

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

**APPROVED
OCTOBER 13, 2022**

CALL TO ORDER

ROLL CALL

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

Absent: Russell White, Member

Staff: Adam Causey, Director of Planning and Jordan Kelley, Town Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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 jkelley@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

9:55

ITEM 1 – 28 Wyman Avenue – Sketch Plan Review – Cluster Residential Development – Public Hearing

Action: hold Public Hearing; continue, approve or deny plan: Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law and §16.8.10.H, Cluster Residential Development of the Town of Kittery Land Use and Development Code, owner Lusitano, LLC requests approval for a cluster residential development proposing three (3) single-family residences as a condominium on real property with an address of 28 Wyman Avenue (Tax Map 16, Lot 148) located in the Residential-Urban (R-U) Zone.

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Erik Saari, Altus Engineering, stated there were no revisions to the plan, and addressed the Board regarding comments from CMA. Drain pipe size and overhead utilities waivers, wetland markers, and hammerhead location discussed.

Chair Dunkelberger opened the public hearing.

Ms. Wells commented on the wetland and vernal pool. She requested the vernal pool be recognized on the plan.

Public comment was heard from Jen Cleary, 39 Tilton Avenue.

Chair Dunkelberger read an emailed comment from Mary Carey, 37 Tilton Avenue.

Chair Dunkelberger closed the public hearing.

Vice Chair Kalmar moved to continue the application, not to exceed 90 days. Seconded by Mr. Ledgett. The motion passed 6-0-0.

25:18

ITEM 2 – 41 Route 236 – Preliminary Site Plan Review – Public Hearing

Action: hold Public Hearing; continue, approve, or deny plan. 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 Kittery Land Use and Development Code, owner LaPierre Properties LLC and applicant Well Field 44 LLC with agent Attar Engineering requests approval for a special exception use to construct a 1,034-sf Marijuana Business with appurtenant infrastructure and a wetland alteration of 1,367-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.

Mike Sudak, Attar Engineering, Inc. gave an overview of the project.

Chair Dunkelberger opened the public hearing.

Public comment was heard from Jeff Clifford, Kittery Land Trust.

Ms. Wells read letters from the Conservation Commission.

Public comment was heard from Karen Burbank, 122 Martin Road; Jen Thayer, 47 Martin Road; and Jessie & Vincent King, 132 Martin Road.

Mr. Sudak replied to the public comments. The Board discussed the parking and tree buffer.

Mr. Sudak reviewed the CMA comments briefly and provided updates to the Board.

Public comment was heard from Karen Burbank, 122 Martin Road. Mr. Sudak replied to her comment on wetland setbacks.

Chair Dunkelberger closed the public hearing.

Mr. Ledgett moved to continue the application to November 17, 2022, not to exceed 90 days. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 5-0-0. Mr. Fitch recused himself.

1:45:05

ITEM 3 – 8 Hoyt's Island, Shoreland Development Plan

Action: continue, approve, or deny plan. Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review of the Kittery Land Use and Development Code, owner David Moulton and agent Stephen Doe request approval to expand two legally non-conforming structures on a conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 8 Hoyts Island Lane, Tax Map 36, Lot 73, in the Residential – Kittery Point Village (R-KPV), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP)/FEMA Flood Zone.

Monica Kieser from Hoefle, Phoenix, Gormley & Roberts, briefly updated the Board on the plan.

Mr. Fitch moved to approve the plan. Seconded by Mr. Perry. The motion passed 6-0-0.

**Vice Chair Kalmar read the Findings of Fact into record. The Board approved each finding, 6-0-0.
Chair Dunkelberger confirmed that the final plan will include devegetated area calculations.
Correction to the Findings of Fact (j) to read “site plan”, “Engineer” and “Sebago Technics”
instead of “plan”, “Surveyor” and “North Easterly Surveying, Inc.”.
Correction to Conditions of Approval, line 55 change “Surveyor” to “Engineer”.
The Board moved to approve by roll call vote 6-0-0.**

2:00:55

ITEM 4 – 90 Goodwin, Shoreland Development Plan

Action: continue, approve, or deny plan: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review of the Kittery Land Use and Development Code, owner Yang Living Trust and agent Tim DeCoteau request approval to reconstruct a legally non-conforming dwelling unit on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 90 Goodwin Road, Tax Map 58, Lot 63, in the Residential-Rural Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP)/FEMA Flood Zone.

Tim DeCoteau updated the Board on building height and flood elevations. Updates on the septic and landscape discussed briefly.

**Mr. Fitch moved to approve the application. Seconded by Mr. Perry. The motion passed 6-0-0.
Vice Chair Kalmar read the Findings of Fact into record. The Board approved each finding, 6-0-0.
The Board moved to approve by roll call vote 6-0-0.**

NEW BUSINESS- None

2:16

APPROVAL OF MINUTES- – September 15, 2022 8 Hoyts Island Lane Site Walk; September 15, 2022 90 Goodwin Road Site Walk; September 22, 2022 Planning Board Meeting; September 29, 2022 Planning Board Special Meeting

September 29, 2022 Planning Board Special Meeting: Delete lines 18 and 19.

Mr. Ledgett moved to approve all minutes as amended. Seconded by Vice Chair Kalmar. The motion passed 6-0-0.

2:17:10

Board Member Items/Discussion

Mr. Causey reviewed “Committee Reports” to the Board.

Ms. Wells reminded the Board that the Coastal Cleanup is Saturday.

The Board wished Mr. Causey luck on his new position and expressed appreciation for his hard work.

2:21:05

Town Staff Items

Mr. Kelley asked the Board members to return any binder clips for reuse.

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2:22:00

Adjournment

Vice Chair Kalmar moved to adjourn. Seconded by Mr. Ledgett. The motion passed 5-1-0. Mr. Bellantone dissented.

The Kittery Planning Board meeting of October 13, 2022 adjourned at 8:22 p.m.

Submitted by Carrie Varao, Development Staff Clerk on October 19, 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>.