

CALL TO ORDER

ROLL CALL

Present: Ethan Bensley, Member, Robert Doyle, Member, Dutch Dunkelberger, Chair, Russell White, Member, Earle Dean Wells, Member, Steve Bellantone, Member and Karen Kalmar, Vice Chair

Absent:

Staff: Max Zakian, Town Planner

Advisory:

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA- updated the date to read "August 24, 2023"

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_NBwg4NWRTk2KaA2C9bpt8Q or <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 mzakian@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 –

3:25

ITEM 1 – 181 State Road – Marijuana Business Site Plan – Sketch Review

Action: Accept application as complete, advise applicant on conceptual plans, continue review to November meeting. Pursuant to 16.4 *Land Use Regulations*, 16.4.21 *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, applicant IDC 5, LLC and agent Lew Chamberlain of Attar Engineering request approval for special exception use to construct a 2,000-sf Marijuana Business on the property of 181 State Road (Tax Map 22, Lot 4) located in the Commercial (C-3) Zone and Business Local (BL) Zone.

Chair Dunkelberger updated the Board on the history of the application, stating the sketch plan has been accepted by the Town.

Lew Chamberlain, Attar Engineering, presented the project and reviewed the updated plans briefly.

Discussion continued briefly on exit from the site, snow storage, landscaping, ledge detail on plan, driveway loading area, traffic counts, one-way entrance and on-site traffic, DOT high crash status, PSNY traffic, and site walk requirements.

Application is continued until November.

19:20

ITEM 2 – 23 Bond Road – Shoreland Development Plan Review

Action: Approve or deny plan: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Ryan McCarthy of Tidewater Engineering & Surveying Inc, on behalf of Touchdown Capital LLC, requests approval for the demolition and reconstruction of a house and garage/guest house, new septic system, and associated walkways/driveways on the property of 23 Bond Road, Tax Map 25, Lot 9, in the Residential-Kittery Point Village (R-KPV), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Zone (OZ-RP). This is the continuation of a plan that last appeared before the planning board on June 22nd, 2023.

Ryan McCarthy, Tidewater Engineering & Surveying, Inc. presented the project and addressed prior concerns of the Board.

Mr. Zakian summarized the Town's legal opinion and read the opinion to the Board.

Mr. McCarthy reported that a note can be added to the plan as staff have suggested.

Mr. White moved to conditionally approve the application as presented, with stated conditions. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

Mr. Bensley read the findings of fact into record. The Board moved to approve each finding, 7-0-0. The Board moved to approve by roll call vote, 7-0-0.

NEW BUSINESS –

38:35

ITEM 3 – 120 US Route 1 – Site Plan – Preliminary Review

Action: accept site plan as complete. Schedule site walk/public hearing. Nicole Duquette, on behalf of owner/applicant Kittery Circle LLC, is proposing to re-develop the site of a former gas station into a hotel with 102 rooms and associated parking and utilities. The proposed hotel is located on the properties of 112 & 120 US Route 1 Bypass and 139 Old Post Road, Map 14 Lots 10, 12, & 12A, in the C-3 (Bypass/Old Post Road Commercial) Zone.

Nicole Duquette, GPI, presented the project to the Board. She reviewed the plans and renderings.

The Board discussed the proposed waivers briefly.

Ms. Duquette continued to discuss the plans with the Board.

Discussion continued briefly on the overhead wire, underground detention system, underground fuel tank removal, landscaping in the parking lot, snow storage/removal, kitchen area, definition of extended stay hotel, and 6" fire service.

Jeffrey Dirk, Vanasse & Associates, Inc. presented the transportation analysis.

Discussion ensued briefly on Shipyard traffic, and Old Post Road entrance.

Mr. White moved to accept the application as complete. Seconded by Mr. Doyle.

Mr. Bensley asked the applicant to consider the abutter's property. Ms. Wells noted the plant guarantee should state that all plantings will be replaced into perpetuity.

The motion passed 7-0-0.

Mr. White moved to schedule a site walk on September 11, 2023 at 4:30 PM.

Seconded by Mr. Bensley. The motion passed 7-0-0.

Mr. White moved to schedule the public hearing on September 14, 2023 at 6 PM.

Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

The Board took a five-minute break and returned at 7:52 PM.

1:52:04

ITEM 4 – 77 Bartlett Road – Conservation Subdivision Plan – Preliminary Review

Action: accept plan as complete or continue review. Schedule site walk/public hearing.

Michael Tadema-Wielandt, on behalf of owner/applicant Geoff Bowley, is proposing to

divide a 19.11-acre parcel into a conservation subdivision of 9 single-family residential building lots, a private street system, and an open space plot around identified wetlands, vernal pools, and a pre-existing cemetery. The proposed subdivision is located on the property of 77 Bartlett Road, Map 62 Lot 26, in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.

Michael Tadema-Wielandt presented the project to the Board and addressed the staff comments regarding calculations and wetland setbacks.

The Board asked several questions and discussion ensued on proposed structure location, lot size, community water, conservation plaques, no cut/no disturb note, trails & walkway, sidewalk waiver, rock walls, stormwater, shared driveway, and signage.

Mr. Bensley moved to accept the application as complete. Seconded by Mr. White. The motion passed 7-0-0.

Mr. White moved to schedule a site walk on September 21, 2023 at 4:30 PM. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

Mr. White moved to schedule a public hearing on September 28, 2023 at 6 PM. Seconded by Mr. Doyle. The motion passed 7-0-0.

2:29:50

ITEM 5 – 35 Badgers Island West – Site Plan – Final Review

Action: approve/deny final plan, postpone action, or continue review: Owner Steve Wilson and agent John Chagnon with Ambit Engineering/ Haley Ward request approval to expand a legally non-conforming office building to provide 10 residential units on a legally conforming lot located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 34, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'), Resource Protection Overlay Zone (OZ-RP) and the Commercial Fisheries/Maritime Use (OZ-CFMU).

John Chagnon, Ambit Engineering/Haley Ward, presented the project. He reviewed the changes to the plans, and addressed the staff memo.

Discussion ensued briefly snow storage/removal, landscaping, and generators.

Vice Chair Kalmar moved to approve the final plan. Seconded by Mr. White. The motion passed 6-0-1, with Mr. Bensley abstaining.

Mr. Bensley read the findings of fact into record. The Board moved to approve all findings 7-0-0, except finding Section §16.9.3-F (e), 5-2-0 with Chair Dunkleberger and Mr. Bensley voting in the negative. The Board moved to approve by roll call vote 7-0-0.

2:55:55

APPROVAL OF MINUTES

ITEM 6 – August 10, 2023 Meeting Minutes

Vice Chair Kalmar moved to approve the minutes as written. Seconded by Ms. Wells. The motion passed 6-0-1, with Chair Dunkelberger abstaining.

2:56:41

BOARD MEMBER ITEMS-

Subcommittee reports

2:56:51

STAFF MEMBER ITEMS-

Mr. Zakian gave the Board the anticipated workload of the next meeting.

2:57:16

Adjournment

Vice Chair Kalmar moved to adjourn. Seconded by Mr. White. The motion passed 7-0-0.

The Kittery Planning Board meeting of August 24, 2023 adjourned at 8:57 p.m.

Submitted by Carrie Varao, Development Staff Clerk on September 7, 2023.

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>.