



KITTERY PLANNING BOARD MEETING

200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kitteryme.gov

REGULAR MEETING AGENDA

Thursday, January 13, 2022

6:00 P.M. to 10:00 P.M

CALL TO ORDER—ROLL CALL—PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: August 27, 2020. September 10, 2020 & September 24, 2020

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/join/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.

OLD BUSINESS

ITEM 1—134 Whipple Road—Shoreland Development Plan Review

Action: Continue the to a subsequent meeting, or approve or deny plan: Pursuant to §16.10.3.2 *Shoreland Development Review* and Article III *Nonconformance* of §16.7 *General Development Requirements* of the Town of Kittery Land Use and Development Code, owners Nicolas and Amy Mercier and agent Altus Engineering, Inc. requests approval to reconstruct, relocate and expand a legally non-conforming 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 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland Overlay Zone (OZ-SL-250').

PUBLIC HEARING

ITEM 2—1-3 Badgers Island West—Shoreland Development Plan Review

Action: Continue public hearing to a subsequent meeting, close public hearing, if public hearing closed, vote on application: Pursuant to 16.3 *Land Use Regulations*, §16.10.3.2 *Shoreland Development Review* and Article III *Nonconformance* of §16.7 *General Development Requirements* of the Town of Kittery Land Use and Development Code, owners One Badgers Island West, LLC, Elizabeth Casella & William J. Banfield, applicant Little Bridge Lobster LLC and agent Altus Engineering, Inc. requests approval for a special exception to change the use of an legally nonconforming structure to a restaurant and to make improvements thereto by reconstructing and expanding the footprint and height and to add 12 parking spaces with outdoor seating area on a lot within the base zone setback of the Shoreland Overlay Zone on real property with an address of 1-3 Badgers Island West, Tax Map 1, Lot 19 in of the Mixed-Use Badgers Island (MU-BI) zoning district and Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Activities (OZ-CFMU) Overlay Zones

ITEM 3— 31 Water Street—Shoreland Development Plan Review

Action: Continue application to a subsequent meeting, set public hearing (discretionary), or approve or deny application: Pursuant to 16.3 *Land Use Regulations*, §16.10.3.2 *Shoreland Development Review* and Article III *Nonconformance* of §16.7 *General Development Requirements* of the Town of Kittery Land Use and Development Code, owners John A. Brady and Lise B. Sequin and applicant / agent Tyler Jackson requests approval to replace and expand legally non-conforming structures on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 31 Water Street, Tax Map 1, Lot 52, in the Residential-Urban (R-U) zoning district and the Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Uses Overlay Zones.

NEW BUSINESS

ITEM 4—20 Folcutt Road—Shoreland Development Plan Review

Action: Accept or deny application as complete; if accepted--continue application to a subsequent meeting set public hearing and/or site walk (discretionary), or approve or deny application: Pursuant to 16.3 *Land Use Regulations*, §16.10.3.2 *Shoreland Development Review* and Article III *Nonconformance* of §16.7 *General Development Requirements* of the Town of Kittery Land Use and Development Code, owner/applicant Wladislaw Realty Trust and agent Walsh Engineering Associates requests approval to replace and expand legally non-conforming structures on a legally conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 20 Folcutt Road, Tax Map 25, Lot 18, in the Residential-Kittery Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) Overlay Zones.

ITEM 5—16 Trefethen Avenue—Shoreland Development Plan Review

Action: Accept or deny application as complete; if accepted--continue application to a subsequent meeting set public hearing and/or site walk (discretionary), or approve or deny application: Pursuant to 16.3 *Land Use Regulations*, §16.10.3.2 *Shoreland Development Review* and Article III *Nonconformance* of §16.7 *General Development Requirements* of the Town of Kittery Land Use and Development Code, owners/applicants Joseph D. and Dierdre M. McEachern and agent Ambit Engineering, Inc. requests approval to expand legally non-conforming 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 16 Trefethen Avenue Road, Tax Map 10, Lot 25, in the Residential-Urban (R-U) Zone and the Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) Overlay Zone.

ITEM 6—28 Wyman Avenue—Preliminary Site Plan Review

Action: Accept application as complete; if accepted--continue application to a subsequent meeting, or set public hearing and site walk. Pursuant to §16.3 *Land Use Regulations*, §16.10. *Development Plan Application Review* of the Town of Kittery Land Use and Development Code, owner/applicant Lusitano, LLC, and agent Altus Engineering, Inc. requests approval demolish the lot's existing structures and construct 3 dwelling units with appurtenant infrastructure on a legally non-conforming lot located on real property with the address of 28 Wyman Avenue, Tax Map 16, Lot 148, in the Residential-Urban (R-U) zoning district.

ITEM 7—621 - 623 Haley Road—Medical Marijuana Registered Caregiver Home Establishment

Action: Accept application as complete, continue to a subsequent meeting, set public hearing and/or site walk (discretionary), or approve or deny application. Pursuant to §16.3 *Land Use Zone Regulations*, §16.8 *Design and Performance Standards for Built Environment* and §16.10.11 *Medical Marijuana Registered Caregiver Home Establishment* of the Town of Kittery Land Use and Development Code, the Planning Board shall review an application from owner/applicant Wendy Turner, owner of Surf Sustainable Cannabis, requesting approval for a special exception to operate a Medical Marijuana Registered Caregiver Home Establishment on real property with an address of 621 Haley Road (Tax Map 36, Lot 23) and 623 Haley Road (Tax Map 36 – Lot 24) located in the Residential-Kittery Point Village (R-KPV) zoning district and Resource Protection (OZ-RP) Overlay Zone.

ITEM 8—41 Route 236—Preliminary Site Plan Review

Action: Accept application as complete; if accepted--continue application to a subsequent meeting, or set public hearing and site walk. Pursuant to 16.3 *Land Use Regulations*, 16.6.4.D *Special Exception Use Request*, 16.8 *Design Performance Standards for Built Environment* and §16.10 *Development Plan Application and 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 3,150-sf Marijuana Business with appurtenant infrastructure and to fill 10,384-sf of wetland, located on real property with the address of 41 Route 236, Tax Map 29, Lot 1, in the Commercial 2 (C-2) zoning district.

ITEM 9—8 Dexter Lane—Preliminary Site Plan Review

Action: Accept application as complete; if accepted--continue application to a subsequent meeting, or set public hearing and site walk. Pursuant to 16.3 *Land Use Regulations*, 16.6.4.D *Special Exception Use Request*, 16.8 *Design Performance Standards for Built Environment* and §16.10 *Development Plan Application and Review* of the Town of Kittery Land Use and Development Code, owner The Outlet Mall of Kittery, LLC and applicant Tree Tips 3, LLC with agent Attar Engineering, Inc. requests 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.

OTHER BUSINESS

ITEM 10—Board Member Items / Discussion

ITEM 11—Town Planner / Director of Planning & Development Items

ADJOURNMENT

* +/-ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION. DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING. TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING CONTACT STAFF AT (207) 475-1323.