

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**

18

19 **APPROVAL OF MINUTES-** December 12, 2020; January 14, 2021 & January 28, 2021

20

21 **Video feed started at public comment portion of the meeting.**

22

23 **PUBLIC COMMENTS**

24

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

30 https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzqXJDsCeyg

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

36

37 Chair Dunkelberger read an emailed comment from Sweet Dirt. Mr. McDonough read a
38 response from the town attorney, Stephen Langsdorf.

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

40

41 **OLD BUSINESS**

42

43 6:44

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

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

55

56 Mr. Fitch recused himself from this item.

57

58 Brian Nielsen, Attar Engineering, Inc. requested that the Planning Board continue the
59 Site Plan Review application while the applicant submits a Sketch Plan Review
60 application.

61 Mr. Nielsen presented the sketch plan, updating the Board with the changes.
62 Discussion on new entrance, wetland fill, setbacks, and Board of Appeals ensued. The
63 Board discussed the need of a geotechnical review of the site. Parking and traffic
64 concerns mentioned. Prior wetland fill and elevations discussed briefly.

65

66 **PUBLIC HEARING**

67

68 31:18

69 **ITEM 2—20 Folcutt Road—Shoreland Development Plan Review**

70 Action: Continue or close public hearing or vote on application: Pursuant to 16.3 Land
71 Use Regulations, §16.10.3.2 Shoreland Development Review and Article III
72 Nonconformance of §16.7 General Development Requirements of the Town of Kittery
73 Land Use and Development Code, owner/applicant Wladislaw Realty Trust and agent
74 Walsh Engineering Associates requests approval to replace and expand legally non-
75 conforming structures on a legally conforming lot within the base zone setback of the
76 Shoreland Overlay Zone located on real property with the address of 20 Folcutt Road,
77 Tax Map 25, Lot 18, in the Residential-Kittery Point Village (R-KPV) Zone and the
78 Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) Overlay Zones.

79
80 Bill Walsh, Walsh Engineering Associates, gave an overview of the plans. Architecture
81 discussed briefly. The issues and questions from the site walk discussed, including:
82 building height calculations; building coverage; de-vegetation area; deck and patio
83 construction; boathouse function and elevation; construction sequence; and erosion
84 control. The landscape plan was reviewed.

85
86 Chair Dunkelberger opened the public hearing.
87 Comments were heard from Lois Marshall.

88
89 Questions on the Port Authority and DEP jurisdiction asked regarding the boathouse
90 and the seawall. Raising structures and building height restrictions discussed.

91
92 Chair Dunkelberger closed the public hearing.

93
94 **Mr. Ledgett moved to continue the application to February 24, 2022 at 6 PM.**
95 **Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

96
97 1:07:40

98 **ITEM 3—16 Trefethen Avenue—Shoreland Development Plan Review**

99 Action: Continue or close public hearing or vote on application: Pursuant to 16.3 Land
100 Use Regulations, §16.10.3.2 Shoreland Development Review and Article III
101 Nonconformance of §16.7 General Development Requirements of the Town of Kittery
102 Land Use and Development Code, owners/applicants Joseph D. and Dierdre M.
103 McEachern and agent Ambit Engineering, Inc. requests approval to expand legally non-
104 conforming structure on a legally non-conforming lot within the base zone setback of the
105 Shoreland Overlay Zone located on real property with the address of 16 Trefethen
106 Avenue Road, Tax Map 10, Lot 25, in the Residential-Urban (R-U) Zone and the
107 Shoreland (OZ-SL-250'), Resource Protection (OZ-RP) Overlay Zone.

108
109 John Chagnon, Ambit Engineering, Inc. updated the Board on the plans.

110 Chair Dunkelberger opened the public hearing.

111 There were no public comments.

112 Chair Dunkelberger closed the public hearing.

113
114 **Vice Chair Kalmar moved to approve the application. Seconded by Mr. Ledgett.**
115 **The motion passed by roll call vote 7-0-0.**

116 **Vice Chair Kalmar read the findings of fact into record. The Board moved to**
117 **approve each finding, 7-0-0.**

118 **Vice Chair Kalmar read the conditions of approval into record. The Board moved**
119 **to approve by roll call vote 7-0-0.**

120

121 **NEW BUSINESS**

122

123 1:22:19

124 **ITEM 4—52 Goodwin Road –Wetland Alteration Plan Review**

125 Action: Accept application as complete; if accepted--continue application to a
126 subsequent meeting, set public hearing and/or site walk (discretionary), vote on
127 application. Pursuant to 16.3 Land Use Regulations 16.9 Design Performance
128 Standards for Natural Environment and §16.10 Development Plan Application and
129 Review of the Town of Kittery Land Use and Development Code, owners/applicants
130 Michael and Barbra Murphy with agent Attar Engineering, Inc. requests approval for a
131 wetland alteration permit to fill approximately 1,075-sf of wetland to construct a driveway
132 to access buildable area located on real property with the address of 52 Goodwin Road,
133 Tax Map 58, Lot 51B, in the Residential- Rural Conservation (R-RC) zoning district and
134 Resource Protection (OZ-RP) Overlay Zone

135

136 The applicant was not present and has requested to appear at a later date.

137

138 **OTHER BUSINESS**

139

140 1:22:53

141 **ITEM 5 – Board Member Items/Discussion**

142

143 Mr. Fitch asked if there was discussion on returning to in person meetings.
144 Earlean Wells asked for updated plans for 20 Folcutt Road.

145

146 1:25:33

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

148

149 Mr. McDonough told the Board he will provide a run down of the projects in front of the
150 Board. The Board can also revisit the priority list. The date for the subcommittee meeting
151 was confirmed for March 17th, and the Board members were reminded to send Mr.
152 McDonough any information for that meeting.

153

154 1:28:38

155 **Adjournment**

156

157 **Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed by roll**
158 **call vote 7-0-0.**

159

160 The Kittery Planning Board meeting of February 10, 2022 adjourned at 7:32 p.m.

161

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

163

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

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

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

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

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

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