

**CALL TO ORDER**

**ROLL CALL**

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

Absent: None

Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning & Development, and Jessa Kellogg, Stormwater Coordinator

Advisory: Earldean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

The public may submit public comments for the DISCUSSION agenda item 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](mailto:bmcdonough@kitteryme.org). Comments received by noon on the day of the meeting will be read into the record by the Council Chair.

There being none the Chair closed the public comments.

**OLD BUSINESS**

**ITEM 1—Title 16 Amendment**

Action: To schedule a public hearing to amend §16.2 Definitions, §16.3.2.11 Commercial (C-1, C-2, C-3) and §16.7.8.4 Exemptions to net residential acreage standards.

Mr. McDonough gave an overview of the proposed changes, such as allowing residential dwelling units in the Commercial zones, changes in standards to accommodate the developments, and adding affordable housing requirements. Questions and comments from the Board opened.

Vice Chair Kalmar asked about removing mini-storage from the C-3 zone. Consensus from the Board to remove was achieved.

Vice Chair asked to remove used car sales as a special exception from C-1 and C-3, and add it as a special exception in C-2. Consensus by the Board to make the change was reached.

Mr. Fitch asked about the 45-year restriction on Affordable Housing and recommends 15-year term to incentivize it. Discussion continued around the federal and state term limits. Consensus was reached that this can be resolved at the public hearing.

**Vice Chair moved to set a public hearing for the revisions to the C-1 and C-3 zones related to housing and revisions to definitions related to housing on July 23, 2020. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-0-0.**

## **NEW BUSINESS**

### **ITEM 2 – MS4 General Permit for Stormwater Discharges Update to the Planning Board**

Action: None. Presenter Jessa Kellogg, Public Works Inspector, Town of Kittery, and Kristie Rabasca, Stormwater Consultant, Integrated Environmental Inc.

An overview was provided by Ms. Kellogg, and an update was given by Ms. Rabasca. Changes in the ordinance were explained, including: standardizing Erosion and Sediment Control measures, Post Construction maintenance, location of the ordinance in the Town Code, Low Impact Development, and Coastal Resiliency grant.

### **ITEM 3 – 76 Dennett Road – Mixed-Use Residential Development – Final Plan Review**

Action: Approve with or without conditions, continue consideration of or deny plan.

Owners William J. Cullen and Sail Away, LLC and applicant William Wharff request consideration of a mixed-use residential development on 23.3+- acres of land at 76 Dennett Road (Tax Map 6 Lots 15B & 16A and Tax Map 13, Lot 4) in the Mixed Use - Neighborhood (MU-N) Zone. Agent is Shawn Tobey, P.E. Hoyle, Tanner Associates, Inc.

Shawn Tobey gave an update and overview of how the final plan was developed. Most changes have been minor and no major changes since the last meeting. Army Corps of Engineer permit for the buffer of the vernal pool and the culvert crossing for the access road obtained. The traffic movement permit from DOT has been received. Maine DEP site location of development permit in process, only held up due to the pandemic.

Discussion with the Board continued briefly regarding typos and possible conditions.

Chair Dunkelberger commended the agent and applicant, and mentioned that he received public comments requesting postponement of the Board's approval, which the Chair explained cannot happen due to the ordinance.

**Mr. Ledgett moved to waive Section 16.10.7.2 to provide to the Planning Board prior to final approval the Maine DEP Site Location of Development Act (SLODA) permit. Seconded by Mr. White. The motion carried by roll call vote 7-0-0.**

**Mr. Ledgett moved to approve the final site plan dated June 17, 2020 with stated conditions of approval. Seconded by Vice Chair Kalmar. The motion carried by roll call vote 7-0-0.**

**Vice Chair Kalmar read the findings of fact and the Board voted to affirm each finding by roll call vote 7-0-0.**

**ITEM 4— Route 236 – Preliminary Site Plan Review**

Action: Accept or deny application. Schedule Public Hearing. Owner/applicant Robert T. Brennan, Jr. requests consideration of a preliminary site plan for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

Ryan McCarthy gave an overview of the site plan and the landscape plan. The entrance and layout of the site was explained. Water district certified adequate water supply and flow. A self-contained, chamber system was designed to recycle the water since there is no availability for public sewer. Stormwater and grading overview given. Sidewalk waiver request explained. Lighting plan and signage discussed. Landscaping, including required/proposed trees, vegetation of perennials explained. Other site details discussed: dumpster, fencing, propane tank placement versus natural gas, and public bathroom. Traffic discussed, addressing expressed concerns, and suggested a right turn lane on Mackenzie Lane to Rt 236 for vehicles leaving the Car Wash and the Resource Recovery Facility. Impact to Cottontail habitat limited since the development is on the cleared field section of the lot, and not the wetlands.

The Board presented any concerns and questions for the applicant. Hours of operation: 24 hours since it is automated but the applicant is open to shutting down overnight if needed. Malfunctions addressed: mostly computerized and off site so there is no employee needed. Reliability of equipment and broken machines in terms of customer service discussed. A question was posed by Vice Chair Kalmar on whether or not backlit signs were allowed by code. Traffic and lights discussed due to the difficulty of left turns onto Rt 236, along with sidewalks and easements for future sidewalk development.

**Vice Chair moved to accept the preliminary plan application with the stated conditions. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-0-0. Site walk scheduled for July 7, 2020 at 10:30am.**

**Vice Chair moved to hold a Public Hearing on July 23, 2020 on a Preliminary Site Plan application. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-0-0.**

**\*Video feed ended at 8:19PM after the roll call vote for Item 4.**

**ITEM 5 – Board Member Items/Discussion**

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

**a. Planning Board Action Items/Priority List Review Update**—Review the Planning Board's priority list.

**Adjournment**

The Kittery Planning Board meeting of June 25, 2020 adjourned at 8:19 p.m.

Submitted by Carrie Bacon, Development Staff Clerk on November 17, 2020.

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>.