

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
REMOTE MEETING**

**UNAPPROVED
FEBRUARY 24, 2022**

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CALL TO ORDER

ROLL CALL

Present: John Perry, Member, Steve Bellantone, Member, Russell White, Member, Ronald Ledgett, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

Absent: Drew Fitch, Member

Staff: Bart McDonough, Town Planner and Kathy Connor, Project Planner

Advisory: Earldean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA- Item 1 has been withdrawn. Item 5 is to be rescheduled.

APPROVAL OF MINUTES- December 12, 2019; January 14, 2021; and January 28, 2021

January 14, 2021: line 177 change to “Mr. Fitch recused himself”, line 73 misspelled “Chinburg”, line 229 misspelled “Bellantone”.

Mr. Ledgett moved to accept the minutes as amended. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 6-0-0.

PUBLIC COMMENTS

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

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

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

Chair Dunkelberger opened the public comments.

41

42 Public comment was received from Janay Wright. Mr. McDonough explained what it
43 meant that Item 1 was rescinded. Discussion ended briefly on the item.

44 There being no other comments, Chair Dunkelberger closed the public comments.

45

46 **OLD BUSINESS**

47

48 8:50

49 **ITEM 1— 35 Tilton Avenue—Medical Marijuana Registered Caregiver Home**
50 **Establishment**

51 Action: Continue to a subsequent meeting, or vote on application. Pursuant to §16.3.2.4
52 Residential-Urban, §16.8 Design and Performance Standards for Built Environment and
53 §16.10.11 Medical Marijuana Registered Caregiver Home Establishment of the Town of
54 Kittery Land Use and Development Code, the Planning Board shall review an
55 application from applicant Delta Lab, LLC requesting approval for a special exception to
56 operate a Medical Registered Caregiver Home Establishment on real property with an
57 address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U)
58 Zone.

59

60 Item has been withdrawn.

61

62 8:52

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

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

73

74 Norm Chamberlain, Walsh Engineering Associates, presented the project and updated
75 the Board.

76 Discussion ensued on KPA approvals, maximum building height of the boathouse,
77 short-term rental language on the plan, and patio material.

78

79 **Mr. Ledgett moved to approve the application. Seconded by Vice Chair Kalmar.**
80 **The motion passed by roll call vote, 6-0-0.**

81

82 **Vice Chair Kalmar read the findings of fact into record. The Board moved to**
83 **approve the findings, 6-0-0.**

84 **Vice Chair Kalmar read the conditions of approval into the record. The Board**
85 **voted to approve by roll call vote 6-0-0.**

86

87 **PUBLIC HEARING**

88

89 29:00

90 **ITEM 3—Land Use and Development Code Amendments**

91 Action: Continue to a subsequent meeting, or vote on recommendation to Town
92 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments
93 of the Kittery Town Code, the Planning Board holds a public hearing for a proposed
94 amendment to Title 16 that seeks to modify certain zoning standards within the
95 Business Local (B-L) and Business Local-1 (BL-1) zoning districts, or taking any other
96 action relative thereto.

97

98 Kathy Connor gave an overview of the amendment.

99 Chair Dunkelberger read an emailed comment from Emily Flinkstrom, Fair Tide.

100 Chair Dunkelberger opened the public hearing.

101 Comments were heard from Kate Johnston.

102 Discussion continued on the minimum lot area, Kittery Point zones, parking, septic and
103 sewer utilities, and redevelopment concerns.

104 Public comments were heard from Tom Emerson.

105 Chair Dunkelberger closed the public hearing.

106

107 **Mr. White moved to recommend to Town Council. Seconded by Mr. Perry. The**
108 **motion passed by roll call vote 6-0-0.**

109

110 59:13

111 **ITEM 4—Land Use and Development Code Amendments**

112 Action: Continue to a subsequent meeting, or vote on recommendation to Town
113 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments
114 of the Kittery Town Code, the Planning Board holds a public hearing for a proposed
115 amendment to Title 16 that seeks to regulate and establish standards for solar energy
116 systems, or taking any other action relative thereto.

117

118 Kathy Connor and Mr. McDonough gave a brief overview of the ordinance. Mr.

119 McDonough reviewed the updates with the Board since the last meeting.

120 Chair Dunkelberger opened the public hearing.

121 Chair Dunkelberger closed the public hearing.

122 Discussion on tree clearing and replanting ensued.

123

124 **Mr. Ledgett moved to recommend to Town Council. Seconded by Mr. White. The**
125 **motion passed by roll call vote 6-0-0.**

126

127 **NEW BUSINESS**

128

129 **ITEM 5— Happy Avenue—Right-of-Way Plan Review**

130 Action: Application acceptance; If accepted, continue to a subsequent meeting,

131 respectively schedule site walk or public hearing (discretionary); vote on application.

132 Pursuant to §16.10.7.2.S Right-of-way plan of the Town of Kittery Land Use and
133 Development Code, owners William and Kathy Cullen and applicant Caroline Hall
134 propose a new Right-Of-Way on Tax Map 11 Lot 29-5 to access real property located
135 on Tax Map 11 Lot 29 in the Residential-Suburban (R-S) Zone.

136

137 Item to be rescheduled.

138

139 **OTHER BUSINESS**

140

141 1:25:48

142 **ITEM 6 – Board Member Items/Discussion**

143 1. Review of Planning Board Priority List

144

145 Chair Dunkelberger asked to postpone the priority list to the next meeting.

146

147 1:26:18

148 **ITEM 7 – Town Planner/Director of Planning & Development Items**

149 1. Status Update of Planning Board Approved and Pending Application

150

151 Mr. McDonough is still compiling the list for the Board.

152 Mr. Ledgett asked for a draft of the proposed by-law changes for the Board.

153

154 1:28:05

155 **Adjournment**

156

157 **Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed by roll**
158 **call vote 6-0-0.**

159

160 The Kittery Planning Board meeting of February 24, 2022 adjourned at 7:28 p.m.

161

162 Submitted by Carrie Varao, Development Staff Clerk on June 14, 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>.