

CALL TO ORDER

ROLL CALL

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

Absent: Member Steve Bellantone and Member Russell White

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

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- None

PUBLIC COMMENTS

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There being none, the Chair closed the public comments.

OLD BUSINESS

None

PUBLIC HEARING

ITEM 1— 8 Wentworth Street, Rice Public Library – Preliminary Site Plan Review

Action: Continue or close public hearing, approve with or without conditions, or deny plan. 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.

Steve Doe gave an update on the project, including the dumpster location. He offered to address any further questions from the Board.

Chair Dunkelberger asked about the parking requirement and the thoughts from the Board. Mr. Ledgett asked for clarification on if the two spaces in question are 15-minute spaces, and Town Manager Kendra Amaral confirmed that they are. Discussion continued around whether those should be counted towards the parking requirement, the enforcement of the public parking, and ADA parking.

Chair Dunkelberger read public comments into the record.

Chair Dunkelberger went over the rest of the notes and concerns from the Board, including the sprinkler system, sidewalk waiver, and stormwater management. The Board agreed a site walk is not needed.

As there were no public comments, Chair Dunkelberger closed the public hearing.

Vice Chair Kalmar moved to approve the preliminary site plan application with conditions. Seconded by Mr. Ledgett. The motion passed by roll call vote, 5-0-0.

ITEM 2— Route 236 / MacKenzie Lane—Preliminary Site Plan Review Action: Continue or close public hearing, approve with or without conditions, 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.

Bart McDonough gave a brief summary of the project.

Ryan McCarthy provided updates and new plans for the Board to review that addressed the concerns from the last meeting. Existing fill materials on site, in regards to structural concerns and the stormwater basin were reviewed. Test pit locations and quantity were explained, and foundation details were described. Landscaping plan and concerns discussed. Wetland delineation and drainage ditch definitions explained, with follow up discussion on the differences.

Chair Dunkelberger asked for an update on the DPW approval for right turn lanes, and Mr. McDonough gave an update on the turn lanes and traffic lights.

Ryan McCarthy reviewed the sign design changes. Cottontail sighting and habitat discussed briefly. Requirement of a bathroom discussed with direction from the CEO needed. Stormwater management and setbacks from the wetlands discussed, including best management practices. Sidewalk waiver reviewed, and the Board agreed to the waiver.

Chair Dunkelberger closed the public hearing as there were no public comments.

Mr. Ledgett moved to approve the preliminary site plan application with conditions. Seconded by Vice Chair Kalmar. The motion passed by roll call vote, 5-0-0.

ITEM 3— 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.

Chair Dunkelberger read into the record comments from the public.

The Chair opened up comments to the Board.

An update on the attended Economic Development Committee meeting in regards to the amendments was given by Mr. Ledgett and Mr. Fitch.

Mr. Causey clarified the intent of the staff in the amendments, and elaborated on the current zoning and the changes. He addressed a few of the public comments, noting that staff will continue to work on the language of the amendments and addressing the comments.

Ms. Conner clarified height restrictions, setbacks, special exceptions, connectivity, and storm management. Ms. Conner asked the Board to report any more inappropriate uses in these zones.

Discussion continued around building height, allowed uses and the intent of the redevelopment of the zones.

The Board and staff continued to discuss allowed uses and proposed changes of uses in the zones.

Chair Dunkelberger allowed the public to comment.

Chair Dunkelberger suggested a workshop to discuss in greater length the proposed changes of use in the zones.

Chair Dunkelberger closed the public hearing.

ITEM 4— Land Use Development Code Amendments— Add new section to Title 16 titled “Affordable Housing”, to amend §16.3.2.4.D Standards, to amend §16.7.8.4 Exemptions to net residential acreage standards, and to amend §16.8.9.4 Off street parking standards Action: Continue or close public hearing, recommend or not recommend to Town Council. The proposed amendments to Title 16 include inserting a new section entitled “Affordable Housing” that intends to provide and incentivize the construction of a diversity of housing types; an amendment to §16.3.2.4.D Standards that intends to remove a dwelling unit standard so as to be in conformance with the definition of a dwelling unit; an amendment to §16.7.8.4 Exemptions to net residential acreage standards that intends to provide exemptions from the standards for certain uses in the C-1 and C-3 zones; to amend §16.8.9.4 Off-street parking standards that intends to provide dimensional standards for compact vehicles, or take any other action relative thereto.

Chair Dunkelberger opened the hearing up to Board member comments.
Mr. Ledgett expressed concern over the payment in lieu of affordable units’ provision.
Mr. McDonough addressed his concern and discussion continued around the provision.

Chair Dunkelberger opened the hearing up to the public for comments. There were no public comments.

Ms. Conner read the concerns from the Housing Committee to the Board.

The Board agreed to include this agenda item in the workshop.

Chair Dunkelberger closed the public hearing.

