



KITTERY PLANNING BOARD MEETING

200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kitteryme.gov

REGULAR MEETING AGENDA

Thursday, January 12th, 2023

6:00 P.M. to 10:00 P.M

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

AMENDMENTS TO THE AGENDA

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: every effort will be made to make this run smoothly, however some technical difficulties may occur. To register via Zoom visit https://us02web.zoom.us/webinar/register/WN_qycXEoK5SLm6FOA1FJDjYg or at <https://www.kitteryme.gov/planning-board>.

Public comment and opinion are welcome during this meeting. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium. Further, the public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed comments should be sent to jgarnham@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 or Town Staff.

OLD BUSINESS

ITEM 1 – 28 Wyman Avenue – Sketch Plan Review – Cluster Residential Subdivision – Public Hearing

Action: Public Hearing was held 11/17/22; continue review, approve or deny plan: Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law and §16.8.10.H, Cluster Residential Development of the Town of Kittery Land Use and Development Code, owner Lusitano, LLC requests approval for a cluster residential development proposing three (3) single-family residences as a condominium on real property with an address of 28 Wyman Avenue (Tax Map 16, Lot 148) located in the Residential-Urban (R-U) Zone.

ITEM 2 – 21 Happy Avenue and 12 Roseberry Road Right-of-Way (ROW) Review

Action: ROW was accepted with Conditions 12/08/22, Review and Findings of Fact to be read. Owners and applicants, William and Cathy Cullen and Caroline Hall request consideration of a right-of-way plan for a 4.78 acre +/- acre parcel (Tax Map 11, Lot 29) proposing a ROW located on Happy Avenue (Tax Map 11 Lot 29-5) in the Residential Suburban Zone (R-S). Agent is Nathan Amsden, PLS., Amsden Field Survey.

ITEM 3 – 41 Route 236 – Preliminary Site Plan Review

Action: Public Hearing held 10/13/22; approve or deny plan. Pursuant to §16.4 Land Use Regulations, §16.4.20 Special Exception Use Request, §16.5.32 Marijuana Business, and §16.7 Site Plan Review of Kittery Land Use and Development Code, owner LaPierre Properties LLC and applicant Well Field 44 LLC with agent Attar Engineering requests approval for a special exception use to construct a 1,034-sf Marijuana Business with appurtenant infrastructure and a wetland alteration of 1,367-sf, located on real property with the address of 41 Route 236, Tax Map 29, Lot 1, in the Commercial 2 (C-2) zoning district.

NEW BUSINESS

ITEM 4 – 39 Badgers Island West – Minor Subdivision Sketch and Shoreland Development Plan Review

Action: continue review, approve, or deny plan: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and Development Code, owner applicant B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering propose to subdivide the 0.48-acre parcel identified as Lot 38 of Tax Map 1 into 4 residential condominiums. The property is located at 39 Badgers Island West, in the Mixed-Use Badgers Island Zoning District (MU-BI) and Shoreland Overlay Zone (OZ-SL-250’).

ITEM 5 – 47 Cutts Road – Major Subdivision Sketch Plan Review

Action: continue review, approve, or deny plan: Chip and Anne Andrews, represented by Attar Engineering, Inc., propose to subdivide a 36-acre parcel into 10 residential building lots, a private street system, and a tract to be dedicated to the Kittery Land Trust. The property is identified as Lot 10-3 of Tax Map 60 and is located at 47 Cutts Road in the R- RL Residential Rural Zoning District.

ITEM 6 – Proposed Amendments to Title 16.8.10.D

Action: set a public hearing date, continue review: Kittery property owners James and Tudor Austin request a change to §16.8.10-D of Kittery’s Land Use and Development Code to allow variances for first-time septic systems in minimum setback areas. §16.8.10-D.2.b.1 currently states that the minimum setback distance for a first-time subsurface disposal system may not be reduced by variance.

APPROVAL OF MINUTES

ITEM 7 – December 8, 2022 Meeting Minutes

BOARD MEMBER ITEMS

2023 Election of Officers
2023 Planning Board goals
New Board member training and resources
Subcommittee reports from Housing and from Climate Adaptation and Kittery Land Issues.

TOWN STAFF ITEMS

Application review packet preferences

ADJOURNMENT

* +/-ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION. DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING. TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING CONTACT STAFF AT (207) 475-1323.