

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, and Adam Causey, Director of Planning

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Chair Dunkelberger proposed moving Item 2 to last. The Board agreed.

APPROVAL OF MINUTES- None

PUBLIC COMMENTS

Public comment and opinion are welcome during this open session. However, comments related to development projects currently under review by the Planning Board shall be heard only during their respective scheduled public hearing. Due to the current pandemic, all meetings and public hearings held by the Planning Board are conducted via Zoom webinar. To register in advance for the webinar, please submit a request to bmcdonough@kitteryme.org. After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during the public hearing and public comment period. Members of the public unable to participate during the webinar may submit comments for agenda items 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 be read into the record by the Planning Board Chair.

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

The Chair reopened the public comments.

Gerry Burns wanted to speak but it was in regards to the marijuana ordinance item.

The Chair closed the public comments.

6:14

OLD BUSINESS

ITEM 1— 4 Pepperell Road—Shoreland Development Plan Review

Action: Accept or deny plan as complete; continue application to a subsequent meeting, schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B Nonconforming structure repair and/or expansion and §16.10.3.4 Shoreland Development Review of the Town of Kittery Land Use and Development Code, the Planning Board shall consider an after-the-fact permit application from owner/applicant Elizabeth Kirschner requesting approval to maintain a patio with an enclosed screened porch and expand a legally nonconforming dwelling unit on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone on real property with an address of 4 Pepperell Road, (Tax Map 18, Lot 45-4) located in the Residential-Kittery Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Mr. McDonough told the Board that the applicant requested a continuance to a subsequent meeting.

Vice Chair Kalmar moved to table the application. Seconded by Mr. White. The motion carried by roll call vote 7-0-0.

PUBLIC HEARING

7:42

ITEM 3— Title 16 Land Use Development Code Amendments

Action: Continue or close public hearing, recommend or not recommend to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments of the Town of Kittery Land Use and Development Code, the Planning Board shall hold a public hearing on Thursday, February 11, 2021 beginning at 6 pm, to amend §16.2 Definitions, §16.3 Land Use Regulations and §16.8 Design and Performance Standards for Built Environment by respectively removing and adding new definitions related to marijuana uses, designating areas of operation for marijuana businesses within certain zoning districts, and establishing performance standards for marijuana businesses, or taking any other action relative thereto.

Mr. McDonough gave the Board and the public an overview and an update of the ordinance, addressing topics of concern from the last meeting.

Mr. McDonough and the Board discussed definitions and recodification, and reference to state statute. Cultivation tiers and state statutes described. Distance requirements between marijuana establishments and schools or daycares discussed in more detail by the Board and staff. Clarification between caregivers and retail business given to the Board. The Board discussed design standards and odor management.

Chair Dunkelberger opened the hearing up to the public.

Mr. McDonough read the public comments received via email from Wendy Turner, Brandon Pollock, Gerry Burns, and Julie Cutting.

Public comments were heard from Jill Polster, Clay Wyman, Julie Cutting, Gerry Burns, Brandon Pollock, Ryan Ward, and Josh Seymour.

The Chair opened up comments to the Board. The Board discussed the scale of businesses and caregivers.

The Chair proposed the Board continue the public hearing.

Mr. Ledgett moved to continue the public hearing until the next meeting on February 25, 2021. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

OLD BUSINESS

1:14:35

ITEM 2—Land Use and Development Code Amendments—Recodification of Title 16 Discussion— 16.7 Site Plan Review

Action: Review and discuss the proposed amendments and continue to a subsequent meeting. To amend Title 16 by reorganizing the title while modifying certain provisions therein to align with the Town's Comprehensive Plan and Planning Board's goals and objectives.

The Board reviewed section 16.7 page by page, discussing and making corrections as needed.

Chair Dunkelberger asked the Board to review 16.8 for the next meeting.

NEW BUSINESS

None

OTHER BUSINESS

2:41:38

ITEM 4 – Board Member Items/Discussion

None

2:41:47

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

Mr. McDonough told the Board that in addition to the continued public hearing, there will be one application requesting an extension.

Chair Dunkelberger and the Board discussed briefly the anticipated actions and timeline to the marijuana public hearing.

2:46:24

Adjournment

Mr. White moved to adjourn the meeting. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.

The Kittery Planning Board meeting of February 11, 2021 adjourned at 8:45 p.m.

Submitted by Carrie Varao, Development Staff Clerk on January 11, 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>.