

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**

18

19 Chair Dunkelberger proposed moving Item 2 to last. The Board agreed.

20

21 **APPROVAL OF MINUTES- None**

22

23 **PUBLIC COMMENTS**

24

25 Public comment and opinion are welcome during this open session. However,
26 comments related to development projects currently under review by the Planning
27 Board shall be heard only during their respective scheduled public hearing. Due to the
28 current pandemic, all meetings and public hearings held by the Planning Board are
29 conducted via Zoom webinar. To register in advance for the webinar, please submit a
30 request to bmcdonough@kitteryme.org. After registering, you will receive a confirmation
31 email containing information about joining the webinar. Webinar participants will be able
32 to submit questions and comments during the public hearing and public comment
33 period. Members of the public unable to participate during the webinar may submit
34 comments for agenda items via email, US Mail, or by dropping written comments in the
35 Drop Box outside the Town Hall entrance. Emailed comments should be sent to
36 bmcdonough@kitteryme.org. Comments received by noon on the day of the meeting
37 will be read into the record by the Planning Board Chair.

38

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

40 The Chair reopened the public comments.
41 Gerry Burns wanted to speak but it was in regards to the marijuana ordinance item.
42 The Chair closed the public comments.

43
44 6:14

45 **OLD BUSINESS**

46
47 **ITEM 1— 4 Pepperell Road—Shoreland Development Plan Review**

48 Action: Accept or deny plan as complete; continue application to a subsequent meeting,
49 schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B
50 Nonconforming structure repair and/or expansion and §16.10.3.4 Shoreland
51 Development Review of the Town of Kittery Land Use and Development Code, the
52 Planning Board shall consider an after-the-fact permit application from owner/applicant
53 Elizabeth Kirschner requesting approval to maintain a patio with an enclosed screened
54 porch and expand a legally nonconforming dwelling unit on a legally nonconforming lot
55 within the base zone setback of the Shoreland Overlay Zone on real property with an
56 address of 4 Pepperrell Road, (Tax Map 18, Lot 45-4) located in the Residential-Kittery
57 Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection
58 (OZ-RP) Overlay Zones.

59
60 Mr. McDonough told the Board that the applicant requested a continuance to a
61 subsequent meeting.

62
63 Vice Chair Kalmar moved to table the application. Seconded by Mr. White. The motion
64 carried by roll call vote 7-0-0.

65
66 **PUBLIC HEARING**

67
68 7:42

69 **ITEM 3— Title 16 Land Use Development Code Amendments**

70 Action: Continue or close public hearing, recommend or not recommend to Town
71 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments
72 of the Town of Kittery Land Use and Development Code, the Planning Board shall hold
73 a public hearing on Thursday, February 11, 2021 beginning at 6 pm, to amend §16.2
74 Definitions, §16.3 Land Use Regulations and §16.8 Design and Performance Standards
75 for Built Environment by respectively removing and adding new definitions related to
76 marijuana uses, designating areas of operation for marijuana businesses within certain
77 zoning districts, and establishing performance standards for marijuana businesses, or
78 taking any other action relative thereto.

79
80 Mr. McDonough gave the Board and the public an overview and an update of the
81 ordinance, addressing topics of concern from the last meeting.
82
83 Mr. McDonough and the Board discussed definitions and recodification, and reference
84 to state statute. Cultivation tiers and state statutes described. Distance requirements
85 between marijuana establishments and schools or daycares discussed in more detail by
86 the Board and staff. Clarification between caregivers and retail business given to the
87 Board. The Board discussed design standards and odor management.

88
89 Chair Dunkelberger opened the hearing up to the public.

90
91 Mr. McDonough read the public comments received via email from Wendy Turner,
92 Brandon Pollock, Gerry Burns, and Julie Cutting.

93
94 Public comments were heard from Jill Polster, Clay Wyman, Julie Cutting, Gerry Burns,
95 Brandon Pollock, Ryan Ward, and Josh Seymour.

96
97 The Chair opened up comments to the Board. The Board discussed the scale of
98 businesses and caregivers.

99
100 The Chair proposed the Board continue the public hearing.

101
102 **Mr. Ledgett moved to continue the public hearing until the next meeting on**
103 **February 25, 2021. Seconded by Mr. White. The motion passed by roll call vote 7-**
104 **0-0.**

105
106 **OLD BUSINESS**

107
108 1:14:35

109 **ITEM 2—Land Use and Development Code Amendments—Recodification of Title**
110 **16 Discussion— 16.7 Site Plan Review**

111 Action: Review and discuss the proposed amendments and continue to a subsequent
112 meeting. To amend Title 16 by reorganizing the title while modifying certain provisions
113 therein to align with the Town's Comprehensive Plan and Planning Board's goals and
114 objectives.

115
116 The Board reviewed section 16.7 page by page, discussing and making corrections as
117 needed.

118 Chair Dunkelberger asked the Board to review 16.8 for the next meeting.

119

120 **NEW BUSINESS**

121

122 None

123

124 **OTHER BUSINESS**

125

126 2:41:38

127 **ITEM 4 – Board Member Items/Discussion**

128

129 None

130

131 2:41:47

132 **ITEM 5 – Town Planner/Director of Planning & Development Items**

133

134 Mr. McDonough told the Board that in addition to the continued public hearing, there will
135 be one application requesting an extension.

136

137 Chair Dunkelberger and the Board discussed briefly the anticipated actions and timeline
138 to the marijuana public hearing.

139

140 2:46:24

141 **Adjournment**

142

143 **Mr. White moved to adjourn the meeting. Seconded by Vice Chair Kalmar. The**
144 **motion passed by roll call vote 7-0-0.**

145

146 The Kittery Planning Board meeting of February 11, 2021 adjourned at 8:45 p.m.

147

148 Submitted by Carrie Varao, Development Staff Clerk on January 11, 2022.

149

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

151 Whilst every effort has been made to ensure the accuracy of the information, the
152 minutes are not intended as a verbatim transcript of comments at the meeting, but a
153 summary of the discussion and actions that took place. For complete details, please
154 refer to the video of the meeting on the Town of Kittery website at

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