

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent: None

10

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

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA**

18

19 **APPROVAL OF MINUTES-** None

20

21 **PUBLIC COMMENTS**

22

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

36

37 There being no comments, the Chair closed the public comments.

38

39 **OLD BUSINESS**

40 6:20

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

43 Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or  
44 deny plan; Pursuant to §16.10.9.3 *Modifications to approved plan* of the Town of Kittery  
45 Land and Use Development Code, owner/applicant Middlesex Land Holdings, LLC  
46 requests the review and consideration of a major modification to both an approved  
47 Master Site Development and Subdivision plan proposing to reduce the residential  
48 dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (16 age-  
49 restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated  
50 improvements on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot  
51 24, in the Mixed-Use (MU) Zone.

52

53 Mr. McDonough gave a review and an update on the project. CMA comments were  
54 received.

55 Brian Nielsen reviewed the site plan and the minor corrections. ADA access to the  
56 community center, community garden and snow storage, children play space,  
57 landscaping details, basement ownership, removal of volleyball court, storage unit, and  
58 stormwater management explained.

59 Mr. Nielsen reviewed CMA's comments.

60 The Board asked about reviewing the homeowner documents prior to approving the  
61 plan. Stormwater maintenance between the hotel and the housing units discussed  
62 briefly. Visual screening of the hotel parking lots from the housing units discussed.  
63 Requests of CMAs comments regarding the most recent plan, and reviewing the  
64 phasing plan suggested by the Board. Replanting for the life of the development  
65 corrected, and landscaping plan discussed.

66 HOA documents and lead times discussed.

67

68 **Mr. White moved to continue the plan to May 13, 2021. Seconded by Vice Chair**  
69 **Kalmar. The motion passed by roll call vote 7-0-0.**

70

71 36:50

72 **ITEM 2—4 Pepperell Road—Shoreland Development Plan Review**

73 Action: Accept or deny application as complete; continue application to a subsequent  
74 meeting, schedule site walk and/or public hearing; approve or deny plan; Pursuant to  
75 §16.7.3.3.B *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland*  
76 *Development Review* of the Town of Kittery Land Use and Development Code, the  
77 Planning Board shall consider an after-the-fact permit application from owner/applicant  
78 Elizabeth Kirschner requesting approval to maintain a patio with an enclosed screened

79 porch and expand a legally nonconforming dwelling unit on a legally nonconforming lot  
80 within the base zone setback of the Shoreland Overlay Zone on real property with an  
81 address of 4 Pepperrell Road, (Tax Map 18, Lot 45-4) located in the Residential-Kittery  
82 Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection  
83 (OZ-RP) Overlay Zones

84

85 Mr. McDonough noted that the applicant was not in attendance at the meeting.

86 Discussion around due process and the direction of the Board's decision.

87

88 **Vice Chair Kalmar moved to continue the item until May 13, 2021. Seconded by**  
89 **Mr. White. The motion passed by roll call vote 7-0-0.**

90

91 42:33

92 **ITEM 3— Land Use Development Code Amendments—Proposed Revisions to**  
93 **Title 16 to Include Marijuana Uses**

94 Action: Continue to a subsequent meeting, recommend or not recommend amendments

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

96 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning

97 Board seeks to make recommendations to Town Council on amendments to §16.2

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

99 *for Built Environment* and §16.10 *Development Plan Application Review* of the Land

100 Use and Development Code of the Town of Kittery by respectively removing and adding

101 new definitions related to marijuana uses, designating areas of operation for marijuana

102 businesses and medical marijuana registered caregiver home establishments within

103 certain zoning districts, establishing performance standards for marijuana businesses

104 and medical marijuana registered caregiver home establishments, and adding

105 application approval criteria, or taking any other action relative thereto.

106

107 The Board asked for clarification on what has changed in the document from the last

108 meeting. Mr. Causey and Mr. McDonough reviewed the changes to the Board,

109 answering questions and discussing the changes.

110 Discussion ensued around restricting store numbers, zones or distance requirements.

111 The Board discussed the option of holding a public hearing.

112

113 **Mr. Ledgett moved to continue to the next meeting on May 13, 2021. Seconded by**  
114 **Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

115

116 **NEW BUSINESS**

117

118 1:24:45

119 **ITEM 4— 80 Wilson Road—Resource Protection Plan Review**

120 Action: Accept or deny application as complete; continue application to a subsequent  
121 meeting, schedule site walk and/or public hearing; approve or deny plan: Pursuant to  
122 §16.3.2.19 *Resource Protection Overlay Zone*, §16.7.3.3.C *Nonconforming structure*  
123 *reconstruction*, §16.10.3.4 *Shoreland Development Review* and Table §16.9 *Minimal*  
124 *Setback from Wetland and Waterbodies* of the Town of Kittery Land Use and  
125 Development Code, owner/applicant Dan Remick is requesting approval for a special  
126 exception permit to reconstruct a legally nonconforming single-family dwelling unit within  
127 its existing footprint and to demolish an existing detached garage and shed within the  
128 Resource Protection Overlay Zone on a legally nonconforming lot within the base zone  
129 setback of a wetland greater than an acre on real property with an address of 80 Wilson  
130 Road, (Tax Map 59, Lot 5) located in the Residential-Rural (R-RL) Zone and the  
131 Resource Protection (OZ-RP) Overlay Zone.

132

133 Mr. McDonough gave an overview of the project.

134 Applicant Dan Remick updated the Board on the building location.

135 The septic system, driveway location, and vegetation removal discussed.

136 The Board did not request a site walk or a public hearing.

137

138 **Vice Chair Kalmar moved to accept the application. Seconded by Mr. Ledgett. The**  
139 **motion passed by roll call vote 7-0-0.**

140

141 **Vice Chair Kalmar moved to approve the plan with conditions. Seconded by Mr.**  
142 **Ledgett. The motion passed by roll call vote 7-0-0.**

143

144 **Vice Chair Kalmar read the findings of fact into record. The Board voted to**  
145 **approve the findings, 7-0-0.**

146

147 **OTHER BUSINESS**

148

149 1:56:30

150 **ITEM 5 – Board Member Items/Discussion**

151

152 Chair Dunkelberger shared that Sweet Dirt has offered a tour, and he would like to visit  
153 the site as part of a workshop. Available dates discussed, with May 10, 2021 preferable.  
154 Chair Dunkelberger reminded the Board of the MMA webinars on housing.

155

156 2:02:57

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

158

159 Mr. McDonough briefly gave the Board an update on the next meeting's items.

160

161 2:05:42

162 **Adjournment**

163

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

166

167 The Kittery Planning Board meeting of April 22, 2021 adjourned at 8:06 p.m.

168

169 Submitted by Carrie Varao, Development Staff Clerk on February 3, 2022.

170

171 Disclaimer: The following minutes constitute the author's understanding of the meeting.

172 Whilst every effort has been made to ensure the accuracy of the information, the

173 minutes are not intended as a verbatim transcript of comments at the meeting, but a

174 summary of the discussion and actions that took place. For complete details, please

175 refer to the video of the meeting on the Town of Kittery website at

176 <http://www.townhallstreams.com/locations/kittery-maine>.