

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Russell White, Member

9

10 Staff: Adam Causey, Director of Planning and Jordan Kelley, Town Planner

11

12 Advisory: Earledean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 **PUBLIC COMMENTS**

19

20 The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be
21 recognized during the public hearings and public comment portion of the meeting. Please note: every
22 effort will be made to make this run smoothly, however some technical difficulties may occur. To register
23 via Zoom visit https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzgXJDsCeyg or at
24 <https://www.kitteryme.gov/planning-board>

25 Public comment and opinion are welcome during this meeting. However, comments and opinions related
26 to development projects currently being reviewed by the Planning Board will be heard only during a
27 scheduled public hearing when all interested parties have the opportunity to participate. Those providing
28 comment must state clearly their name and address, and record it in writing at the podium. Further, the
29 public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed
30 comments should be sent to jkelly@kitteryme.org. Comments received by noon on the day of the
31 meeting will become part of the public record and may be read in whole or in summary by the Planning
32 Board or Town Staff.

33

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

35

36 **OLD BUSINESS**

37

38 9:55

39 **ITEM 1 – 28 Wyman Avenue – Sketch Plan Review – Cluster Residential Development – Public
40 Hearing**

41 Action: hold Public Hearing; continue, approve or deny plan: Pursuant to Title 30-A M.R.S.A. §4401-4408
42 Municipal Subdivision Law and §16.8.10.H, Cluster Residential Development of the Town of Kittery Land
43 Use and Development Code, owner Lusitano, LLC requests approval for a cluster residential
44 development proposing three (3) single-family residences as a condominium on real property with an
45 address of 28 Wyman Avenue (Tax Map 16, Lot 148) located in the Residential-Urban (R-U) Zone.

46

47 Erik Saari, Altus Engineering, stated there were no revisions to the plan, and addressed the Board
48 regarding comments from CMA. Drain pipe size and overhead utilities waivers, wetland markers, and
49 hammerhead location discussed.

50 Chair Dunkelberger opened the public hearing.

51 Ms. Wells commented on the wetland and vernal pool. She requested the vernal pool be recognized on
52 the plan.

53 Public comment was heard from Jen Cleary, 39 Tilton Avenue.

54 Chair Dunkelberger read an emailed comment from Mary Carey, 37 Tilton Avenue.

55 Chair Dunkelberger closed the public hearing.

56

57 **Vice Chair Kalmar moved to continue the application, not to exceed 90 days. Seconded by Mr.**
58 **Ledgett. The motion passed 6-0-0.**

59

60 25:18

61 **ITEM 2 – 41 Route 236 – Preliminary Site Plan Review – Public Hearing**

62 Action: hold Public Hearing; continue, approve, or deny plan. Pursuant to §16.4 Land Use Regulations,
63 §16.4.20 Special Exception Use Request, §16.5.32 Marijuana Business, and §16.7 Site Plan Review of
64 Kittery Land Use and Development Code, owner LaPierre Properties LLC and applicant Well Field 44
65 LLC with agent Attar Engineering requests approval for a special exception use to construct a 1,034-sf
66 Marijuana Business with appurtenant infrastructure and a wetland alteration of 1,367-sf, located on real
67 property with the address of 41 Route 236, Tax Map 29, Lot 1, in the Commercial 2 (C-2) zoning district.

68

69 Mike Sudak, Attar Engineering, Inc. gave an overview of the project.

70 Chair Dunkelberger opened the public hearing.

71 Public comment was heard from Jeff Clifford, Kittery Land Trust.

72 Ms. Wells read letters from the Conservation Commission.

73 Public comment was heard from Karen Burbank, 122 Martin Road; Jen Thayer, 47 Martin Road; and
74 Jessie & Vincent King, 132 Martin Road.

75 Mr. Sudak replied to the public comments. The Board discussed the parking and tree buffer.

76 Mr. Sudak reviewed the CMA comments briefly and provided updates to the Board.

77 Public comment was heard from Karen Burbank, 122 Martin Road. Mr. Sudak replied to her comment on
78 wetland setbacks.

