

## **CALL TO ORDER**

## **ROLL CALL**

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

Absent: None

Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning & Development, and Kathy Connor, Project Planner

Advisory: Earledean Wells, Conservation Commission

## **PLEDGE OF ALLEGIANCE**

## **AGENDA AMENDMENTS**

Mr. McDonough suggested to start with “New Business” since the applicant for Item 1 was not present on the call yet, and there were no public attendees for Item 2 despite public interest.

## **APPROVAL OF MINUTES**

Chair Dunkelberger requested the Board send in any minute amendments to Mr. McDonough. Approval of minutes will be done in masse at the next meeting.

## **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](mailto: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](mailto: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 none the Chair closed the public comments.

## **NEW BUSINESS**

### **ITEM 3— Land Use Development Code Amendments— To amend Title 16 to add a new section entitled “Affordable Housing”, and to amend §16.7.8.4 Exemptions to net residential acreage standards and to amend §16.3.2.4.D Standards**

Action: To schedule a public hearing.

Mr. McDonough briefly explained the proposed amendments and the justification for the need of a public hearing.

Vice Chair Kalmar brought to attention the confusion of the 30-year and 45-year term of Affordable Housing section.

Discussion continued around the term length. The intent was 30 years and a discrepancy of the revision copies is at fault.

Requests to tighten the language around the advertising of the Affordable Housing. Mr. Causey provided the Board details regarding the current language.

Mr. Ledgett asked questions about density and zoning, and the big picture of the outcomes of the zone changes. Mr. McDonough and Mr. Causey explained the rational. Mr. Ledgett commented about development along waterbodies like Spruce Creek, and how to keep the degradation of the waterbody from happening. Mr. Causey responded that DPW was working on updated Stormwater Management Regulations. Ms. Connor explained there is a provision in the zoning regulations about stormwater management. Vice Chair Kalmar asked about the restrictions on the Affordable Housing and how they would be enforced. Mr. McDonough provided an explanation including the formation of covenants and the Housing Committee.

Mr. Fitch asked about re-selling and if the unit remains in the Affordable Housing market. Mr. McDonough explained that the covenant remains on the deed and stays with the land. The issue of the unit being sold at market, and then sold again as “affordable” would not be possible. Mr. McDonough agreed to look further into the issue along with the Housing Committee.

Mr. White commented as well on the non-eligible household clause in re-selling the unit, and whether that is in the best interest of the Town. Discussion continued around deed restrictions, the housing market, and affordable unit rotation.

Chair Dunkelberger reported liking the new Code. He called for setting a public hearing and requesting feedback from the Economic Development Committee.

**Vice Chair Kalmar moved to schedule a public hearing for August 13, 2020. Mr. Ledgett seconded the motion. The motion passed by roll call vote, 7-0-0.**

**ITEM 4— 8 Wentworth Street, Rice Public Library – Preliminary Site Plan Review**

Action: To schedule public hearing. Owner/applicant, the Town of Kittery, requests consideration of a preliminary site plan review for a three-story addition and related site improvements to the Rice Public Library located at 8 Wentworth Street (Tax Map 4, Lot 88) in the Mixed Use – Kittery Foreside (MU-KF) Zone. Agent is Ryan Kanteres, Scott Simons Architects.

Mr. McDonough gave a brief update on where the project stands due to COVID-19 delaying the project. New site plans at the hearing would be provided.

**Mr. Ledgett moved to hold a public hearing on August 13, 2020. Seconded by Mr. White. The motion passed by roll call vote, 7-0-0.**

**PUBLIC HEARING**

**ITEM 1— Route 236 – Preliminary Site Plan Review**

Action: Continue or close public hearing, approve with or without condition, or deny plan. 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 28, Lot 25D) in the Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

Ryan McCarthy gave the Board an update in regards to the questions 1-5 on the staff review notes. Need for a bathroom discussed with the options of the type of facility. Applicant does not feel a bathroom is needed, and this item is pending. Question 2 was about widening Mackenzie Lane, and Mr. McCarthy reviewed the site plan and the traffic implications. An in-depth traffic study or providing a second access to the site discussed. Owner opted to provide a second access-right turn lane to the site over the traffic study.

Chair Dunkelberger read a notice from DPW- Mr. Rich and Ms. Kellogg commented on the project in terms of Mackenzie Lane and the traffic study, identifying the questions or issues DPW have with the project. Mr. McCarthy responded to the posed questions and requested clarifications. Discussion continued around traffic, right-turn lane and stop bars, and the need for a study.

Vice Chair Kalmar asked about the fill on the property and the request for CMA to verify the safety of the contents of the fill on the property. Mr. McDonough clarified and requested the agent address this at the next meeting. Mr. McCarthy responded, saying they did three test pits on the site and the structural support will not be a concern. They have proposed incorporating a filter medium into the stormwater management system. CMA can confirm these statements.

