

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, and Kathy Connor, Project Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Chair Dunkelberger noted that Item 1 is postponed.

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.

Nancy Puff, 53 Cutts Island Lane, commented on the short-term rental ordinance and the shoreland overlay zone.

Chair Dunkelberger asked Nancy to submit a written version of her comment due to technical difficulties in the audio.

Mr. McDonough stated that the department is aware of her concerns and there has been an attorney opinion on the issue that staff can share with the Board.

Brief discussion followed on the short-term rental ordinance from staff and the Board. There being no other comments, the Chair closed the public comments.

OLD BUSINESS

ITEM 1— 134 Whipple Road—Shoreland Development Plan Review

Action: Continue the agenda item to a subsequent meeting, schedule a public hearing, or approve or deny plan: Pursuant to §16.10.3.2 *Shoreland Development Review* of the Town of Kittery Land Use Development Code, owners/applicants Nicolas and Amy Mercier request approval for a shoreland development plan on a legally non-conforming lot with a legally non-conforming structure proposing to construct a 10.5' retaining wall comprising 259-sf located within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland Overlay Zone .

Postponed

13:56

ITEM 2— Land Use Development Code Amendments—Recodification of Title 16 Discussion

Action: Review and discuss the proposed amendments and continue to a subsequent meeting. To amend Title 16 to reorganize and modify certain provisions within the title that align with the Town's Comprehensive Plan and Planning Board's goals and objectives.

Ben Smith from NorthStar Planning presented the project and reviewed the memo he sent the Board.

Chair Dunkelberger asked the Board for questions and comments.

The Table of Contents, formatting, definitions, e-code, master site plan, and policy questions were discussed by the Board and staff.

Chair Dunkelberger opened discussion on sections 1 and 2.

The Board reviewed the sections page by page. The Board and staff discussed each identified item, making corrections as needed.

Chair Dunkelberger asked the Board to review section 3 for the next meeting.

NEW BUSINESS

1:18:37

ITEM 3— 459 U.S. Route 1— Sketch Plan Review / Master Site Development Plan Review

Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or deny plan: Pursuant to §16.10.2.2 *Master Site Plan Review Process* and §16.10.4.2 *Sketch Plan Review Phase* of the Town of Kittery Land Use Development Code, owner/applicant Middlesex Land Holdings, LLC requests the review and consideration of a sketch plan proposing a special exception application and a modification to approved master site development plan by reducing the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 24 (12 duplexes) age-restricted dwelling units 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 the Board the history of the project, and a brief reasoning for the amended plan.

Brian Nielsen, from Attar Engineering gave an overview of the plan. He stated the hotel portion of the plan remains unchanged, and due to market conditions the residential component changed to 12 duplexes. He described the shared outdoor space and the various elements of the plan that remain unchanged. Mr. Nielsen opened the discussion up for questions from the Board.

The Board asked questions regarding market conditions, housing demands for non-age restricted units, density, shared spaces related to elderly housing definitions, indoor space and community, and mixed-use criteria.

Mr. Nielsen responded to each concern and discussion ensued.

The Board asked Mr. Nielsen to discuss the issues with the client. Mr. McDonough emphasized that the client and Mr. Nielsen design a place on the site that integrates both the hotel and the housing.

Mr. Ledgett moved to continue the plan. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

1:52:23

ITEM 4— Land Use Development Code Amendments—To Amend §16.2 Definitions and §16.5 General Performance Standards

Action: schedule a public hearing or continue agenda item to a subsequent meeting. Pursuant to M.R.S.A Title 30-A, §4352 and §16.1.9 *Amendment* of the Town of Kittery Land Use Development Code, the Planning Board seeks to schedule a public hearing to

amend both §16.3 *Definitions* and §16.5 *General Performance Standards* to add respectively a new definition and performance standards related to outdoor dining, or take any other action relative thereto.

Mr. Dunkelberger opened the item up for discussion.

Discussion around outdoor dining and traffic impediment commenced, including vehicular and pedestrian traffic, and private versus public ways.

Definitions of structures briefly discussed regarding flexibility of outdoor dining design.

Overlay zoning related to the use of outdoor dining discussed. Setback requirements of outdoor dining clarified.

Mr. Ledgett moved to schedule a public hearing with the amended ordinance on November 12, 2020. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

OTHER BUSINESS

2:09:46

ITEM 5 – Board Member Items/Discussion

None

2:09:57

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

Mr. Causey reminded the Board that at the Town Council meeting on Monday the Affordable Housing discussion was continued to the next meeting.

2:11:52

Adjournment

Mr. Ledgett 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 October 22, 2020 adjourned at 8:10 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 29, 2021.

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
OCTOBER 22, 2020**

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