79 Chair Dunkelberger closed the public hearing.

80 **Mr. Ledgett moved to continue the application to November 17, 2022, not to exceed 90 days.**
81 **Seconded by Vice Chair Kalmar. The motion passed by roll call vote 5-0-0. Mr. Fitch recused**
82 **himself.**

83

84 1:45:05

85 **ITEM 3 – 8 Hoyt's Island, Shoreland Development Plan**

86 Action: continue, approve, or deny plan: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland
87 Development Review of the Kittery Land Use and Development Code, owner David Moulton and agent
88 Stephen Doe request approval to expand two legally non-conforming structures on a conforming lot within
89 the base zone setback of the Shoreland Overlay Zone located on real property with the address of 8
90 Hoyts Island Lane, Tax Map 36, Lot 73, in the Residential – Kittery Point Village (R-KPV), Shoreland
91 Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP)/FEMA Flood Zone.

92

93 Monica Kieser from Hoefle, Phoenix, Gormley & Roberts, briefly updated the Board on the plan.

94

95 **Mr. Fitch moved to approve the plan. Seconded by Mr. Perry. The motion passed 6-0-0.**

96

97 **Vice Chair Kalmar read the Findings of Fact into record. The Board approved each finding, 6-0-0.**

98 **Chair Dunkelberger confirmed that the final plan will include devegetated area calculations.**

99 **Correction to the Findings of Fact (j) to read “site plan”, “Engineer” and “Sebago Technics”**

100 **instead of “plan”, “Surveyor” and “North Easterly Surveying, Inc.”.**

101 **Correction to Conditions of Approval, line 55 change “Surveyor” to “Engineer”.**

102 **The Board moved to approve by roll call vote 6-0-0.**

103

104 2:00:55

105 **ITEM 4 – 90 Goodwin, Shoreland Development Plan**

106 Action: continue, approve, or deny plan: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland
107 Development Review of the Kittery Land Use and Development Code, owner Yang Living Trust and agent
108 Tim DeCoteau request approval to reconstruct a legally non-conforming dwelling unit on a legally non-
109 conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with
110 the address of 90 Goodwin Road, Tax Map 58, Lot 63, in the Residential-Rural Conservation Zone (R-
111 RC), Shoreland Overlay Zone (OZ-SL-250’), and Resource Protection Overlay Zone (OZ-RP)/FEMA
112 Flood Zone.

113

114 Tim DeCoteau updated the Board on building height and flood elevations. Updates on the septic and
115 landscape discussed briefly.

116

117 **Mr. Fitch moved to approve the application. Seconded by Mr. Perry. The motion passed 6-0-0.**

118 **Vice Chair Kalmar read the Findings of Fact into record. The Board approved each finding, 6-0-0.**

119 **The Board moved to approve by roll call vote 6-0-0.**

120

121 **NEW BUSINESS- None**

122

123 2:16

124 **APPROVAL OF MINUTES-** – September 15, 2022 8 Hoyts Island Lane Site Walk; September 15, 2022
125 90 Goodwin Road Site Walk; September 22, 2022 Planning Board Meeting; September 29, 2022
126 Planning Board Special Meeting

127

128 September 29, 2022 Planning Board Special Meeting: Delete lines 18 and 19.

129 Mr. Ledgett moved to approve all minutes as amended. Seconded by Vice Chair Kalmar. The motion
130 passed 6-0-0.

131

132 2:17:10

133 **Board Member Items/Discussion**

134 Mr. Causey reviewed “Committee Reports” to the Board.

135 Ms. Wells reminded the Board that the Coastal Cleanup is Saturday.

136 The Board wished Mr. Causey luck on his new position and expressed appreciation for his hard work.

137

138 2:21:05

139 **Town Staff Items**

140

141 Mr. Kelley asked the Board members to return any binder clips for reuse.

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
COUNCIL CHAMBERS**

**UNAPPROVED
OCTOBER 13, 2022**

142

143 2:22:00

144 **Adjournment**

145

146 **Vice Chair Kalmar moved to adjourn. Seconded by Mr. Ledgett. The motion passed 5-1-0. Mr.**

147 **Bellantone dissented.**

148

149 The Kittery Planning Board meeting of October 13, 2022 adjourned at 8:22 p.m.

150

151 Submitted by Carrie Varao, Development Staff Clerk on October 19, 2022.

152

153 Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every
154 effort has been made to ensure the accuracy of the information, the minutes are not intended as a
155 verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took
156 place. For complete details, please refer to the video of the meeting on the Town of Kittery website at
157 <http://www.townhallstreams.com/locations/kittery-maine>.