

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: John Perry, Member, Drew Fitch, Member, Steve Bellantone, Member, Ronald
6 Ledgett, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

7

8 Absent: Russell White, Member

9

10 Staff: Bart McDonough, Town Planner and Kathy Connor, Project Planner

11

12 Advisory: Earledean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 **APPROVAL OF MINUTES-** October 8, 2020; October 22, 2020 & November 12, 2020

19

20 **Mr. Bellantone moved to approve the minutes of October 8, 2020; October 22,**
21 **2020 & November 12, 2020 as presented. Seconded by Mr. Perry. The motion**
22 **passed 6-0-0.**

23

24 **PUBLIC COMMENTS**

25

26 The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom
27 will be recognized during the public hearings and public comment portion of the
28 meeting. Please note, the Town is testing its hybrid meeting technology. Every effort will
29 be made to make this run smoothly, however some technical difficulties may occur as
30 the Town implements this new approach. To register via Zoom:

31 https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzgXJDsCeyg

32 Further, the public may submit public comments via email, US Mail, or by dropping
33 written comments in the Drop Box outside the Town Hall entrance. Emailed comments
34 should be sent to bmcdonough@kitteryme.org. Comments received by noon on the day
35 of the meeting will become part of the public record and may be read in whole or in
36 summary by the Planning Board Chair or Town Planner.

37

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

39

40 **OLD BUSINESS**

41

42 5:22

43 **ITEM 1—41 Route 236—Preliminary Site Plan Review**

44 Action: Accept application as complete; if accepted--continue application to a
45 subsequent meeting, or set public hearing and site walk. Pursuant to 16.3 Land Use
46 Regulations, 16.6.4.D Special Exception Use Request, 16.8 Design Performance
47 Standards for Built Environment and §16.10 Development Plan Application and Review
48 of the Town of Kittery Land Use and Development Code, owner LaPierre Properties,
49 LLC and applicant Well Field 44, LLC with agent Attar Engineering, Inc. requests
50 approval for a special exception use to construct a 3,150-sf Marijuana Business with
51 appurtenant infrastructure and to fill 10,384-sf of wetland, located on real property with
52 the address of 41 Route 236, Tax Map 29, Lot 1, in the Commercial 2 (C-2) zoning
53 district.

54

55 The applicant requested an extension to the next meeting, February 10, 2022.

56

57 7:57

58 **ITEM 2—8 Dexter Lane—Preliminary Site Plan Review**

59 Action: Accept application as complete; if accepted--continue application to a
60 subsequent meeting, or set public hearing and site walk. Pursuant to 16.3 Land Use
61 Regulations, 16.6.4.D Special Exception Use Request, 16.8 Design Performance
62 Standards for Built Environment and §16.10 Development Plan Application and Review
63 of the Town of Kittery Land Use and Development Code, owner The Outlet Mall of
64 Kittery, LLC and applicant Tree Tips 3, LLC with agent Attar Engineering, Inc. requests
65 approval for a special exception use to operate a Marijuana Business within an existing
66 commercial retail space located on real property with the address of 8 Dexter Avenue,
67 Unit 8, Tax Map 47, Lot 3, in the Commercial 1 (C-1) zoning district.

68

69 Brian Nielsen, Attar Engineering, Inc. presented the project and reviewed the plans with
70 the Board.

71 Discussion on landscaping, lighting, security, odor mitigation, snow removal, stormwater
72 system, and signage ensued briefly.

73

74 **Vice Chair Kalmar moved to accept the plan as complete. Seconded by Mr.**
75 **Ledgett. The motion passed by roll call vote 6-0-0.**

76

77 The Board discussed dates for a site walk.

78

79 **Vice Chair Kalmar moved to schedule a site walk on February 8, 2022 at 2 PM.**
80 **Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

81 **Vice Chair Kalmar moved to schedule a public hearing on March 10, 2022 at 6 PM.**
82 **Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

83

84 **PUBLIC HEARING**

85

86 28:52

87 **ITEM 3— 35 Tilton Avenue—Medical Marijuana Registered Caregiver Home**
88 **Establishment**

89 Action: Continue public hearing to a subsequent meeting, schedule a site walk
90 (discretionary), or approve or deny application. Pursuant to §16.3.2.4 Residential-
91 Urban, §16.8 Design and Performance Standards for Built Environment and §16.10.11
92 Medical Marijuana Registered Caregiver Home Establishment of the Town of Kittery
93 Land Use and Development Code, the Planning Board shall review an application from
94 applicant Delta Lab, LLC requesting approval for a special exception to operate a
95 Medical Registered Caregiver Home Establishment on real property with an address of
96 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

97

98 Ben Sandquist gave a brief update on the application.

99

100 Chair Dunkelberger opened the public hearing.

101 Chair Dunkelberger read received written comments into the record from: Janice
102 Schenker, 29 Tilton Ave.; Linda Patch, 32 Tilton Ave.; and Mary Carey, 37 Tilton Ave.