NEW BUSINESS

ITEM 5 – Board Member Items/Discussion

No Board Member Items or Discussion.

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

Mr. McDonough told the Board that the art barriers are up in the Foreside.

Adjournment

Vice Chair Kalmar moved to adjourn the meeting. Seconded by Mr. Ledgett. The motion passed by roll call vote 5-0-0.

The Kittery Planning Board meeting of August 27, 2020 adjourned at 8:36 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 1, 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 refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.

CALL TO ORDER

ROLL CALL

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

Absent: None

Staff: Bart McDonough, Town Planner

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- None

PUBLIC COMMENTS

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There being none, the Chair closed the public comments.

OLD BUSINESS

None

NEW BUSINESS

ITEM 1— 76 Chauncey Creek Road—Shoreland Development Plan Review

Action: Continue the agenda item to a subsequent meeting, schedule a site walk or approve or deny request: Owner Sarah Bartlett Upton Rollins requests approval for an after-the-fact construction of two accessory structures on a legally non-conforming lot, comprising a 294-sf outdoor patio and 84-sf storage shed within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 76 Chauncey Creek Road, Tax Map 45, Lot 66, in the Residential-Kittery Point Village (R-KPV) zone and the Shoreland (SL-OZ-250) and Resource Protection (OZ-RP) Overlay zones.

Chair Dunkelberger read to the Board the two sections of the Land Use Code that the application falls under, section 16.4.4 and 16.4.5.2.

Chair Dunkelberger read an email from the Town Planner about what the Planning Board's role in this application is since the work was done without Code approval.

Mr. McDonough gave an introduction and history of the application.

Mr. Rollins presented the application and a more detailed history of the unpermitted work.

The Board addressed questions to the applicant. Discussion continued around the shed placement and accessory structures. The Board agreed that the shed is the second accessory structure and illegal.

The applicant described the patio to the Board including the rational for installing it and his unawareness of needing a permit.

The Board discussed the patio in terms of another unpermitted structure, with emphasis that the Board cannot approve something that is not allowed by the code. Erosion control discussed briefly. Discussion continued on the Board allowing unpermitted, illegal work that would be denied by the Board otherwise.

Chair Dunkelberger asked the Board if they want a site walk. The Board did not feel it necessary.

Chair Dunkelberger asked the Board if the applicant should remove the patio. The majority said yes.

Mr. Ledgett moved to amend the motion. Seconded by Mr. Bellantone. The motion passed by roll call vote, 7-0-0.

Vice Chair Kalmar moved to deny the shoreland development plan application as amended. Seconded by Mr. Ledgett. The motion passed by roll call vote, 7-0-0.

ITEM 2 – Board Member Items/Discussion

Chair Dunkelberger reminded the Board about the Town Council meeting on the Flood Hazard Resiliency Plan.

Mr. Ledgett asked the Planner for clarification on an upcoming application from 134 Whipple Road.

ITEM 3 – Town Planner/Director of Planning & Development Items

Mr. McDonough reminded the Board of the workshop next week. He also reminded them that recodification will be coming up soon. He requested that at the next meeting they review the priority list.

Earldean Wells reminded the Board of the beach clean-up.

Adjournment

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

The Kittery Planning Board meeting of September 10, 2020 adjourned at 7:19 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 2, 2021.

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CALL TO ORDER

ROLL CALL

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

Absent: Drew Fitch, Member

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

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- None

PUBLIC COMMENTS

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There being none, the Chair closed the public comments.

OLD BUSINESS

4:37

ITEM 1— Land Use Development Code Amendments—Title 16.2 Definitions and 16.3.2.11 Commercial (C-1, C-2, C-3)

Action: 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. White moved to recommend to Town Council. Seconded by Vice Chair Kalmar.

At the request of the Chair, Mr. Bellantone read public comments into the record.

Mr. Ledgett questioned the wording of the mini-storage, changing from a number limit to a distance to another facility.

Mr. Ledgett questioned the minimum setback changes.

Mr. McDonough responded.

The motion passed by roll call vote, 6-0-0.

18:50

ITEM 2— Land Use Development Code Amendments—Add new section to Title 16 titled “Affordable Housing”, to amend §16.3.2.4.D Standards, to amend §16.7.8.4 Exemptions to net residential acreage standards, and to amend §16.8.9.4 Off street parking standards

Action: Recommend or not recommend to Town Council. The proposed amendments to Title 16 include inserting a new section entitled “Affordable Housing” that intends to provide and incentivize the construction of a diversity of housing types; an amendment to §16.3.2.4.D Standards that intends to remove a dwelling unit standard so as to be in conformance with the definition of a dwelling unit; an amendment to §16.7.8.4 Exemptions to net residential acreage standards that intends to provide exemptions from the standards for certain uses in the C-1 and C-3 zones; to amend §16.8.9.4 Off-street parking standards that intends to provide dimensional standards for compact vehicles, or take any other action relative thereto.

