

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
REMOTE MEETING
CALL TO ORDER**

**APPROVED
MARCH 24, 2022**

ROLL CALL

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

Absent: Steve Bellantone, Member

Staff: Bart McDonough, Town Planner and Kathy Connor, Project Planner

Advisory: Earle Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA- None

APPROVAL OF MINUTES- March 25, 2021; April 8, 2021; and April 22, 2021

March 25, 2021- line 122 change "tile" to "title".

April 8, 2021- line 107 add "hearing" prior to public and fix the time stamp at 1:13, line 96 change "form" to "from".

April 22, 2021- none

Vice Chair Kalmar moved to approve the minutes as amended. Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

PUBLIC COMMENTS

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. Please note, the Town is testing its hybrid meeting technology. Every effort will be made to make this run smoothly, however some technical difficulties may occur as the Town implements this new approach. To register via Zoom:

https://us02web.zoom.us/webinar/register/WN_SSk-9Fq5T-uApy5s5UZFYA

Further, the public may submit public comments 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 become part of the public record and may be read in whole or in summary by the Planning Board Chair or Town Planner.

Chair Dunkelberger opened the public comments.

There being none, Chair Dunkelberger closed the public comments.

OLD BUSINESS

6:00

ITEM 1—47 Cutts Road—Sketch Plan Review, Cluster Subdivision

Action: Continue to a subsequent meeting; vote on sketch plan application. Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law and §16.8, Subdivision Review of the Kittery Town Code, the Planning Board shall consider an application from owners/applicants Chip and Anne Andrews with agent Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3) located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

The applicant did not submit additional material and was not present. Mr. McDonough suggested the Board continue the application.

Mr. White moved to continue the application, not to exceed 90 days. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 6-0-0.

NEW BUSINESS

7:50

ITEM 2—524 US Route 1—Major Site / Subdivision Sketch Plan Review

Action: Application acceptance, continue to a subsequent meeting; vote on sketch plan application. Pursuant to Title 30-A M.R.S.A. §4401-4408 *Municipal Subdivision Law*, §16.7 *Site Plan Review* and §16.8, *Subdivision Review* of the Kittery Town Code, the Planning Board shall consider a sketch plan special exception application from owner C-Coast Properties and applicant York Harbor Builders, LLC with agent Civil Consultants, requesting sketch plan approval to construct 19 mixed-use single-family dwelling units, 8 age-restricted dwelling units and a 7,200-sf storage/office building with appurtenant infrastructure on real property with an address of 524 U.S. Route 1 (Tax Map 67, Lot 1) located in the Mixed-Use (MU) and Residential-Rural (R-RL) Zones and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Neil Rapoza, Civil Consultants, gave an overview of the project and reviewed the plans.

Chair Dunkelberger asked for clarification on the size of the commercial space. The Board asked questions regarding use, age-restricted community, right-of-way and street distinction, dwelling counts, commercial office space, residential layout, road standards and access, integration and Master Site Plan, and parking standards. The Board did not accept the plan.

40:37

ITEM 3—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, set public hearing. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 *Amendments* of the Kittery Town Code, the Planning Board will consider setting a public hearing for proposed amendments to Title 16 that seek to delete cluster residential development provisions throughout Title 16 and be replaced with new regulations governing non-traditional subdivisions along with establishing a new chapter titled ‘Conservation Subdivision’ or take any other action relative thereto.

Kathy Connor gave a brief summary of the process and reviewed the amendment with the Board. Ms. Connor went over the changes.

The Board reviewed the amendment page by page, asking questions and commenting.

**Vice Chair Kalmar moved to set a public hearing on April 28, 2022 at 6 PM.
Seconded by Mr. White. The motion passed by roll call vote 6-0-0.**

1:30:50

ITEM 4—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, set public hearing. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 *Amendments* of the Kittery Town Code, the Planning Board will consider setting a public hearing for a proposed amendments to Title 16 that seek require affordable housing, to regulate cottage clusters within the Mixed-Use Neighborhood (MU-N) zoning district (§16.4.23), and to provide clarifying language, or take any other action relative thereto.

Ms. Connor gave an overview of the amendment. The Board reviewed the amendment page by page with no comments.

**Vice Chair Kalmar moved to set a public hearing on April 28, 2022 at 6 PM.
Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

1:34:00

ITEM 5—Land Use and Development Code Amendments

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Action: Continue to a subsequent meeting, set public hearing. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 *Amendments* of the Kittery Town Code, the Planning Board will consider setting a public hearing for proposed amendments to Title 16 that seek to regulate constructed wetlands (§16.5.30), or take any other action relative thereto.

Ms. Connor introduced the Item.
Earldean Wells gave an overview of the amendment.

Mr. Ledgett moved to hold a public hearing on April 28, 2022 at 6 PM. Seconded by Mr. White. The motion passed by roll call vote 6-0-0.

OTHER BUSINESS

1:37:51

ITEM 6 – Board Member Items/Discussion

Chair Dunkelberger told the Board he would like a historical site review and hydrologic study for the entire Mixed-Use Neighborhood zone, funded by the Town of Kittery or TIF.

Mr. Ledgett moved to recommend to the Town Manager and/or the Town Council to conduct a historical and hydrologic survey of the entire Mixed-Use Neighborhood zone. Seconded by Mr. Perry. The motion passed 6-0-0.

Chair Dunkelberger shared that Mr. McDonough would be leaving the Town of Kittery. The Board wished him well.

Chair Dunkelberger told the Board the next meeting will be in person.

Earldean Wells asked the Board about the wetland table setbacks and would like to review them.

1:44:49

ITEM 7 – Town Planner/Director of Planning & Development Items

Mr. McDonough gave the Board an update on the next agenda.

Earldean Wells told the Board that the wetland impact fees will be on the Town Council agenda on 3/28/2022.

Mr. Ledgett asked about the solar ordinance.

1:46:35

Adjournment

Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed by roll call vote 6-0-0.

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The Kittery Planning Board meeting of March 24, 2022 adjourned at 7:47 p.m.

Submitted by Carrie Varao, Development Staff Clerk on May 9, 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>.