

CALL TO ORDER

ROLL CALL

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

Absent: Steve Bellantone, Member

Staff: Bart McDonough, Town Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- July 8, 2021, June 24, 2021, and June 10, 2021

June 10, 2021

Mr. White made a correction for the minutes on line 160. Mr. Ledgett made a correction on line 110.

Vice Chair Kalmar moved to accept the minutes as amended. Seconded by Mr. White. The motion passed 6-0-0.

June 24, 2021

Vice Chair Kalmar moved to accept the minutes as presented. Seconded by Mr. White. The motion passed 4-0-2. Mr. Ledgett and Chair Dunkelberger abstained.

July 8, 2021

Mr. Ledgett made a correction on line 85. Chair Dunkelberger made a correction on line 90.

Vice Chair Kalmar moved to accept the minutes as amended. Seconded by Mr. White. The motion passed 6-0-0.

PUBLIC COMMENTS

5:35

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. Please note, the Town is testing its hybrid meeting technology. Every effort will be made to make this run smoothly, however some technical difficulties may occur as the Town implements this new approach. To register via Zoom:

https://us02web.zoom.us/webinar/register/WN_SSk-9Fq5T-uApy5s5UZFYA

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 a public hearing. The public may submit public comments for the DISCUSSION agenda item 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 become part of the public record and may be read in whole or in summary by the Planning Board Chair or Town Planner.

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

OLD BUSINESS

None

Public Hearing

7:20

ITEM 1—Land Use Development Code Amendments—Proposed Revisions to Title 16 to Amend Distant Requirements between a Gas Station and Protective Structures.

Action: Continue to a subsequent meeting, close public hearing, issue recommendation 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 hold a public hearing for a proposed amendment to §16.3 *Land Use Regulations* from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.

Sandra Guay, Archipelago Law, LLP presented the application. She reviewed the site and the renderings of the Cumberland Farms on the site. Ms. Guay reviewed where the proposed structure does not meet the setbacks. She reviewed the proposed amendments to the ordinance. She addressed some comments from the Planner notes,

and discussed the Town's Comprehensive Plan in terms of the application. Ms. Guay opened up her presentation to questions.

Mr. Dunkelberger asked the Board members about the limits in the code and its relevance.

Mr. Ledgett discussed the need for the allowing a gas station instead of just the retail convenience store, in terms of changing the code.

Mr. McDonough reviewed what the Board requested from the last meeting. He reviewed what the impact of the changes would have on the C-1 zone. He told the Board that they, and Town Council will ultimately need to ask if another gas station is needed on Route 1 and if that is in the vision for the area. Mr. McDonough suggested the Board obtain an engineer's opinion on the tanks, and then discuss the future of "post gasoline" as cars become electric.

Ms. Guay responded, and noted that despite gas stations being allowed in the zone, because of the ordinance there are no locations. She noted that the parcel has been vacant, and the development would enhance the area.

The underground storage tanks were discussed in detail.

EV charging discussed briefly. The buffer discussed in terms of explosions and hazardous materials.

Chair Dunkelberger opened the item up to the public for comment.

Craig Wilson, 22 Charles Hill Road, commented that the concerns from the neighbors in a previous, similar situation were about trash, noise and lighting. There was no concern from the residences about fire and explosions.

There were no public comments on Zoom.

Chair Dunkelberger read one received comment into the record from Keith Lemont, operator of Pine Tree Country Store.

Chair Dunkelberger closed the public hearing.

The Board continued the discussion around changing the code, and the redevelopment of the area.

Mr. Ledgett moved to not recommend the amendment to Town Council. Seconded by Mr. Perry. The motion passed 4-2-0. Mr. White and Chair Dunkelberger dissented.

NEW BUSINESS

1:05:49

ITEM 2—Wetland Alteration Plan—Charles Hill Road (Map 63 Lot 34)

Action: Accept/deny plan as complete, continue to subsequent meeting, set site walk and/or public hearing, approve or deny application. Pursuant to §16.9 Design and Performance Standards for Natural Environment and 16.3 Land Use Regulations of the Town of Kittery Land Use and Development Code, owner/applicant Mark and Anna

Kramer requests approval to alter a wetland by 2,600-sf to accommodate a driveway to access the lot's buildable sections on real property at Tax Map 63 - Lot 34, located within the Residential-Rural (R-RL) zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Lewis Chamberlain, Attar Engineering, Inc. gave an overview of the project. He explained how the location of the driveway and the house minimized the impact of the wetland.

The Board asked questions regarding where the wetland drains and wetland impacts. Discussion around the flag lot, and the lot formation and history continued. The Board and applicant discussed wetland protections, buffers and impacts.

Earldean Wells reported that the Conservation Commission has not reviewed the plans yet. Concerns over the buffer, the driveway and floodplain, culverts and a bridge were expressed. Timelines for the meetings discussed.

CMA review and stormwater plan discussed briefly.

Mr. White moved to accept the application as complete. Seconded by Mr. Ledgett. The motion passed 6-0-0.

The Board did not want to schedule a site walk or public hearing.

Vice Chair Kalmar moved to approve the application with conditions. Seconded by Mr. White. The motion passed 6-0-0.

Vice Chair Kalmar read the findings of fact into record. The Board approved the findings 6-0-0.

Vice Chair Kalmar and Mr. McDonough read the conditions of approval into record.

Discussion on the no cut, no disturb buffer ensued.

Discussion on the application process for Conservation Commission continued.

OTHER BUSINESS

2:03:54

ITEM 3 – Board Member Items/Discussion

Chair Dunkelberger thanked the Board for attending the webinar. Discussion around the need of alternate members for the board, and hybrid "Zoom" meeting ordinance creation followed.

2:13:13

ITEM 4 – Town Planner/Director of Planning & Development Items

Mr. McDonough told the Board about the upcoming meeting agenda.

2:14:18

Adjournment

Mr. Ledgett moved to adjourn the meeting. Seconded by Mr. Perry. The motion passed 6-0-0.

The Kittery Planning Board meeting of July 22, 2021 adjourned at 8:09 p.m.

Submitted by Carrie Varao, Development Staff Clerk on March 10, 2022.

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>.