Mr. White moved to recommend to Town Council. Seconded by Vice Chair Kalmar.

Vice Chair Kalmar asked about the incentives related to the BL zones. Mr. Causey gave an update on the incentives, and Ms. Connor read the language for the incentives.

Mr. White moved to amend the motion. Seconded by Vice Chair Kalmar. The motion passed by roll call vote, 6-0-0.

A workshop with Town Council is tentatively scheduled for October 5, 2020 at 5 PM.

26:48

ITEM 3— 76 Chauncey Creek Road—Shoreland Development Plan Review

Action: To establish and render findings of fact: Owner Sarah Bartlett Upton Rollins requests approval for an after-the-fact construction of two accessory structures on a legally non-conforming lot, comprising a 294-sf outdoor patio and 84-sf storage shed within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 76 Chauncey Creek Road, Tax Map 45, Lot 66, in the Residential-Kittery Point Village (R-KPV) zone and the Shoreland (SL-OZ-250) and Resource Protection (OZ-RP) Overlay zones.

Vice Chair Kalmar read the findings of fact, with no exceptions from members. The Board voted to approve the findings of fact by roll call vote, 6-0-0.

NEW BUSINESS

34:38

ITEM 4 – Route 236 / MacKenzie Lane—Final Site Plan Review

Action: Continue agenda item to a subsequent meeting, approve with or without conditions, 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 an update on the project, including updated plans and narratives. CMA reviewed and commented, and Mr. McCarthy offered to read through their comments.

Chair Dunkelberger asked about the bathroom, explaining it is an incinerator toilet inside the building.

Vice Chair Kalmar asked if the client is on board with CMA's input regarding the fill and excavation. Mr. McCarthy and the applicant are agreeable.

Mr. Bellantone moved to approve the plan with the stated conditions. Seconded by Mr. Ledgett.

Mr. McCarthy questioned condition number three, in regards to the significant wildlife habitat.

Consensus was reached that condition number three will be removed.

Mr. White moved to approved the final site plan with stated conditions. Seconded by Mr. Ledgett.

Vice Chair Kalmar read the findings of fact into record. The motion passed by roll call vote, 6-0-0.

54:44

ITEM 5— 8 Wentworth Street, Rice Public Library—Final Site Plan Review

Action: Continue agenda item to a subsequent meeting, approve with or without conditions, or deny plan. 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. Agents are Steve Doe, Sabego Technics; and Ryan Kanteres, Scott Simons Architects.

Ryan Kanteres gave an update on the project, including the dumpster site, retaining wall, stairs, waiver for Traip Avenue, and CMA's feedback.

Vice Chair Kalmar asked about the deed correction on the final plan.

Mr. Ledgett moved to approve the final site plan with the stated conditions. Seconded by Vice Chair Kalmar. The motion passed by roll call vote, 6-0-0.

Vice Chair Kalmar read the findings of fact, with no exceptions from members. The Board voted to approve the findings by roll call vote, 6-0-0.

1:10:29

ITEM 6—134 Whipple Road—Shoreland Development Plan Review

Action: Accept/deny plan as complete; If plan is accepted, continue the agenda item to a subsequent meeting, schedule a public hearing / site walk, or approve or deny plan: 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 (SL-OZ-250) Overlay Zone.

Owner gave an overview of the project, including why the retaining wall is necessary, and the material of the wall. The project went in front of the Board of Appeals to request a variance, which was approved.

Mr. McDonough gave more details on the process of the project going to the Board of Appeals, and now the Planning Board.

Mr. Ledgett stated that the variance should have no influence on the Board's decision. Mr. Ledgett requested that the Board visit the site since this proposal has a significant deviation from the natural shoreline. The Board was in favor of a site walk.

The owner clarified the wall location and the contour of the shoreline and remarked that other options were explored before this proposal.

Brief discussion on seawalls and retaining walls followed.

Vice Chair Kalmar requested an erosion control plan and a soil report to send to CMA for review.

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

Vice Chair moved to schedule a site walk on October 1, 2020 at 9:30 AM. Seconded by Mr. Ledgett. Motion passed by roll call vote 6-0-0.

Mr. White moved to continue the agenda item. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 6-0-0.

OTHER BUSINESS

1:30:54

ITEM 7 – Board Member Items/Discussion

The Board commented that they liked the format of the meeting.

Mr. Ledgett requested to eliminate the repeated supplements.

Earldean told the Board that they could park in her driveway for the site walk.

1:32:47

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

Mr. McDonough reported that there will be a KLIC Meeting, and then recodification will come to the Board. He suggested reviewing the priority list.

1:33:45

Adjournment

Mr. White moved to adjourn the meeting. Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

The Kittery Planning Board meeting of September 24, 2020 adjourned at 7:33 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 14, 2021.

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216