

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Dutch Dunkelberger, Chair

9

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

11

12 Advisory: Earledean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 Vice Chair Kalmar proposed swapping Item 1 and Item 3. There were no objections.

19

20 **APPROVAL OF MINUTES- None**

21

22 **PUBLIC COMMENTS**

23

24 Public comment and opinion are welcome during this open session. However,
25 comments related to development projects currently under review by the Planning
26 Board shall be heard only during their respective scheduled public hearing. Due to the
27 current pandemic, all meetings and public hearings held by the Planning Board are
28 conducted via Zoom webinar. To register in advance for the webinar, please submit a
29 request to bmcdonough@kitteryme.org. After registering, you will receive a confirmation
30 email containing information about joining the webinar. Webinar participants will be able
31 to submit questions and comments during the public hearing and public comment
32 period. Members of the public unable to participate during the webinar may submit
33 comments for agenda items via email, US Mail, or by dropping written comments in the
34 Drop Box outside the Town Hall entrance. Emailed comments should be sent to
35 bmcdonough@kitteryme.org. Comments received by noon on the day of the meeting
36 will be read into the record by the Planning Board Chair.

37

38 Jim Spencer, 57 State Road, commented on rezoning in the BL zone into Mixed Use,
39 and permitted uses.

40 There being no other comments, the Vice Chair closed the public comments.

41

42 **NEW BUSINESS**

43

44 5:17

45 **ITEM 3—12 Moores Island Way—Shoreland Development Plan Permit Extension**

46 Action: Continue application to a subsequent meeting, schedule site walk, approve or

47 deny permit extension request: Pursuant to §16.10.9.1(D) *Approved plan expiration,*

48 owner/applicant Jonathan W. Sobel requests approval to extend the expiration date of

49 an approved shoreland development plan permit that was granted approval by the

50 Planning Board on May 9, 2019 to repair and renovate a legally nonconforming dwelling

51 unit within the base zone setback of the Shoreland Overlay Zone by adding a gable and

52 dormers thereto. Said dwelling unit is located on real property with an address of 12

53 Moore's Island Way, Tax Map 27, Lot 35, in the Residential-Kittery Point Village (R-

54 KPV) Zone and the Shoreland (SL-OZ-250) and Resource Protection (OZ-RP) Overlay

55 Zones.

56 Mr. McDonough gave an overview of the previously approved plan, and an update on

57 the need for an extension. The applicant was not in attendance.

58

59 **Mr. White moved to grant a six-month extension of the plan permit. Seconded by**

60 **Mr. Ledgett.**

61 Mr. Ledgett clarified that the extension starts with the original approval of the plan.

62 **The motion passed by roll call vote 6-0-0.**

63

64 **PUBLIC HEARING**

65

66 9:55

67 **ITEM 2— Title 16 Land Use Development Code Amendments**

68 Action: Continue or close public hearing, recommend or not recommend to Town

69 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments

70 of the Town of Kittery Land Use and Development Code, the Planning Board shall hold

71 a public hearing on Thursday, February 11, 2021 beginning at 6 pm, to amend §16.2

72 Definitions, §16.3 Land Use Regulations and §16.8 Design and Performance Standards

73 for Built Environment by respectively removing and adding new definitions related to

74 marijuana uses, designating areas of operation for marijuana businesses within certain

75 zoning districts, and establishing performance standards for marijuana businesses, or

76 taking any other action relative thereto.

77

78 Vice Chair Kalmar opened the hearing to the public. Comments were made by Jim
79 VanKennen, Julie Cutting, Jill Polster, Joshua Seymour, Wendy Turner, Brandon
80 Pollock, Dana Beerly, Jim Spencer, and Malina Dumas.

81 Mr. McDonough read the received written comments into the record.

82

83 **Mr. White moved to continue the public hearing until the next meeting on March**
84 **11, 2021. Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

85

86 **OLD BUSINESS**

87

88 51:00

89 **ITEM 1— Land Use and Development Code Amendments—Recodification of Title**
90 **16 Discussion— 16.8 Subdivision Review**

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

95

96 Mr. McDonough gave a brief overview of this section for review, emphasizing that a lot
97 of the section is regulated through State statute.

98

99 The Board made comments regarding the Cluster ordinance.

100

101 The Board reviewed section 16.8 page by page, discussing and making corrections as
102 needed.

103

104 **OTHER BUSINESS**

105

106 2:42:38

107 **ITEM 4 – Board Member Items/Discussion**

108

109 Mr. Ledgett commented to Mr. McDonough about Shoreland property owners not
110 understanding State and Town requirements. Discussion continued around Shoreland
111 properties, development and code violations.

112

113 2:52:58

114 **ITEM 5 – Town Planner/Director of Planning & Development Items**

115

116 Mr. McDonough told the Board that an application from 32 Mendum Ave will be on the
117 next meeting for a new approval for an expired application approval. Mr. McDonough
118 reviewed the agenda for the next meeting, including the marijuana public hearing and

119 reviewing section 16.9. 4 Pepperrell Road will continue to be on hold per the applicant's
120 request.

121
122 Mr. Causey informed the Board there is a Town Council and Planning Board workshop
123 scheduled for March 15 at 5 PM on marijuana, and the KLIC meeting should still happen
124 at 4 PM.

125
126 3:00:29

127 **Adjournment**

128
129 **Mr. Ledgett moved to adjourn the meeting. Seconded by Mr. Bellantone. The**
130 **motion passed by roll call vote 6-0-0.**

131
132 The Kittery Planning Board meeting of February 25, 2021 adjourned at 8:58 p.m.

133
134 Submitted by Carrie Varao, Development Staff Clerk on January 20, 2022.

135
136 Disclaimer: The following minutes constitute the author's understanding of the meeting.
137 Whilst every effort has been made to ensure the accuracy of the information, the
138 minutes are not intended as a verbatim transcript of comments at the meeting, but a
139 summary of the discussion and actions that took place. For complete details, please
140 refer to the video of the meeting on the Town of Kittery website at
141 <http://www.townhallstreams.com/locations/kittery-maine>.