.10 *Development Plan Application Review* of the Land Use and Development Code of the Town of Kittery by respectively removing and adding new definitions related to marijuana uses, designating areas of operation for marijuana businesses and medical marijuana registered caregiver home establishments within certain zoning districts, establishing performance standards for marijuana businesses and medical marijuana registered caregiver home establishments, and adding application approval criteria, or taking any other action relative thereto.

The Board asked for clarification on what has changed in the document from the last meeting. Mr. Causey and Mr. McDonough reviewed the changes to the Board, answering questions and discussing the changes.

Discussion ensued around restricting store numbers, zones or distance requirements. The Board discussed the option of holding a public hearing.

Mr. Ledgett moved to continue to the next meeting on May 13, 2021. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.

NEW BUSINESS

1:24:45

ITEM 4— 80 Wilson Road—Resource Protection Plan Review

Action: Accept or deny application as complete; continue application to a subsequent meeting, schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.3.2.19 *Resource Protection Overlay Zone*, §16.7.3.3.C *Nonconforming structure reconstruction*, §16.10.3.4 *Shoreland Development Review* and Table §16.9 *Minimal Setback from Wetland and Waterbodies* of the Town of Kittery Land Use and Development Code, owner/applicant Dan Remick is requesting approval for a special exception permit to reconstruct a legally nonconforming single-family dwelling unit within its existing footprint and to demolish an existing detached garage and shed within the Resource Protection Overlay Zone on a legally nonconforming lot within the base zone setback of a wetland greater than an acre on real property with an address of 80 Wilson Road, (Tax Map 59, Lot 5) located in the Residential-Rural (R-RL) Zone and the Resource Protection (OZ-RP) Overlay Zone.

Mr. McDonough gave an overview of the project.

Applicant Dan Remick updated the Board on the building location.

The septic system, driveway location, and vegetation removal discussed.

The Board did not request a site walk or a public hearing.

Vice Chair Kalmar moved to accept the application. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Vice Chair Kalmar moved to approve the plan with conditions. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Vice Chair Kalmar read the findings of fact into record. The Board voted to approve the findings, 7-0-0.

OTHER BUSINESS

1:56:30

ITEM 5 – Board Member Items/Discussion

Chair Dunkelberger shared that Sweet Dirt has offered a tour, and he would like to visit the site as part of a workshop. Available dates discussed, with May 10, 2021 preferable. Chair Dunkelberger reminded the Board of the MMA webinars on housing.

2:02:57

ITEM 6 – Town Planner/Director of Planning & Development Items

Mr. McDonough briefly gave the Board an update on the next meeting's items.

2:05:42

Adjournment

Vice Chair Kalmar moved to adjourn the meeting. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

The Kittery Planning Board meeting of April 22, 2021 adjourned at 8:06 p.m.

Submitted by Carrie Varao, Development Staff Clerk on February 3, 2022.

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>.