

CALL TO ORDER

ROLL CALL

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

Absent: Steve Bellantone, Member

Staff: Adam Causey, Director of Planning

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 acausey@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.

Debbie Driscoll made a comment regarding the Mixed-Use Neighborhood zone meeting. Questions regarding the BL zone changes and short-term rentals were asked as well. Discussion continued on these topics, with the Board members and Ms. Driscoll. State housing bill discussed.

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

OLD BUSINESS

28:07

Item 1 – 35 Badgers Island West, Shoreland Development Plan, Public Hearing

Action: close public hearing; continue, approve, or deny plan: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and Development Code, owner B.I.W. Group, LLC and agent Steven Riker with Ambit Engineering request approval to repair and construct stone revetments on a legally conforming lot located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP).

John Chagnon, Ambit Engineering introduced himself and the project briefly. Chair Dunkelberger opened the public hearing. There were no public comments. Chair Dunkelberger closed the public hearing.

Vice Chair Kalmar asked about transplanting the one tree coming down if possible.

Mr. White 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 voted to approve each finding, 6-0-0. Vice Chair Kalmar read the conditions of approval, and the Board voted to approve by roll call vote 6-0-0.

Mr. Fitch recused himself from the next agenda item only.

40:48

Item 2 – 41 Route 236, Preliminary Site Plan Review, Marijuana Business

Action: accept plan as complete; set site walk (if desired); 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 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 1,034-sf Marijuana Business with appurtenant infrastructure and a wetland alteration of 3,001-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 presented the project and updated the Board of the changes. Discussion on parking ensued. Traffic analysis, wetlands, and waivers discussed.

The applicant opened the presentation up to the Board for questions. Prior wetland fills and the public interest in the area discussed.

Ms. Wells reported that the Conservation Commission is concerned about the application in terms of the wetlands. She asked Mr. Causey to follow up with the Code Enforcement Officer regarding the prior wetland fills and violations. Discussion continued on DEP and the wetland fill.

Mr. White moved to continue the plan. Seconded by Mr. Ledgett. The motion passed 5-0-0.

Mr. Fitch returned to the Board.

NEW BUSINESS

1:34:49

ITEM 3 – 24 Goodwin Road – Shoreland Development Plan

Action: Accept or deny plan as complete; set site walk; set public hearing; approve plan or continue application to a subsequent meeting. Owner/applicant Gregory Smith and agent Tom Emerson seek approval to expand 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 24 Goodwin Road, Tax Map 58, Lot 19, in the Residential-Rural Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP)

Tom Emerson presented the project.

The Board had no questions.

Mr. White moved to accept the plan. Seconded by Mr. Fitch. The motion passed 6-0-0.

The Board did not wish to hold a site walk or a public hearing.

Mr. White moved to approve the plan. Seconded by Mr. Perry. The motion passed 5-0-1, with Mr. Ledgett abstaining.

Vice Chair Kalmar read the findings of fact into record. The Board moved to approve each finding, 5-0-1, with Mr. Ledgett abstaining.

Vice Chair Kalmar read the conditions of Approval. The Board moved to approve by roll call vote 5-0-1, with Mr. Ledgett abstaining.

1:52:45

ITEM 4- APPROVAL OF MINUTES

June 23, 2022; June 28, 2022 (28 Wyman Avenue site walk); June 28, 2022 (134 Whipple Road site walk); June 28, 2022 (35 Badgers Island West site walk)

There were no proposed changes to the minutes.

Mr. Fitch moved to approve the minutes as written. Seconded by Mr. Ledgett. The motion passed 6-0-0.

1:54:34

ITEM 5 – Board Member Items/Discussion

Chair Dunkelberger thanked the Board for attending the meeting with Town Council. The meeting was discussed, and he thanked the Board for their hard work.

Mr. Ledgett supported what the Chair said, and discussed the lack of public attendance at their public hearings.

Mr. White commented that the Board is more supported now than in the past. Ordinance enactment discussed.

The Board complimented Mr. Causey and Ms. Connor.

Ms. Wells told the Board that she will not be at the next three meetings.

2:07:00

ITEM 6 – Town Planner/Director of Planning & Development Items

2:07:07

Adjournment

Mr. Fitch moved to adjourn. Seconded by Mr. Perry. The motion passed 6-0-0.

The Kittery Planning Board meeting of July 14, 2022 adjourned at 8:07 p.m.

Submitted by Carrie Varao, Development Staff Clerk on July 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>.