

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

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA-** None

18

19 **APPROVAL OF MINUTES-** None

20

21 **PUBLIC COMMENTS**

22

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

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

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

34

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

36

37 **ADMINISTRATIVE BUSINESS**

38

39 3:53

40 **ITEM 1—Approval of the 2022 Planning Board meeting schedule**

41

42 **Mr. Ledgett moved to accept the schedule as proposed. Seconded by Mr. Perry.**
43 **The motion passed by roll call vote 7-0-0.**

44

45 5:53

46 **ITEM 2—Planning Board Member Reorganization (Election of Chair, Vice-Chair**
47 **and Secretary)**

48

49 **Mr. Ledgett moved to hold the current positions: Chair Dunkelberger, Vice Chair**
50 **Kalmar, Secretary Ledgett. Seconded by Mr. White. The motion passed by roll call**
51 **vote 7-0-0.**

52

53 **OLD BUSINESS-**

54

55 7:53

56 **ITEM 3—134 Whipple Road—Shoreland Development Plan Review**

57 Action: Continue the to a subsequent meeting, or approve or deny plan: Pursuant to
58 §16.10.3.2 *Shoreland Development Review* and Article III *Nonconformance* of §16.7
59 *General Development Requirements* of the Town of Kittery Land Use and Development
60 Code, owners Nicolas and Amy Mercier and agent Altus Engineering, Inc. requests
61 approval to reconstruct, relocate and expand a legally non-conforming structure on a
62 legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone
63 located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in
64 the Residential-Urban (R-U) Zone and the Shoreland Overlay Zone (OZ-SL-250).

65

66 Chair Dunkelberger reported that the applicant had requested a continuance.

67

68 **Mr. Ledgett moved to continue the application until January 13, 2022. Seconded**
69 **by Mr. White. The motion passed by roll call vote 7-0-0.**

70

71 9:30

72 **ITEM 4— 31 Water Street—Shoreland Development Plan Review**

73 Action: Continue application to a subsequent meeting, set public hearing (discretionary),
74 or approve or deny application: Pursuant to 16.3 *Land Use Regulations*, §16.10.3.2
75 *Shoreland Development Review* and Article III *Nonconformance* of §16.7 *General*
76 *Development Requirements* of the Town of Kittery Land Use and Development Code,
77 owners John A. Brady and Lise B. Sequin and applicant / agent Tyler Jackson requests
78 approval to replace and expand legally non-conforming structures on a legally non-

79 conforming lot within the base zone setback of the Shoreland Overlay Zone located on
80 real property with the address of 31 Water Street, Tax Map 1, Lot 52, in the Residential-
81 Urban (R-U) Zone and the Shoreland (OZ-SL-250), Resource Protection (OZ-RP) and
82 Commercial Fisheries/Maritime Uses Overlay Zones.

83

84 Tyler Jackson thanked the Board for the site walk. He gave an update on the project,
85 reviewing the changes to the plan.

86 The Board asked questions pertaining to non-conforming accessory structures and
87 variances.

88 The Board discussed the need for a public hearing.

89

90 **Vice Chair Kalmar moved to hold a public hearing on January 13, 2022. Seconded**
91 **by Mr. White. The motion passed by roll call vote 6-0-0. Chair Dunkelberger was**
92 **absent for the vote due to technical difficulties.**

93

94 PUBLIC HEARING

95

96 30:41

97 **ITEM 5—523 US Route 1—Preliminary Site Plan Review**

98 Action: Continue public hearing to a subsequent meeting or approve or deny plan;

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

107

108 Jon Whitten, Haley Ward, Inc. gave an overview of the project. He reviewed the updates
109 to the plan. Mr. Whitten reviewed the written comments. Discussion continued on the
110 entrance and exits on Route 1 or Parsons Lane. Concerns over the stormwater
111 discussed. Requested waiver for high intensity soil survey discussed briefly.

112

113 Chair Dunkelberger opened the public hearing. There were no comments.

114

115 Earldean Wells asked questions regarding the landscape plan and the snow storage
116 removal plan.

117

118 Chair Dunkelberger closed the public hearing.

119

120 Joseph Blommel gave an overview of the architecture. Roof pitch discussed briefly.

121

122 **Vice Chair Kalmar moved to approve the preliminary plan with the stated**
123 **conditions. Seconded by Mr. Perry. The motion passed by roll call vote 7-0-0.**

124

125 The Board took a short break at 7:38 PM. The Board reconvened at 7:43 PM.

126

127 1:44:36

128 **ITEM 6— 52 State Road—Shoreland Development and Preliminary Site Plan**
129 **Review**

130 Action: continue public hearing to a subsequent meeting, approve or deny plan:

131 Pursuant to §16.3 *Land Use Regulations*, Article III *Nonconformance* of §16.7 *General*
132 *Development Requirements* and §16.10 *Development Plan Application* and review of
133 the Town of Kittery Land Use and Development Code, owner/applicant Kevin
134 Cambridge and agent Attar Engineering Inc. requests approval expand a legally
135 nonconforming commercial structure and construct a 26 spaced parking lot with
136 stormwater improvements lot on real property with an address of 52 State Road, (Tax
137 Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream
138 Protection Overlay Zone (OZ-SP-75).

