

CALL TO ORDER

ROLL CALL

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

Absent: none

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

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Chair Dunkelberger proposed moving Item 6 first, and move Item 1 to last.

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 none, the Chair closed the public comments.

NEW BUSINESS

4:02

ITEM 6—Land Use and Development Code Amendments—To Amend §16.2 Definitions, §16.3 Land Use Zone Regulations, and §16.8 Design and Performance Standards for Built Environment

Action: Schedule public hearing: Pursuant to Title 30-A, M.R.S.A., Chapter 187, §4352 *Zoning Ordinances* and §16.1.9 *Amendment* of the Town of Kittery Land Use and Development Code, the Planning Board intends to schedule a public hearing to consider amending §16.2 *Definitions*, §16.3 *Land Use Zone Regulations*, and §16.8 *Design and Performance Standards for Built Environment* of the Town of Kittery Land Use and Development Code by respectively removing and adding new definitions related to marijuana uses, designating areas of operation for marijuana businesses within certain zoning districts, and establishing performance standards for marijuana businesses, or taking any other action relative thereto.

Town Manager Amaral gave the Board the background of the item, reviewing the steps the Town has taken in developing the framework of the ordinance. Ms. Amaral asked the Board for any questions regarding the process.

The Board asked questions around the ordinance, including who in the Town has had input on the ordinance. The Board voiced specific questions related the ordinance language and definitions.

Mr. White moved to schedule a public hearing on February 11, 2021. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

31:49

ITEM 2—21 Litchfield Road—Sketch Plan Review, Cluster Subdivision

Action: Accept or deny plan as complete; continue application to a subsequent meeting; approve or deny plan: Pursuant to Title 30-A, M.R.S.A., Chapter 187, §4401- §4408 *Subdivisions* and §16.10.4.2 *Sketch Plan Review Phase* of the Town of Kittery Land Use and Development Code, the Planning Board shall consider an application from owner Brenda Haley and applicant Chinburg Development, LLC requesting approval for a sketch plan cluster subdivision development proposing seven (7) lots with appurtenant infrastructure on real property with an address of 21 Litchfield Road (Tax Map 46, Lot 6) located in the Residential-Rural (R-RL) Zone and Shoreland-Stream Protection (OZ-SL-75) Overlay Zone.

Mr. McDonough gave the Board an update on the project, noting it is for eight (8) lots and clarifying the cemeteries and affordable housing.

Eric Weinrieb, P.E. from Altus Engineering and associates (Paul Kerrigan, Colton Gold, and Ronald Beal) presented the project. He gave an overview of the property and the proposed project, giving the Board details on the plans.

The Board asked the applicants questions and discussion ensued around clarification on the creek, test pits, water lines, cotton-tail rabbit habitat, vernal pool, community outdoor space, sidewalks, stormwater management plan, cemeteries, and easements.

The Board gave consensus that the project is a major subdivision, with a contour interval of two feet.

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

The Board deferred a site walk until the preliminary plan is submitted.

58:03

ITEM 3—71 Old Dennett Road—Shoreland Development Plan Review Action:

Accept or deny plan 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 application from owner/applicant Patricia A. & Stephen E. Bradley requesting approval to expand a legally nonconforming dwelling unit on a legally nonconforming lot by 360-sf within the base zone setback of the Shoreland Overlay Zone on real property with an address of 71 Old Dennett Road (Tax Map 6, Lot 5) located in the Residential-Suburban (R-S) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Mr. McDonough gave an update on the project regarding the wetland calculations.

Erik Saari from Altus Engineering presented the project describing the proposed addition, and the removal of pavement for re-vegetation. He asked the Board for questions.

The Board had no questions or objections. They did not want to schedule a site walk or public hearing.

Mr. White moved to accept the application as complete. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. White moved to approve the plan without conditions. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Vice Chair Kalmar read the findings of fact. The Board moved to approve the findings by roll call vote 7-0-0.

1:18:04

ITEM 4—18 Crockett Neck Road—Shoreland Development Plan Review

Action: Accept or deny plan 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 application from owner/applicant Anne and Marshall Gaffney requesting approval to replace in situ a deck (350-sf) attached to 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 18 Crockett Neck Road, (Tax Map 26, Lot 45) located in the Residential-Kittery Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZRP) Overlay Zones.

Mr. Gaffney presented the project to the Board, describing that he wants to rebuild his existing deck in the same footprint.

Mr. McDonough confirmed it is a replacement, and the waiver he is requesting is the Shoreland Development Plan.

Vice Chair Kalmar moved to waive 16.10.10.1.B(1). Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. Ledgett moved to approve the application of an in-kind replacement. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

The Board did not want to schedule a site walk or public hearing.

Mr. White moved to approve the application without conditions. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. McDonough read the findings of fact. The Board moved to approve the findings by roll call vote 7-0-0.

1:37:20

ITEM 5—23 Oak Terrace—Shoreland Development Plan Review

Action: Accept or deny plan 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 and application from owner 23 Oak Terrace LLC and applicant Drew Fitch requesting approval to replace and expand an existing deck attached to a legally nonconforming dwelling unit located on a legally nonconforming lot by 100-sf., totaling 232-sf., within the base zone setback of the Shoreland Overlay Zone on real property with an address of 23 Oak Terrace, (Tax Map 2, Lot 3) located in the Residential-Suburban (R-S) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Mr. Fitch recused himself from the Item.

Erik Saari from Altus Engineering presented the plan. He gave the Board an overview of the property and the proposed project of an expanded deck.

The Board agreed that the proposal makes the property less non-conforming.

Mr. White moved to accept the plan as presented. Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

The Board did not want to schedule a site walk or public hearing.

Mr. White moved to approve the application. Seconded by Mr. Bellantone. The motion passed by roll call vote 6-0-0.

Vice Chair Kalmar read the findings of fact. The Board moved to approve the findings by roll call vote 6-0-0.

1:56:38

OLD BUSINESS

ITEM 1—Land Use and Development Code Amendments—Recodification of Title 16 Discussion—16.5 General Performance Standards

Action: Review and discuss the proposed amendments and continue to a subsequent meeting. To amend Title 16 by reorganizing the title while modifying certain provisions therein to align with the Town's Comprehensive Plan and Planning Board's goals and objectives.

The Board reviewed section 16.5, page by page discussing and making changes as requested. Staff responded and made clarifications or corrections as needed.

OTHER BUSINESS

3:07:53

ITEM 6 – Board Member Items/Discussion

Chair Dunkelberger shared positive feedback from the Town Manager on the code work. He asked the Board to review section 16.6 for the next meeting. He asked the Board to consider a workshop.

Vice Chair Kalmar asked if the Board should prioritize the ordinances.

Chair Dunkelberger told the Board they will review their goals and objectives at the next meeting.

3:13:31

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

Mr. McDonough told the Board that applicant material will be provided on Thursday, and he will email any additional information in the staff report.

3:16

Adjournment

Mr. Bellantone moved to adjourn the meeting. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

The Kittery Planning Board meeting of January 14, 2021 adjourned at 9:16 p.m.

Submitted by Carrie Varao, Development Staff Clerk on January 4, 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>.