

1 **CALL TO ORDER**

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3 **ROLL CALL**

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

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8 Absent: Ronald Ledgett, Member,

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

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12 Advisory: Earledean Wells, Conservation Commission

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14 **PLEDGE OF ALLEGIANCE**

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16 **APPROVAL OF AGENDA**

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18 **APPROVAL OF MINUTES- None**

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20 **PUBLIC COMMENTS**

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

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

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38 **OLD BUSINESS**

39 None

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NEW BUSINESS

3:58

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 and Use 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.

Mr. McDonough gave an update on the project, including CMA comments. Brian Nielsen confirmed that the description and update are accurate. Mr. Nielsen reviewed the site plan and the changes, including the decreased number of units, age-restricted and mixed-use elements, and medical office. The Board asked questions regarding the ratio of housing units, the community center and ADA compliance. Chair Dunkelberger opened questions up to the Board regarding snow storage, home owner association, community garden, storage unit for the owner, permit extension, playground, vegetation setback signage, interior building design and ownership, and the review of the association documents by the Board. The stormwater management plan discussed, as well as Mr. Nielsen offering to amend the DEP approvals. Chair Dunkelberger suggested the Board continue the plan to review the peer review notes, and review the updated site plans.

Vice Chair Kalmar moved to continue the modification plan to the April 22, 2021 meeting. Seconded by Mr. White. The motion passed by roll call vote 6-0-0.

32:23

ITEM 2—21 Litchfield Road—Preliminary Plan Review, Cluster Subdivision Action: Accept or deny plan as complete; continue application to a subsequent meeting; set site walk and public hearing dates respectively. 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 consider an application from owner Brenda Haley and

80 applicant Chingburg Development, LLC requesting approval for a preliminary cluster
81 subdivision development proposing eight (8) lots with 9 units (two (2) existing and seven
82 (7) proposed) with appurtenant infrastructure on real property with an address of 21
83 Litchfield Road (Tax Map 46, Lot 6) located in the Residential-Rural (R-RL) Zone and
84 Shoreland-Stream Protection (OZ-SL-75) Overlay Zone.

85

86 Mr. McDonough gave an overview of the project.

87 Eric Weinrieb, Altus Engineering, Inc. gave an update on the project and site. He
88 reviewed the site plans, including the existing conditions, lot plans, stormwater
89 management and grading plan, roadway plan, and erosion control. Net residential
90 calculations discussed briefly, and the Board requested more information on the soil
91 quality. Mr. Weinrieb clarified that only one trail will be relocated, and there will be no
92 other cutting for trails. Sidewalks and buffers discussed. Solar panels mentioned as a
93 possible modification if needed.

94 Use controls for the land discussed to protect the land, and homeowner's association
95 was mentioned. Paul Kerrigan from Chinburg Development told the Board he had plans
96 form another development that would apply to this project that he will share.

97 Eardean Wells noted that stone walls are protected in Kittery, and asked if the
98 homeowner's association will be maintaining the stormwater berm. Snow removal and
99 the DEP wooded buffer easement restrictions mentioned.

100 Mr. Kerrigan told the Board that the landscaping plan would be updated in more detail at
101 the next meeting.

102 Sidewalks discussed and the Board selected dates for a site walk and a public hearing.

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104 **Mr. Bellantone moved to conduct a site walk on April 20, 2021 at 8 AM. Seconded**
105 **by Vice Chair Kalmar. The motion passed by roll call vote 6-0-0.**

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107 **Vice Chair Kalmar moved to set the public on May 13, 2021. Seconded by Mr.**
108 **White. The motion passed by roll call vote 6-0-0.**

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110 **Vice Chair Kalmar moved to accept the plan as complete. Seconded by Mr. White.**
111 **The motion passed by roll call vote 6-0-0.**

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113 108:54

114 **ITEM 3— Land Use Development Code Amendments—Discussion on Proposed**
115 **Revisions to Title 16 to Include Marijuana Uses**

116 Action: Review and discuss the proposed revisions to amendment language. To amend
117 Title 16 by including marijuana uses and provisions to regulate their activity.

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119 Mr. Causey gave an update on the changes from Town Council, reviewing the
120 differences and answering any questions from the Board. Discussion continued around
121 the changes with staff and the Board.
122 The Board requested a clean copy of the amendments.
123

124 **OTHER BUSINESS**

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126 2:04:13

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

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129 Mr. Bellantone shared with the Board that he received an email from Maine Municipal
130 Association regarding a three-part webinar about housing that he will attend.
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132 2:06:20

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

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135 Mr. McDonough reviewed the upcoming projects for the next meeting, and reminded the
136 Board of the upcoming site walk.
137 The tour of Sweet Dirt is still being coordinated.
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139 2:07:38

140 **Adjournment**

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142 **Mr. White moved to adjourn the meeting. Seconded by Mr. Fitch. The motion**
143 **passed by roll call vote 6-0-0.**
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145 The Kittery Planning Board meeting of April 8, 2021 adjourned at 8:08 p.m.

146
147 Submitted by Carrie Varao, Development Staff Clerk on February 2, 2022.
148

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