

CALL TO ORDER

ROLL CALL

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

Absent: Dutch Dunkelberger, Chair

Staff: Adam Causey, Director of Planning and Kathy Connor, Project Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA-

APPROVAL OF MINUTES- August 12, 2021; August 26, 2021; and September 9, 2021

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

PUBLIC COMMENTS

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: every effort will be made to make this run smoothly, however some technical difficulties may occur. To register via Zoom visit

https://us02web.zoom.us/webinar/register/WN_SSk-9Fq5T-uApy5s5UZFYA or at <https://www.kitteryme.gov/planning-board>

Public comment and opinion are welcome during this meeting. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address, and record it in writing at the podium. Further, the public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed comments should be sent to acausey@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 or Town Staff.

Public comment was heard from Lois Marshall, and Dan Gipson. Vice Chair Kalmar read a received written comment from Filomena Knowles
Vice Chair Kalmar closed the public comments.

OLD BUSINESS

15:30

ITEM 1— 52 State Road—Shoreland Development and Final Site Plan Review

Action: continue public hearing to a subsequent meeting, approve or deny plan:

Pursuant to §16.3 *Land Use Regulations*, Article III *Nonconformance* of §16.7 *General Development Requirements* and §16.10 *Development Plan Application* and review of the Town of Kittery Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering Inc. requests approval expand a legally nonconforming commercial structure and construct a 26-space parking lot with stormwater improvements on real property with an address of 52 State Road, (Tax Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream Protection Overlay Zone (OZ-SP-75).

Mike Sudak, Attar Engineering Inc., gave an overview of the project and presented the final plans to the Board.

The Board reviewed the list of missing items from the plan with the applicant. Mr. Sudak addressed some comments from staff.

Mr. White moved to continue. Seconded by Mr. Ledgett. The motion passed 6-0-0.

31:50

ITEM 2—8 Dexter Lane—Final Site Plan Review

Action: Accept application as complete; if accepted--continue application to a subsequent meeting, or set public hearing and site walk. Pursuant to 16.3 *Land Use Regulations*, 16.6.4.D *Special Exception Use Request*, 16.8 *Design Performance Standards for Built Environment* and §16.10 *Development Plan Application and Review* of the Kittery Town Code, owner The Outlet Mall of Kittery, LLC and applicant Tree Tips 3, LLC with agent Attar Engineering, Inc. requests approval for a special exception use to operate a Marijuana Business within an existing commercial retail space located on real property with the address of 8 Dexter Avenue, Unit 8, Tax Map 47, Lot 3, in the Commercial 1 (C-1) zoning district.

Brian Nielsen, Attar Engineering Inc. gave an update on the project to the Board.

Discussion around mold and occupancy ensued briefly.

Mr. White moved to approve the final site plan with the stated conditions.

Seconded by Mr. Fitch. The motion passed 6-0-0.

Mr. Ledgett read the findings of fact and conditions of approval into record. The Board approved the findings and conditions 6-0-0.

54:22

ITEM 3—98 Dennett Road and 27 Route 236—Master Site Development Plan Review

Action: Application acceptance, continue application to a subsequent meeting, or vote on sketch plan application. Pursuant to 16.6 *Master Site Development* of the Kittery Town Code, owners/applicants 98 Dennett Road, LLC and c/o Sheila Grant with agent Hoyle, Tanner & Associates, Inc. requests sketch plan approval for a master site development plan comprising 900 dwelling units, ±30,000-sf of commercial retail space, ±29,000-sf of medical office space and ±42,000-sf of lab/life sciences with appurtenant road and stormwater infrastructure and 13,241-sf of wetland alteration on real property totaling 82 acres with an address of 98 Dennett Road, (Tax Map 12, Lot 3-1), and 27 Rt. 236 (Tax Map 20 Lot 13) in the Mixed-Use—Neighborhood (MU-N), Residential-Suburban (R-S) and Commercial-2 (C-2) zoning districts along with Resource Protection (OZ-RP) and Stream Protection (OZ-75-SP) Overlay Zones.

Shawn Tobey, Hoyle, Tanner & Associates Inc. gave an update to the Board on the project, highlighting the changes since the last meeting.

Mr. Causey reviewed the Plan Review Notes with Mr. Tobey.

The Board requested a CMA review for the roadway and the Route 236 house lots conformity.

Discussion on the soil study discussed briefly. Architecture and uses mentioned.

Earldean Wells shared concern over the proposed wetland alterations.

Mr. Ledgett moved to continue. Seconded by Mr. White. The motion passed 6-0-0.

PUBLIC HEARING

1:46:55

ITEM 4—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, or vote on recommendation to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 Amendments of the Kittery Town Code, the Planning Board holds a public hearing for an amendment

to Title 16 proposed by the Town of Kittery seeking to delete cluster residential development provisions throughout Title 16 and replace with new regulations governing non-traditional subdivisions along with establishing a new chapter titled '16.10 Conservation Subdivision'.

Mr. Causey gave an overview of the amendments.

Vice Chair Kalmar opened the public hearing.

Public comment was heard from Kate Johnston and Earldean Wells.

Vice Chair Kalmar closed the public hearing.

Discussion on wetland protections continued.

Mr. White moved to recommend to Town Council. Seconded by Mr. Ledgett. The motion passed 6-0-0.

2:07:30

ITEM 5—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, or vote on recommendation to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 Amendments of the Kittery Town Code, the Planning Board holds a public hearing for an amendment to Title 16 proposed by the Town of Kittery seeking to require affordable housing and to regulate cottage clusters within the Mixed-Use Neighborhood (MU-N) zoning district (§16.4.23), and to provide clarifying language.

Mr. Causey gave an overview of the amendment.

Vice Chair Kalmar opened the public hearing. Written public comments by Debbie Driscoll, Amy Nucci, and Lisa Linehan were read into the record by the Board. Helen Betz, Old Dennett Road, made a public comment. Mr. Causey explained the "payment in lieu fee" policy. Jody Curtis, Happy Avenue made a comment. Earldean Wells asked about open space requirements. Kate Johnston made a comment.

Vice Chair Kalmar closed the public hearing.

Discussion continued around the "payment in lieu fee".

Mr. Ledgett moved to recommend to Town Council. Seconded by Mr. White. The motion passed 6-0-0.

2:46:00

ITEM 6—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, or vote on recommendation to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments

of the Kittery Town Code, the Planning Board holds a public hearing for an amendment to Title 16 proposed by the Town of Kittery seeking to regulate constructed wetlands (§16.5.30).

Vice Chair Kalmar opened the public hearing.

Kate Johnston made a comment.

The Board gave a brief overview of the amendment. An additional public comment was made by Jen Thayer. Discussion around protocols for wetland surveying ensued briefly. Stormwater management systems and wetlands discussed.

Vice Chair Kalmar closed the public hearing.

The Board continued the item.

NEW BUSINESS- None

OTHER BUSINESS

3:03:55

ITEM 8 – Board Member Items/Discussion

Vice Chair Kalmar reminded the Board that there is a workshop on Monday, May 2 at 6 PM.

The Board briefly discussed the by-laws and were told to send their comments to Mr. Causey.

3:06:21

ITEM 9 – Town Planner/Director of Planning & Development Items

Mr. Causey told the Board the Town is still accepting applications for the Town Planner position.

3:06:43

Adjournment

Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed 6-0-0.

The Kittery Planning Board meeting of April 28, 2022 adjourned at 9:05 p.m.

Submitted by Carrie Varao, Development Staff Clerk on May 5, 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

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
COUNCIL CHAMBERS**

APPROVED
APRIL 28, 2022

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>.