



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, November 18, 2021

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

CALL TO ORDER—ROLL CALL—PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: None.

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/webinar/register/WN_3yExhMCxS-2yUu-IId0Wvg

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 agenda item 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—Land Use and Development Code Amendments—Recodification of Title 16

Action: Continue public hearing to a subsequent meeting, recommend/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 will hold a public hearing for a proposed amendment to Title 16 by reorganizing the title while modifying certain provisions therein to align with the Town's Comprehensive Plan, or taking any other action relative thereto.

ITEM 3—523 US Route 1—Preliminary Site Plan Review

Action: Continue public hearing to a subsequent meeting or approve or deny plan: Pursuant to §16.3.2.13 *Mixed-Use*, §16.8 *Design and Performance Standards for Built Environment* and Article V *Preliminary Plan Application Review* of §16.10 *Development Plan Application* of the Town of Kittery Land Use and Development Code, the Planning Board shall hold a public hearing for a preliminary site plan application from applicant GSC Enterprises, LLC and agent Haley Ward, Inc. requesting preliminary approval to construct 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.

ITEM 4—35 Tilton Avenue—Medical Marijuana Registered Caregiver Home Establishment

Action: Continue public hearing to a subsequent meeting, schedule a site walk (discretionary), or approve or deny application. Pursuant to §16.3.2.4 Residential-Urban, §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 applicant Delta Lab, LLC requesting approval to operate a Medical Registered Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

NEW BUSINESS

ITEM 5—Land Use and Development Code Amendments—Amendment to 16.3.2.17.B.(10)(b) *Special exception uses*

Action: Continue to subsequent meeting, set public hearing, 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 consider setting a public hearing for a proposed amendment to Title 16 filed by Ryan T. Ward that petitions to add the use of a Marijuana Business to §16.3.2.17.B.(10)(b) which would permit the use as a special exception within the Shoreland Overlay Zone (OZ-SL-250) of the Commercial 1 (C-1) zone district.

ITEM 6—52 State Road—Shoreland Development and Preliminary Plan Review

Action: Accept application as complete; continue application to a subsequent meeting, set public hearing and site walk Pursuant to §16.3 *Land Use Regulations*, Article III *Nonconformance* of §16.7 *General Development Requirements* and §16.10 *Development Plan Application* and review of the Town of Kittery Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering Inc. requests approval expand a legally nonconforming commercial structure and construct a 26 spaced parking lot with stormwater improvements lot on real property with an address of 52 State Road, (Tax Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream Protection Overlay Zone (OZ-SP-75).

ITEM 7— 31 Water Street—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 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) Zone and the Shoreland (OZ-SL-250), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Uses Overlay Zones.

ITEM 8— 32 Mendum Ave—Shoreland Development Plan Review

Action: Accept or deny application as complete; 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 Daniel D. Sullivan and Michelle A. Sullivan and applicant / agent Steven Ellis requests approval to replace a legally nonconforming deck and patio in kind on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 32 Mendum Ave., Tax Map 3, Lot 50, in the Residential-Urban (R-U) Zone and the Shoreland (OZ-SL-250), Resource Protection (OZ-RP) Overlay Zones.

ITEM 9— 89 Route 236—Final Site Plan Review

Action: Accept or deny application as complete, continue to a subsequent meeting, approve or deny final plan. Pursuant to *Commercial (C-1, C-2, C-3, §16.8 Design and Performance Standards for Built Environment* and Article VII *Final Plan Review and Decision of §16.10 Development Plan Application* of the Town of Kittery Land Use and Development Code, the Planning Board shall consider a final site plan application from applicant/owner JD Investment Inc. and agent Jones & Beach Engineers, Inc. requesting final approval to expand the existing parking lot by 11 spaces totaling 3,400-sf. of additional impervious surface with appurtenant stormwater infrastructure on real property with an address of 89 Route 236 (Tax Map 28, Lot 14-2) located in the Commercial-2 (C2) Zone.

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.