139

140 Michael Sudak, Attar Engineering, Inc. gave an overview of the project. He reviewed the
141 comments from the site walk. Mr. Sudak reviewed the comments from the Town briefly.

142

143 Chair Dunkelberger opened the public hearing. There were no comments from the
144 public.

145

146 Board members commented on snow storage and landscaping, lighting, and sidewalks.
147 Mr. Sudak addressed the questions. Discussion continued with Mr. McDonough on
148 sidewalks.

149

150 Chair Dunkelberger closed the public hearing.

151

152 **Vice Chair Kalmar moved to approve the preliminary plan with the stated**
153 **conditions. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.**

154

155 2:05:24

156 **ITEM 7—Land Use and Development Code Amendments—Amendment to**
157 **16.3.2.17.B.(10)(b) Special exception uses**

158 Action: Continue to subsequent meeting, make recommendation to Town Council,
159 Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 *Amendments* of the
160 Town of Kittery Land Use and Development Code, the Planning Board shall hold a
161 public hearing for a proposed amendment to Title 16 filed by Ryan T. Ward that
162 petitions to add the use of a Marijuana Retail Store to §16.3.2.17.B(10)(b) which would
163 permit the use as a special exception within the Shoreland Overlay Zone (OZ-SL-250)
164 of the Commercial 1 (C-1) zone district.

165
166 Sean Turley gave an overview of the amendment.

167
168 Chair Dunkelberger opened the public hearing. There were no public comments.

169
170 The Board commented on the Shoreland Overlay Zone, Town Council and Planning
171 Board procedure. Discussion continued on change of use.

172
173 Chair Dunkelberger closed the public hearing.

174
175 **Mr. White moved to forward the amendment to Town Council with no specific**
176 **recommendation from the Planning Board. Seconded by Vice Chair Kalmar. The**
177 **motion passed by roll call vote 7-0-0.**

178
179 **NEW BUSINESS**

180
181 2:25:20

182 **ITEM 8—1-3 Badgers Island West—Shoreland Development Plan Review**

183 Action: Accept or deny application as complete; if accepted--continue application to a
184 subsequent meeting, set public hearing and/or site walk (discretionary), or approve or
185 deny application: Pursuant to §16.10.3.2 *Shoreland Development Review* and Article III
186 *Nonconformance* of §16.7 *General Development Requirements* of the Town of Kittery
187 Land Use and Development Code, owners One Badgers Island West, LLC, Elizabeth
188 Casella & William J. Banfield, applicant Little Bridge Lobster LLC and agent Altus
189 Engineering, Inc. requests approval for a special exception to change the use of an
190 legally nonconforming structure to a restaurant and to make improvements thereto by
191 reconstructing and expanding the footprint and height and to add 12 parking spaces
192 with outdoor seating area on a legally non-conforming lot within the base zone setback
193 of the Shoreland (OZ-SL-250), Resource Protection (OZ-RP) and Commercial

194 Fisheries/Maritime Activities (OZ-CFMU) Overlay Zones of the Mixed-Use Badgers
195 Island (MU-BI) zoning district.

196

197 Eric Weinrieb, Altus Engineering, Inc. gave an overview of the project and reviewed the
198 site plan.

199 William Banfield clarified the use for the maritime zone, and the parking details.

200 Zachary Smith gave an overview of the architecture.

201 Discussion on the appearance of the structure, outdoor dining areas, parking, and
202 walking path ensued.

203 The flood zone was discussed by Mr. McDonough and the Board.

204

205 **Mr. White moved to accept the plan as presented as substantially complete.**

206 **Seconded by Mr. Ledge. The motion passed by roll call vote 7-0-0.**

207 Dates were discussed for a site walk.

208 **Mr. White moved to hold a site walk on 12/28/2021 at 10 AM. Seconded by Mr.**

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

210 **Vice Chair Kalmar moved to schedule a public hearing on 1/13/2022 at 6 PM.**

211 **Seconded by Mr. Ledge. The motion passed by roll call vote 7-0-0.**

212

213 **OTHER BUSINESS**

214

215 3:21:30

216 The Board and Mr. McDonough discussed the application load for upcoming meetings,
217 and if there should be a limit.

218

219 3:35:56

220 **ITEM 8 – Board Member Items/Discussion**

221

222 Chair Dunkelberger reminded the Board that they needed to complete the Freedom of
223 Access training.

224 Chair Dunkelberger asked that the Board review their bylaws and rules at the second
225 meeting in January.

226

227 3:39:24

228 **ITEM 9 – Town Planner/Director of Planning & Development Items**

229

230 Mr. McDonough wished the Board a Happy Holidays.

231

232 3:39:49

233 **Adjournment**

234

235 **Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed.**

236

237 The Kittery Planning Board meeting of December 9, 2021 adjourned at 9:37 p.m.

238

239 Submitted by Carrie Varao, Development Staff Clerk on May 3, 2022.

240

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

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

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

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

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

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