Chair Dunkelberger asked about backlit signage. Mr. McDonough read the sign ordinance to clarify the use of backlit signs. He suggested the applicant submit a sign design for the Town to review.

The wetland along Mackenzie Lane was discussed. Mr. McCarthy clarified the drainage ditch along Mackenzie Lane is not a wetland but a drainage ditch. The portion further back that is wider than 12 feet is included in the wetland data, and the report from Joe Noel, soil scientist, supports this data.

The Board agreed to forgoing the traffic study in lieu of the right turn lane.

**Mr. Ledgett moved to continue the public hearing to August 27, 2020. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.**

**ITEM 2— Land Use Development Code Amendments—Title 16.2 Definitions and 16.3.2.11 Commercial (C-1, C-2, C-3)** Action: Continue or close public hearing, recommend or not recommend to Town Council. The proposed amendments to Title 16.2 Definitions seek to add and amend terms therein while the proposed amendments to 16.3.2.11 Commercial (C-1, C-2, C-3) seek to amend use, dimensional and performance standards for the commercial zones.

Mr. McDonough gave a brief overview of the amendments and their development.

Chair Dunkelberger opened up the public comments, first reading in the written comments received. Bill and Eileen McCarthy, Adams Drive, wrote a comment opposing the Land Use Development Code Amendments. Emily Flingstrom, 12 Manson Ave. Ext. wrote comments supporting the amendments.

Mr. McDonough opened the comments to the public on the webinar.

Jennifer Thayer, commented 236 Business zoning (not Mixed Use) and TIF. Mr. McDonough clarified that the public hearing is for specific zoning changes found on the website and not the prior approved project on Dennett Rd. She was directed to review the changes and stay in queue to comment later during the hearing.

Richard Balano, Ox Point Drive, expressed opposition to the proposal regarding raised height limits (50 ft.) in C-1 and C-3 homes for multi-family dwellings, citing costs and character changes. Also commented opposition on flat roofs, citing pitched roofs are what the Town and the public wants.

Debbie Driscoll, Housing Committee, reported being on the meeting just to observe for the committee.

David Durling, Adams Drive, commented on the setbacks (rear and side) buffering the residential lots and asked for clarification. The buffer would be 15 feet in C-2 Zone. He expressed concern over the buffer not being adequate.

Jennifer Thayer, Martin Rd., also commented the 15 ft buffer and the complicated language of zoning. Wetland filling and ecosystem compromise mentioned, with a question regarding when the zoning changed. Waste removal procedures, sustainable energy, and development questioned. Chair Dunkelberger directed Ms. Thayer to the Land Issues Committee, and Earl Dean Wells on the Conservation Committee as points of contact for the environmental issues.

William McCarthy commented he sent in a letter and has no further comments or questions.

Chair Dunkelberger opened the public comments up to the Board.

Vice Chair mentioned the 30 and 45-year term for the Affordable Housing, and buffer requirement waiver/modifications.

Mr. Ledgett asked about the current buffer setbacks on Adams Drive, Cottage Way and Ox Point Drive. Mr. Ledgett asked for clarification on what the new setbacks are for: current residential areas or new development in the C zones?

Chair Dunkelberger suggests removing the word “waive” and leave “modify” for the buffer requirement.

Vice Chair commented on the intention of the planting and replanting language of vegetation that does not survive one year.

Mr. Bellantone asked about if a modification be a waiver? Chair Dunkelberger answered no.

**Vice Chair moved to continue the public hearing for the proposed amendments to Title 16.2 definitions and 16.3.2.11 C-1, C-2, C-3 to August 13, 2020. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-0-0.**

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

Chair Dunkelberger reported on an email from Town Council Chair Spiller regarding scheduling a joint workshop in September on sustainability and flood zone areas of Kittery. Mr. Ledgett suggested that this topic and draft ordinance needs to be given to staff, and will coordinate with Mr. Causey.

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

Mr. Causey gave a brief update on Title 16 recodification. The Kittery Land Issues Committee met and made further changes. The draft will be supplied to the Board after the next KLIC meeting.

#### **Adjournment**

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

The Kittery Planning Board meeting of July 23, 2020 adjourned at 8:23 p.m.

Submitted by Carrie Bacon, Development Staff Clerk on December 1, 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

**TOWN OF KITTERY, Maine  
PLANNING BOARD MEETING  
REMOTE**

**APPROVED  
JULY 23, 2020**

refer to the video of the meeting on the Town of Kittery website at  
<http://www.townhallstreams.com/locations/kittery-maine>.