

CALL TO ORDER

ROLL CALL

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

Absent: Drew Fitch, Member

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- September 23, 2021; March 24, 2022; April 28, 2022

September 23, 2021: line 77 change "tile" to "title"

Vice Chair Kalmar moved to accept the minutes as amended. 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: 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.

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

PRESENTATIONS

Jessa Kellogg with the Department of Public Works presented the annual MS4 stormwater update.

Kristie Rabasca, Integrated Environmental Engineering Inc. presented to the Board. Timelines and process discussed briefly.

OLD BUSINESS

34:38

ITEM 1 – 32 Pocahontas Road – Findings of Fact

Action: Approve or deny Findings of Fact: Consider Findings of Fact for owner/applicant Edward and Carol Besade's 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).

Vice Chair Kalmar read the findings of fact into record. The Board moved to approve each finding, 6-0-0.

Vice Chair Kalmar read the conditions of approval. The Board moved to approve 6-0-0.

42:29

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

Action: Continue to a subsequent meeting; approve or deny plan. Pursuant to §16.4.23 Mixed-Use Zone and §16.7 Site Plan Review of the Kittery Land Use and Development Code, applicant GSC Enterprises, LLC and agent Haley Ward request approval to construct a 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 updated the Board with an operations maintenance manual. Chair Dunklberger mentioned the property owner or the lessee's responsibility for the maintenance of the property. Discussion ensued on the difference between the lot and

the leased area of the lot. Vegetation on the rest of the lot discussed. The need for a legal review discussed. Discussion ensued around the leased portion and the question of whether the owner should be the applicant, instead of the lessee.

Mr. White moved to approve the waiver from Section 16.5.27.E.(2). Seconded by Mr. Perry. The motion passed 6-0-0.

Mr. White moved to approve the waiver from Section 16.7.11.H. Seconded by Mr. Ledgett. The motion passed 6-0-0.

Mr. White moved to approve the flat roof waiver. Seconded by Mr. Perry. The motion passed 6-0-0.

Mr. White moved to approve the final plan with the stated condition. Seconded by Vice Chair Kalmar. The motion passed 6-0-0.

Vice Chair Kalmar read the findings of fact into record. The Board moved to approve the findings 6-0-0.

Chair Dunkelberger read the approved waivers into the record.

Vice Chair Kalmar read the conditions of approval into the record. The Board moved to approve 6-0-0.

The owner of Aroma Joes spoke to the Board and thanked them.

1:32:00

ITEM 3 – 41 Route 236 – Sketch Site Plan Review

Action: Accept application as complete; if accepted, set site walk. Pursuant to 16.4 Land Use Regulations, 16.4.20 Special Exception Use Request, 16.5.32 Marijuana Business, and 16.7 Site Plan 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 1,034-sf Marijuana Business with appurtenant infrastructure and a wetland alteration of 3,001-sf, located on real property with the address of 41 Route 236, Tax Map 29, Lot 1, in the Commercial 2 (C-2) zoning district.

Brian Nielsen, Attar Engineering, Inc. introduced the project. He reviewed the plans briefly and asked the Board for questions.

Discussion ensued on: the traffic and the intersection; sidewalk and lighting; wetland fill and BOA variance; Martin Road impacts; vernal pools; hydrological study; and stormwater management.

Mr. White moved to accept the sketch plan application. Seconded by Mr. Bellantone. The motion passed 6-0-0.

2:04:04

ITEM 4 – 52 State Road – Final Site Plan Review

Action: Approve or deny plan: Pursuant to §16.4.18 B-L1 Zone and §16.1.8 General Development Requirements of the Kittery Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering requests approval to 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.

Mike Sudak, Attar Engineering Inc. reviewed the plan changes since the last meeting addressing comments.

Snow storage discussed briefly.

Mr. White moved to approve the final plan with stated conditions. Seconded by Mr. Perry. The motion passed 6-0-0.

Vice Chair Kalmar read the findings of fact into record. The Board moved to approve the findings 6-0-0.

Vice Chair Kalmar read the conditions of approval into the record. The Board moved to approve 6-0-0.

PUBLIC HEARING- None

NEW BUSINESS- None

OTHER BUSINESS

2:21:39

ITEM 6 – Board Member Items/Discussion

The Board received a clean copy of the Planning Board by-laws.

2:22:55

ITEM 7 – Town Planner/Director of Planning & Development Items

2:23:52

Adjournment

Vice Chair Kalmar moved to adjourn. Seconded by Mr. Ledgett. The motion passed 6-0-0.

The Kittery Planning Board meeting of May 26, 2022 adjourned at 8:27 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>.