

CALL TO ORDER

ROLL CALL

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

Absent: None

Staff: Bart McDonough, Town Planner

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- December 12, 2020; January 14, 2021 & January 28, 2021

Video feed started at public comment portion of the meeting.

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.

Chair Dunkelberger read an emailed comment from Sweet Dirt regarding the marijuana retail business license lottery process. Mr. McDonough read a response from the town attorney, Stephen Langsdorf.

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

OLD BUSINESS

6:44

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.

Mr. Fitch recused himself from this item.

Brian Nielsen, Attar Engineering, Inc. requested that the Planning Board continue the Site Plan Review application while the applicant submits a Sketch Plan Review application.

Mr. Nielsen presented the sketch plan, updating the Board with the changes. Discussion on new entrance, wetland fill, setbacks, and Board of Appeals ensued. The Board discussed the need of a geotechnical review of the site. Parking and traffic concerns mentioned. Prior wetland fill and elevations discussed briefly.

PUBLIC HEARING

31:18

ITEM 2—20 Folcutt Road—Shoreland Development Plan Review

Action: Continue or close public hearing or vote on application: Pursuant to 16.3 Land Use Regulations, §16.10.3.2 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 Wladislaw Realty Trust and agent Walsh Engineering Associates requests approval to replace and expand legally non-conforming structures on a legally conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 20 Folcutt Road,

Tax Map 25, Lot 18, in the Residential-Kittery Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) Overlay Zones.

Bill Walsh, Walsh Engineering Associates, gave an overview of the plans. Architecture discussed briefly. The issues and questions from the site walk discussed, including: building height calculations; building coverage; de-vegetation area; deck and patio construction; boathouse function and elevation; construction sequence; and erosion control. The landscape plan was reviewed.

Chair Dunkelberger opened the public hearing.
Comments were heard from Lois Marshall.

Questions on the Port Authority and DEP jurisdiction asked regarding the boathouse and the seawall. Raising structures and building height restrictions discussed.

Chair Dunkelberger closed the public hearing.

**Mr. Ledgett moved to continue the application to February 24, 2022 at 6 PM.
Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

1:07:40

ITEM 3—16 Trefethen Avenue—Shoreland Development Plan Review

Action: Continue or close public hearing or vote on application: Pursuant to 16.3 Land Use Regulations, §16.10.3.2 Shoreland Development Review and Article III Nonconformance of §16.7 General Development Requirements of the Town of Kittery Land Use and Development Code, owners/applicants Joseph D. and Dierdre M. McEachern and agent Ambit Engineering, Inc. requests approval to expand legally non-conforming 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 16 Trefethen Avenue Road, Tax Map 10, Lot 25, in the Residential-Urban (R-U) Zone and the Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) Overlay Zone.

John Chagnon, Ambit Engineering, Inc. updated the Board on the plans.
Chair Dunkelberger opened the public hearing.
There were no public comments.
Chair Dunkelberger closed the public hearing.

**Vice Chair Kalmar moved to approve the application. Seconded by Mr. Ledgett.
The motion passed by roll call vote 7-0-0.**

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

Vice Chair Kalmar read the conditions of approval into record. The Board moved to approve by roll call vote 7-0-0.

NEW BUSINESS

1:22:19

ITEM 4—52 Goodwin Road –Wetland Alteration Plan Review

Action: Accept application as complete; if accepted--continue application to a subsequent meeting, set public hearing and/or site walk (discretionary), vote on application. Pursuant to 16.3 Land Use Regulations 16.9 Design Performance Standards for Natural Environment and §16.10 Development Plan Application and Review of the Town of Kittery Land Use and Development Code, owners/applicants Michael and Barbra Murphy with agent Attar Engineering, Inc. requests approval for a wetland alteration permit to fill approximately 1,075-sf of wetland to construct a driveway to access buildable area located on real property with the address of 52 Goodwin Road, Tax Map 58, Lot 51B, in the Residential- Rural Conservation (R-RC) zoning district and Resource Protection (OZ-RP) Overlay Zone

The applicant was not present and has requested to appear at a later date.

OTHER BUSINESS

1:22:53

ITEM 5 – Board Member Items/Discussion

Mr. Fitch asked if there was discussion on returning to in person meetings. Earledean Wells asked for updated plans for 20 Folcutt Road.

1:25:33

ITEM 6 – Town Planner/Director of Planning & Development Items

Mr. McDonough told the Board he will provide a run down of the projects in front of the Board. The Board can also revisit the priority list. The date for the subcommittee meeting was confirmed for March 17th, and the Board members were reminded to send Mr. McDonough any information for that meeting.

1:28:38

Adjournment

Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

The Kittery Planning Board meeting of February 10, 2022 adjourned at 7:32 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>.