

CALL TO ORDER

ROLL CALL

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

Absent: Russell White, Member

Staff: Bart McDonough, Town Planner and Kathy Connor, Project Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- October 8, 2020; October 22, 2020 & November 12, 2020

Mr. Bellantone moved to approve the minutes of October 8, 2020; October 22, 2020 & November 12, 2020 as presented. Seconded by Mr. Perry. 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, 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_Rcj4kiG4SRayzgXJDsCeyg

Further, the public may submit public comments 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

5:22

ITEM 1—41 Route 236—Preliminary 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 Town of Kittery Land Use and Development Code, owner LaPierre Properties, LLC and applicant Well Field 44, LLC with agent Attar Engineering, Inc. requests approval for a special exception use to construct a 3,150-sf Marijuana Business with appurtenant infrastructure and to fill 10,384-sf of wetland, located on real property with the address of 41 Route 236, Tax Map 29, Lot 1, in the Commercial 2 (C-2) zoning district.

The applicant requested an extension to the next meeting, February 10, 2022.

7:57

ITEM 2—8 Dexter Lane—Preliminary 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 Town of Kittery Land Use and Development 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. presented the project and reviewed the plans with the Board.

Discussion on landscaping, lighting, security, odor mitigation, snow removal, stormwater system, and signage ensued briefly.

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

The Board discussed dates for a site walk.

Vice Chair Kalmar moved to schedule a site walk on February 8, 2022 at 2 PM.

Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

Vice Chair Kalmar moved to schedule a public hearing on March 10, 2022 at 6 PM.

Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

PUBLIC HEARING

28:52

ITEM 3— 35 Tilton Avenue—Medical Marijuana Registered Caregiver Home Establishment

Action: Continue public hearing to a subsequent meeting, schedule a site walk (discretionary), or approve or deny application. Pursuant to §16.3.2.4 Residential-Urban, §16.8 Design and Performance Standards for Built Environment and §16.10.11 Medical Marijuana Registered Caregiver Home Establishment of the Town of Kittery Land Use and Development Code, the Planning Board shall review an application from applicant Delta Lab, LLC requesting approval for a special exception to operate a Medical Registered Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

Ben Sandquist gave a brief update on the application.

Chair Dunkelberger opened the public hearing.

Chair Dunkelberger read received written comments into the record from: Janice Schenker, 29 Tilton Ave.; Linda Patch, 32 Tilton Ave.; and Mary Carey, 37 Tilton Ave.

Online comments received from Janay Wright and Kyle Bohunsky, 54 Tilton Avenue.

Comments received in person from: Ray Slaughenhou, 40 Tilton Avenue; Marj Fimple, 46 Tilton Avenue; and Cheri Davis, 56, 58 & 59 Tilton Avenue.

Chair Dunkelberger closed the public hearing.

Discussion ensued around the restricted access to the site and the odor mitigation specs required.

Vice Chair Kalmar moved to continue the application to February 24, 2022.

Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

NEW BUSINESS

1:00:23

ITEM 4—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, set public hearing. 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 will consider setting a public hearing for a proposed amendment to Title 16 that seeks to modify certain zoning standards within the Business Local (B-L) and Business Local-1 (BL-1) zoning districts, or taking any other action relative thereto.

Kathy Connor gave an overview to the Board on the amendments, noting the need to amend the zones to improve the opportunity for housing.

Discussion continued on parking, cottage cluster standards, deed restrictions, multi-family dwellings and procedures, affordable housing and incentives, and buffers between multi-family and single-family properties.

Vice Chair Kalmar moved to hold a public hearing on February 24, 2022 at 6 PM. Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.

1:16:02

ITEM 5—Land Use and Development Code Amendments

Action: Continue to a subsequent meeting, set public hearing. 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 will consider setting a public hearing for a proposed amendment to Title 16 that seeks to regulate and establish standards for solar energy systems, or taking any other action relative thereto.

Mr. McDonough gave an overview of the amendment to the Board.

Discussion ensued on dual use, square feet cap and performance standards, front yard exclusions and setbacks, shoreland zoning, output and batteries, tree removal, bonds and decommissioning structures, public utility companies, and fence requirements.

Mr. Ledgett moved to hold a public hearing on February 24, 2022 at 6 PM. Seconded by Mr. Bellantone. The motion passed by roll call vote 6-0-0.

1:56:15

ITEM 6—Review of Planning Board Bylaws

Action: Continue to subsequent meeting, establish subcommittee to review bylaw language: To review existing language and make amendments where appropriate.

Discussion on forming a subcommittee commenced. Mr. McDonough requested volunteers for the subcommittee. Vice Chair Kalmar, Mr. Bellantone and Mr. Ledgett volunteered.

OTHER BUSINESS

1:59:32

ITEM 7 – Board Member Items/Discussion

None

1:59:51

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

Mr. McDonough gave a preview of the upcoming agenda for the next meeting.
Mr. Bellantone asked about recusing guidelines.

2:06:00

Adjournment

Mr. Ledgett moved to adjourn. Seconded by Mr. Perry. The motion passed by roll call vote 6-0-0.

The Kittery Planning Board meeting of January 27, 2022 adjourned at 8:06 p.m.

Submitted by Carrie Varao, Development Staff Clerk on June 9, 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>.