103 Online comments received from Janay Wright and Kyle Bohunsky, 54 Tilton Avenue.

104 Comments received in person from: Ray Slaughenhoup, 40 Tilton Avenue; Marj Fimple,
105 46 Tilton Avenue; and Cheri Davis, 56, 58 & 59 Tilton Avenue.

106 Chair Dunkelberger closed the public hearing.

107 Discussion ensued around the restricted access to the site and the odor mitigation
108 specs required.

109

110 **Vice Chair Kalmar moved to continue the application to February 24, 2022.**

111 **Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

112

113 **NEW BUSINESS**

114

115 1:00:23

116 **ITEM 4—Land Use and Development Code Amendments**

117 Action: Continue to a subsequent meeting, set public hearing. Pursuant to M.R.S.A Title
118 30-A, Chapter 187, §4352 and §16.1.9 Amendments of the Kittery Town Code, the
119 Planning Board will consider setting a public hearing for a proposed amendment to Title
120 16 that seeks to modify certain zoning standards within the Business Local (B-L) and
121 Business Local-1 (BL-1) zoning districts, or taking any other action relative thereto.

122
123 Kathy Connor gave an overview to the Board on the amendments, noting the need to
124 amend the zones to improve the opportunity for housing.

125 Discussion continued on parking, cottage cluster standards, deed restrictions, multi-
126 family dwellings and procedures, affordable housing and incentives, and buffers
127 between multi-family and single-family properties.

128
129 **Vice Chair Kalmar moved to hold a public hearing on February 24, 2022 at 6 PM.**
130 **Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

131
132 1:16:02

133 **ITEM 5—Land Use and Development Code Amendments**

134 Action: Continue to a subsequent meeting, set public hearing. Pursuant to M.R.S.A Title
135 30-A, Chapter 187, §4352 and §16.1.9 Amendments of the Kittery Town Code, the
136 Planning Board will consider setting a public hearing for a proposed amendment to Title
137 16 that seeks to regulate and establish standards for solar energy systems, or taking
138 any other action relative thereto.

139
140 Mr. McDonough gave an overview of the amendment to the Board.
141 Discussion ensued on dual use, square feet cap and performance standards, front yard
142 exclusions and setbacks, shoreland zoning, output and batteries, tree removal, bonds
143 and decommissioning structures, public utility companies, and fence requirements.

144
145 **Mr. Ledgett moved to hold a public hearing on February 24, 2022 at 6 PM.**
146 **Seconded by Mr. Bellantone. The motion passed by roll call vote 6-0-0.**

147
148 1:56:15

149 **ITEM 6—Review of Planning Board Bylaws**

150 Action: Continue to subsequent meeting, establish subcommittee to review bylaw
151 language: To review existing language and make amendments where appropriate.

152
153 Discussion on forming a subcommittee commenced. Mr. McDonough requested
154 volunteers for the subcommittee. Vice Chair Kalmar, Mr. Bellantone and Mr. Ledgett
155 volunteered.

156 **OTHER BUSINESS**

157

158 1:59:32

159 **ITEM 7 – Board Member Items/Discussion**

160

161 None

162

163 1:59:51

164 **ITEM 8 – Town Planner/Director of Planning & Development Items**

165

166 Mr. McDonough gave a preview of the upcoming agenda for the next meeting.

167 Mr. Bellantone asked about recusing guidelines.

168

169 2:06:00

170 **Adjournment**

171

172 **Mr. Ledgett moved to adjourn. Seconded by Mr. Perry. The motion passed by roll**
173 **call vote 6-0-0.**

174

175 The Kittery Planning Board meeting of January 27, 2022 adjourned at 8:06 p.m.

176

177 Submitted by Carrie Varao, Development Staff Clerk on June 9, 2022.

178

179 Disclaimer: The following minutes constitute the author's understanding of the meeting.

180 Whilst every effort has been made to ensure the accuracy of the information, the

181 minutes are not intended as a verbatim transcript of comments at the meeting, but a

182 summary of the discussion and actions that took place. For complete details, please

183 refer to the video of the meeting on the Town of Kittery website at

184 <http://www.townhallstreams.com/locations/kittery-maine>.