



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, May 13, 2021

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

CALL TO ORDER—ROLL CALL—PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: None.

PUBLIC COMMENTS

Public comment and opinion are welcome during this open session. However, comments related to agenda items 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, or sign up by clicking on the following link:

https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzgXJDsCeyg

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 or the Town Planner.

OLD BUSINESS

ITEM 1— 459 U.S. Route 1—Major Modification Review to a Master Site Development Plan and Subdivision / Site Plan

Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or deny plan; Pursuant to §16.10.9.3 *Modifications to approved plan* of the Town of Kittery Land Use and Development Code, owner/applicant Middlesex Land Holdings, LLC requests the review and consideration of a major modification to both an approved Master Site Development and Subdivision plan proposing to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (16 age-restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated improvements on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

ITEM 2— 4 Pepperrell Road—Shoreland Development Plan Review

Action: Accept or deny application 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 after-the-fact permit application from owner/applicant Elizabeth Kirschner requesting approval to maintain a patio with an enclosed screened porch and expand 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 4 Pepperrell Road, (Tax Map 18, Lot 45-4) located in the Residential-Kittery Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

ITEM 3—164 Rogers Road—Right-of-Way Plan Review

Action: Accept or deny application as complete; respectively schedule site walk and public hearing, if necessary; approve or deny plan. Pursuant to §16.10.7.2.S *Right-of-way plan* of the Town of Kittery Land Use and Development Code, owner Melinda Birse and applicant Ryan Birse propose a new Right-Of-Way extending from Rogers Road to access a new lot not created by a subdivision located on real property with the address of 164 Rogers Road (Tax Map 22 Lot 23) in the Residential-Urban (R-U) Zone.

ITEM 4— Land Use Development Code Amendments—Proposed Revisions to Title 16 to Include Marijuana Uses

Action: Continue to a subsequent meeting, recommend or not recommend amendments to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning Board seeks to make recommendations to Town Council on amendments to §16.2 *Definitions*, §16.3 *Land Use Regulations* and §16.8 *Design and Performance Standards for Built Environment* and §16.10 *Development Plan Application Review* of the Land Use and Development Code of the Town of Kittery by respectively removing and adding new definitions related to marijuana uses, designating areas of operation for marijuana businesses and medical marijuana registered caregiver home establishments within certain zoning districts, establishing performance standards for marijuana businesses and medical marijuana registered caregiver home establishments, and adding application approval criteria, or taking any other action relative thereto.

PUBLIC HEARING

ITEM 5— 21 Litchfield Road—Preliminary Plan Review, Cluster Subdivision

Action: Continue public hearing to a subsequent meeting; close public hearing; approve or deny preliminary plan. Pursuant to Title 30-A M.R.S.A. §4401-4408 *Municipal Subdivision Law* and §16.10, Article V *Preliminary Plan Application Review and Approval Process Phase* of the Town of Kittery Land Use and Development Code, the Planning Board shall hold a public hearing to consider an application from owner Brenda Haley and applicant Chingburg Development, LLC requesting approval for a preliminary cluster subdivision development proposing eight (8) lots with 9 units (two (2) existing and seven (7) proposed) 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.

NEW BUSINESS

ITEM 6— 52 State Road—Shoreland Development Plan and Sketch Plan Review

Action: Accept or deny application as complete; continue application to a subsequent meeting, approve or deny sketch plan: Pursuant to §16.3.2.17 *Shoreland Overlay Zone*, Article III *Nonconformance* of §16.7 *General Development Requirements*, §16.10.3.4 *Shoreland Development Review* and §16.10.4.2 *Sketch plan review phase* of the Town of Kittery Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering Inc. requests approval expand a legally nonconforming commercial structure and construct a (27) parking lot on real property with an address of 52 State Road, (Tax Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream Protection Overlay Zone (OZ-SL-75).

OTHER BUSINESS

ITEM 7—Board Member Items / Discussion

ITEM 8—Town Planner / Director of Planning & Development Items

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.