

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
REMOTE MEETING
CALL TO ORDER**

**APPROVED
MARCH 10, 2022**

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: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- February 11, 2021; February 25, 2021; and March 11, 2021.

March 11, 2021: line 65 correct date.

Mr. Ledgett moved to accept the minutes as amended. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 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, 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.

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
REMOTE MEETING**

**APPROVED
MARCH 10, 2022**

Chair Dunkelberger opened the public comments.

Public comments were heard from Elizabeth Edwards testing the Zoom feature to comment, and Ethan Bensley regarding the Dennett Road project.

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

OLD BUSINESS

None

PUBLIC HEARING

22:38

ITEM 1—8 Dexter Lane—Preliminary Site Plan Review

Action: Continue application to a subsequent meeting, close public hearing, or vote on preliminary application. Pursuant to 16.4 Land Use Regulations, 16.2.12.D(4) Special exception use request, 16.5 General Performance Standards and §16.7 Site Plan Review of the Kittery Town Code, the Planning Board shall hold a public hearing on an application from owner The Outlet Mall of Kittery, LLC and applicant Tree Tips 3, LLC with agent Attar Engineering, Inc. requesting 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 a brief overview of the project.

Chair Dunkeberger opened the public hearing.

Elizabeth Edwards made a public comment. Mr. McDonough read a written comment into the record from Sweet Dirt.

Comments from the Board included concern over mold in the building, suggesting testing and remediation. The traffic count and traffic study were discussed. Snow storage and removal reviewed. Nick Friedman described the security protocol to the Board.

Chair Dunkelberger closed the public hearing, and suggested the Board continue the application.

Mr. Ledgett moved to continue the application to April 14, 2022. Seconded by Mr. White.

Mr. Nielsen asked the Board about approving the preliminary plan with conditions and move the application on to final plan.

Mr. Ledgett withdrew the motion.

Mr. Ledgett moved to approve the preliminary plan with the stated conditions. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

43:39

**ITEM 2—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.

Sheila Grant introduced herself to the Board.

Shawn Tobey, Hoyle, Tanner & Associates, Inc presented the project to the Board. He reviewed the site and gave a history of the land to the Board. Mr. Tobey reviewed the plans in detail.

Discussion ensued on: the entrance and the creation of non-conforming lots, utility easements, bridging, wetland filling, wetland impact to surrounding area, Conservation Commission concerns, request of a hydrological peer reviewed study of the area, parking design, estimated population increase from the development, lifespan of the buildings, affordable housing, demographics of the development, ownership of the specific buildings and uses, quality of life impact from the development, carbon footprint objectives, stormwater infrastructure, electric vehicle charging stations, solar, and plan legibility.

Vice Chair Kalmar moved to accept the sketch plan as complete. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. McDonough explained the process for this application.

Mr. Ledgett moved to continue the application to April 28, 2022. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

The Board took a five-minute break.

ITEM 3—47 Cutts Road—Sketch Plan Review, Cluster Subdivision

Action: Application acceptance, continue to a subsequent meeting; vote on sketch plan application. Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law and §16.8, Subdivision Review of the Kittery Town Code, the Planning Board shall to consider an application from owners/applicants Chip and Anne Andrews with agent Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3) located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Ken Wood, Attar Engineering, Inc. gave an overview of the project and reviewed the plans.

Discussion ensued on: the test pits, natural resource preservation summary, sidewalks, and connectivity to other developments and Kittery Land Trust.

Mr. White moved to accept the sketch plan. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. Ledgett moved to continue the application to March 24, 2022. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

OTHER BUSINESS

2:02:40

ITEM 4 – Board Member Items/Discussion

Chair Dunkelberger reminded the Board of a Town Council workshop on March 14, 2022 at 5:30 PM. Chair Dunkelberger asked the Board about returning to in person meetings in April with optional masks.

1. Review of Planning Board Priority List

Earldean Wells asked about adding increasing the wetland fees to the priority list. Discussion followed on the topic.

Vice Chair Kalmar moved to recommend raising the wetland impact fee to \$10/square foot to Town Council. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. Bellantone asked about rescheduling the by-law subcommittee meeting.

Vice Chair Kalmar recommended reserving a spot for DEP changes under review on the priority list. The Board will review the priority list in April.

2:13:50

ITEM 5 – Town Planner/Director of Planning & Development Items

1. Status Update of Planning Board Approved and Pending Application

Mr. McDonough told the Board he is almost done with the status update list.

2:14:16

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 March 10, 2022 adjourned at 8:10 p.m.

Submitted by Carrie Varao, Development Staff Clerk on June 15, 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>.