

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent: None

10

11 Staff: Bart McDonough, Town Planner and Adam Causey, Director of Planning

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA-** Chair Dunkelberger proposed reversing the order of the
18 agenda items, starting with Item 3, then 2, then 1. The Board agreed.

19

20 **APPROVAL OF MINUTES-** None

21

22 **PUBLIC COMMENTS**

23

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

29 https://us02web.zoom.us/webinar/register/WN_SSk-9Fq5T-uApy5s5UZFYA

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

35

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

37

38 **OLD BUSINESS-** None

39

40 **NEW BUSINESS**

41

42 8:18

43 **ITEM 3— 35 Tilton Avenue—Medical Marijuana Registered Caregiver Home**
44 **Establishment**

45 Action: Continue to a subsequent meeting, set public hearing and/or site walk
46 (discretionary), or approve or deny application. Pursuant to §16.3.2.4 *Residential-*
47 *Urban*, §16.8 *Design and Performance Standards for Built Environment* and §16.10.11
48 *Medical Marijuana Registered Caregiver Home Establishment* of the Town of Kittery
49 Land Use and Development Code, the Planning Board shall review an application from
50 applicant Delta Lab, LLC requesting approval to operate a Medical Registered
51 Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax
52 Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

53

54 Benjamin Sandquist gave the Board an overview of his application and briefly described
55 the operation.

56 The Board asked a few clarifying questions regarding the operation. Discussion on odor
57 mitigation ensued briefly.

58 Chair Dunkelberger asked the Board about their interest in holding a public hearing
59 since there was email correspondence and public attendance.

60

61 **Mr. Ledgett moved to schedule a public hearing on 11/18/2021 at 6PM. Seconded**
62 **by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

63

64 Chair Dunkelberger opened the meeting up to comments from the public. Comments
65 were heard from Ray Slaughenhoup, 40 Tilton Avenue; Jennifer Clearly, 39 Tilton
66 Avenue; Steve Webber, 55 Tilton Avenue; Kyle Bohunsky, 54 Tilton Avenue; Sheila
67 O'Neill, 45 Tilton Avenue; Todd Rollins, 47 Tilton Avenue; Lyn Rosoff, 61 Tilton Avenue;
68 and Tim Lawrence, 45 Tilton Avenue.

69 Applicant's attorney, Tammy Snow responded to the comments.

70

71 **Vice Chair Kalmar moved to set a site walk on 11/4/2021 at 1:30 PM. Seconded by**
72 **Mr. Ledgett.**

73 Brief discussion ensued on the procedure and applicant details.

74 **The motion passed by roll call vote 7-0-0.**

75

76 **PUBLIC HEARING**

77

78 49:40

79 **ITEM 2—523 US Route 1—Preliminary Site Plan Review**

80 Action: Continue application to a subsequent meeting or approve or deny plan:

81 Pursuant to §16.3.2.13 *Mixed-Use*, §16.8 *Design and Performance Standards for Built*
82 *Environment* and Article V *Preliminary Plan Application Review* of §16.10 Development
83 Plan Application of the Town of Kittery Land Use and Development Code, the Planning
84 Board shall hold a public hearing for a preliminary site plan application from applicant
85 GSC Enterprises, LLC and agent Haley Ward, Inc. requesting preliminary approval to
86 construct 1,010-sf coffee shop with a drive-through with appurtenant infrastructure and
87 landscaping on real property with an address of 523 U.S. Route 1 (Tax Map 68, Lot 26)
88 located in the Mixed-Use (MU) Zone.

89

90 The applicant requested a continuance to 11/18/2021 due to amending the plans.

91

92 **Mr. White moved to continue the preliminary application to 11/18/2021. Seconded**
93 **by Mr. Ledgett. The motion passed by roll call vote 7-0-0.**

94

95 56:05

96 **ITEM 1—Land Use and Development Code Amendments—Recodification of Title**
97 **16**

98 Action: Hold public hearing, continue to a subsequent meeting, recommend/not
99 recommend to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and
100 §16.1.9 *Amendments* of the Town of Kittery Land Use and Development Code, the
101 Planning Board will hold a public hearing for a proposed amendment to Title 16 by
102 reorganizing the title while modifying certain provisions therein to align with the Town's
103 Comprehensive Plan, or taking any other action relative thereto.

104

105 The Board reviewed each section. Discussion around the changes and the process
106 continued. Mr. Causey clarified the process to the Board.

107 Chair Dunkelberger suggested scheduling a workshop to readdress the remaining
108 issues.

109

110 Chair Dunkelberger opened the public hearing.

111 Kate Johnston made public comments on the item.

112

113 The Board continued the review of the remaining sections. Discussion on continuing the
114 hearing and the workshop ensued.

115

116 **Mr. White moved to continue the public hearing until 11/18/2021 at 6PM.**

117 **Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.**

118 The Board discussed the dates of the workshop.
119 **Mr. White moved to schedule a workshop on 11/9/2021 at 12 PM. Seconded by**
120 **Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

121
122 **OTHER BUSINESS**

123
124 2:24:11
125 **ITEM 5 – Board Member Items/Discussion**

126
127 None

128
129 2:24:20
130 **ITEM 6 – Town Planner/Director of Planning & Development Items**

131
132 Mr. McDonough announced that on 11/3/2021 at 7 PM at the KCC there will be an
133 affordable housing discussion and meeting with Fair Tide and the Workforce Housing
134 Coalition.

135 Mr. McDonough told the Board about the upcoming meeting agenda.

136
137 2:26:58
138 **Adjournment**

139
140 **Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed by roll**
141 **call vote 7-0-0.**

142
143 The Kittery Planning Board meeting of October 28, 2021 adjourned at 9:27 p.m.

144
145 Submitted by Carrie Varao, Development Staff Clerk on April 27, 2022.

146
147 Disclaimer: The following minutes constitute the author's understanding of the meeting.
148 Whilst every effort has been made to ensure the accuracy of the information, the
149 minutes are not intended as a verbatim transcript of comments at the meeting, but a
150 summary of the discussion and actions that took place. For complete details, please
151 refer to the video of the meeting on the Town of Kittery website at
152 <http://www.townhallstreams.com/locations/kittery-maine>.