

CALL TO ORDER

ROLL CALL

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

Absent: none

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

Advisory: Nanci Lovett, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA- Chair Dunkelberger noted that Item 5 has been postponed.

APPROVAL OF MINUTES- September 15, 2020 (workshop); December 10, 2020; December 9, 2021; April 14, 2022

April 14, 2022: line 52 add the zone “mixed-use neighborhood”.

Mr. Ledgett moved to accept the minutes as amended. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

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_Rcj4kiG4SRayzgXJDsCeyg 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.

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

OLD BUSINESS

5:25

ITEM 1— 460 US Route 1 – Site Plan Modification

Action: Continue to a subsequent meeting, approve or deny plan. Pursuant to §16.4.23 Mixed-Use, §16.7 Site Plan Review and of the Town of Kittery Land Use and Development Code, the Planning Board shall consider a Site Plan modification application from applicant PigPenPartners and agent Civil Consultants requesting approval to construct 10,000-sf outdoor dining space with a 180-sf outdoor bar and converting 360-sf of customer access space within the restaurant to employee space on real property with an address of 460 U.S. Route 1 (Tax Map 61, Lot 27A) located in the Mixed-Use (MU) Zone and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Neil Rapoza, Civil Consultants, gave the Board updated plans. He reviewed the updates regarding previous comments from the Board, including the lighting, crosswalks, water lines, vegetation, parking, signage for occupancy limit, walkways and fencing. The Board had no other comments.

Vice Chair Kalmar moved to accept the plan as complete. Seconded by Mr. White. The motion passed 7-0-0.

Vice Chair Kalmar moved to approve the plan with the stated conditions.

Seconded by Mr. Ledgett. The motion passed 7-0-0.

Vice Chair Kalmar read the findings of fact into record. The Board moved to approve the findings, 7-0-0.

Vice Chair Kalmar read the stated conditions of approval into record. The Board moved to approve 7-0-0.

27:25

ITEM 2 – 523 US Route 1 – Final Site Plan Review

Action: Continue to a subsequent meeting; approve or deny plan. Pursuant to §16.3.23 Mixed-Use, §16.7 Site Plan Review of the Town of Kittery Land Use and Development

Code, the Planning Board shall consider a final site plan application from applicant GSC Enterprises, LLC and agent Haley Ward, Inc. requesting final approval to construct 1,010-sf coffee shop with a drive-through with appurtenant infrastructure and landscaping on real property with an address of 523 U.S. Route 1 (Tax Map 68, Lot 26) located in the Mixed-Use (MU) Zone.

Sean Thies, Haley Ward Inc., gave an update to the Board regarding notes added to the plan. Updates included: geotechnical notes, stormwater management and maintenance, grading, and landscaping.

The Board requested an operation and maintenance plan. The Board asked for clarification on who is responsible for the areas on the lot. Discussion continued on the operation manual to include stormwater management and snow removal. The lighting plan was discussed. Post-construction stormwater management plan requested. Mr. Causey clarified what is needed in the plan. The roof waiver discussed briefly. The deficiency in the ordinance regarding a drive-thru restaurant with no seating discussed. The picnic tables and parking mentioned. Slope grade clarified. The entrance on Route 1 was mentioned, with CMA support.

Vice Chair Kalmar moved to continue. Seconded by Mr. Ledgett.

Mr. White asked the reason for continuance, and Chair Dunkelberger replied that the applicant should provide the operation and maintenance plan. Discussion continued.

The motion passed 7-0-0.

Vice Chair Kalmar moved to amend the motion, to continue the plan to a date not to exceed the first meeting in June. Seconded by Mr. Ledgett. The motion passed 7-0-0.

54:00

ITEM 3 – Constructed Wetlands – Land Use & Development Code Amendment

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 considers an amendment to Title 16 proposed by the Town of Kittery seeking to regulate constructed wetlands (§16.5.30).

There was no discussion from the Board.

Vice Chair moved to forward the amendment to Town Council. Seconded by Mr. Ledgett. The motion passed 7-0-0.

PUBLIC HEARING- None

NEW BUSINESS

56:28

ITEM 4 – 32 Pocahontas Road – Shoreland Development Plan

Action: Accept or deny application as complete; if accepted, continue application to a subsequent meeting, set public hearing and/or site walk (discretionary), or approve or deny application: Pursuant to 16.4 Land Use Regulations, §16.9.3 Shoreland Development Review and Article III Nonconformance of §16.7 General Development Requirements of the Town of Kittery Land Use and Development Code, owner/applicant Edward and Carol Besade request approval to expand a legally non-conforming accessory structure on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 32 Pocahontas Road, Tax Map 51, Lot 3, in the Residential-Rural Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP).

Mr. Besade gave an overview of the plan to the Board.

The Board asked about the driveway and the neighbor. Mr. Ledgett asked for more details on the current shape of the deck and the area that the applicant wants to expand. The Board did not want a site walk.

Mr. White moved to approve the application. Seconded by Mr. Ledgett. The motion passed 7-0-0.

The Board will read the findings at the next meeting, on May 26, 2022.

1:07:16

ITEM 5 – 35 Badgers Island – Shoreland Development Plan

Action: Accept or deny application as complete; if accepted, continue application to a subsequent meeting, set public hearing and/or site walk (discretionary), or approve or deny application: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and Development Code, owner B.I.W. Group, LLC and agent Steven Riker with Ambit Engineering request approval to repair and construct stone revetments on a legally conforming lot located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP).

Item postponed while under Kittery Port Authority review.

The owner introduced himself to the Board and asked a few procedural questions.

1:11:15

ITEM 6 – 0 Route 236 – Site Plan Modification

Action: Continue to a subsequent meeting; approve or deny plan: Owner/applicant Waebak LLC and agent Sarah Simon with GPI Engineering request consideration of a Site Plan modification to include the construction of a gravity sewer connection to the approved car wash on a 324,233-sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 28, Lot 25D) in the Commercial Zone (C-2).

David Jordan, GPI Engineering gave an overview of the plan.

The Board clarified that the water recycling was still correct. Mr. Jordan asked for clarification on the underground utilities with UniTel.

Vice Chair Kalmar moved to approve the plan. Seconded by Mr. White. The motion passed 7-0-0.

Vice Chair Kalmar read the findings of fact into record. The Board moved to approve the findings, 7-0-0.

Vice Chair Kalmar read the stated waivers and conditions of approval into record. The Board moved to approve 7-0-0.

OTHER BUSINESS

1:30:04

ITEM 7 – Board Member Items/Discussion

Mr. Causey noted the recent changes in the bylaw document.

Mr. Ledgett moved to approve the bylaws as amended. Seconded by Vice Chair Kalmar.

Mr. Bellantone made several comments.

The motion passed 7-0-0.

1:34:28

ITEM 8 – Town Planner/Director of Planning & Development Items

Mr. Causey discussed changing the newspaper that advertising is placed in and the budget.

1:36:30

Adjournment

Mr. Ledgett moved to adjourn. Seconded by Mr. Fitch. The motion passed 7-0-0.

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

**APPROVED
MAY 12, 2022**

The Kittery Planning Board meeting of May 12, 2022 adjourned at 7:37 p.m.

Submitted by Carrie Varao, Development Staff Clerk on June 2, 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>.