

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

**UNAPPROVED
MARCH 10, 2022**

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CALL TO ORDER

ROLL CALL

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

Absent: None

Staff: Bart McDonough, Town Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES- February 11, 2021; February 25, 2021; and March 11, 2021.

March 11, 2021: line 65 correct date.

Mr. Ledgett moved to accept the minutes as amended. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.

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_Rcj4kiG4SRayzqXJDsCeyg

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.

41 Chair Dunkelberger opened the public comments.
42 Public comments were heard from Elizabeth Edwards and Ethan Bensley.
43 There being no other comments, Chair Dunkelberger closed the public comments.
44

45 **OLD BUSINESS**

46 None

47
48 **PUBLIC HEARING**

49
50 22:38

51 **ITEM 1—8 Dexter Lane—Preliminary Site Plan Review**

52 Action: Continue application to a subsequent meeting, close public hearing, or vote on
53 preliminary application. Pursuant to 16.4 Land Use Regulations, 16.2.12.D(4) Special
54 exception use request, 16.5 General Performance Standards and §16.7 Site Plan
55 Review of the Kittery Town Code, the Planning Board shall hold a public hearing on an
56 application from owner The Outlet Mall of Kittery, LLC and applicant Tree Tips 3, LLC
57 with agent Attar Engineering, Inc. requesting approval for a special exception use to
58 operate a Marijuana Business within an existing commercial retail space located on real
59 property with the address of 8 Dexter Avenue, Unit 8, Tax Map 47, Lot 3, in the
60 Commercial 1 (C-1) zoning district.

61
62 Brian Nielsen, Attar Engineering, Inc. gave a brief overview of the project.
63 Chair Dunkeberger opened the public hearing.
64 Elizabeth Edwards made a public comment. Mr. McDonough read a written comment
65 into the record from Sweet Dirt.

66 Comments from the Board included concern over mold in the building, suggesting
67 testing and remediation. The traffic count and traffic study were discussed. Snow
68 storage and removal reviewed. Nick Friedman described the security protocol to the
69 Board.

70 Chair Dunkelberger closed the public hearing, and suggested the Board continue the
71 application.

72 **Mr. Ledgett moved to continue the application to April 14, 2022. Seconded by Mr.**
73 **White.**

74 Mr. Nielsen asked the Board about approving the preliminary plan with conditions and
75 move the application on to final plan.

76 **Mr. Ledgett withdrew the motion.**

77 **Mr. Ledgett moved to approve the preliminary plan with the stated conditions.**
78 **Seconded by Mr. White. The motion passed by roll call vote 7-0-0.**

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80 **NEW BUSINESS**

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43:39
ITEM 2—98 Dennett Road and 27 Route 236—Master Site Development Plan Review

Action: Application acceptance, continue application to a subsequent meeting, or vote on sketch plan application. Pursuant to 16.6 Master Site Development of the Kittery Town Code, owners/applicants 98 Dennett Road, LLC and c/o Sheila Grant with agent Hoyle, Tanner & Associates, Inc. requests sketch plan approval for a master site development plan comprising 900 dwelling units, ±30,000-sf of commercial retail space, ±29,000-sf of medical office space and ±42,000-sf of lab/life sciences with appurtenant road and stormwater infrastructure and 13,241-sf of wetland alteration on real property totaling 82 acres with an address of 98 Dennett Road, (Tax Map 12, Lot 3-1), and 27 Rt. 236 (Tax Map 20 Lot 13) in the Mixed-Use—Neighborhood (MU-N), Residential-Suburban (R-S) and Commercial-2 (C-2) zoning districts along with Resource Protection (OZ-RP) and Stream Protection (OZ-75-SP) Overlay Zones.

Sheila Grant introduced herself to the Board.
Shawn Tobey, Hoyle, Tanner & Associates, Inc presented the project to the Board. He reviewed the site and gave a history of the land to the Board. Mr. Tobey reviewed the plans in detail.

Discussion ensued on: the entrance and the creation of non-conforming lots, utility easements, bridging, wetland filling, wetland impact to surrounding area, Conservation Commission concerns, request of a hydrological peer reviewed study of the area, parking design, estimated population increase from the development, lifespan of the buildings, affordable housing, demographics of the development, ownership of the specific buildings and uses, quality of life impact from the development, carbon footprint objectives, stormwater infrastructure, electric vehicle charging stations, solar, and plan legibility.

Vice Chair Kalmar moved to accept the sketch plan as complete. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. McDonough explained the process for this application.

Mr. Ledgett moved to continue the application to April 28, 2022. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

The Board took a five-minute break.

1:46:20

121 **ITEM 3—47 Cutts Road—Sketch Plan Review, Cluster Subdivision**

122 Action: Application acceptance, continue to a subsequent meeting; vote on sketch plan
123 application. Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law and
124 §16.8, Subdivision Review of the Kittery Town Code, the Planning Board shall to
125 consider an application from owners/applicants Chip and Anne Andrews with agent
126 Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision
127 proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of
128 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3)
129 located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and
130 Resource Protection (OZ-RP) Overlay Zones.

131
132 Ken Wood, Attar Engineering, Inc. gave an overview of the project and reviewed the
133 plans.

134 Discussion ensued on: the test pits, natural resource preservation summary, sidewalks,
135 and connectivity to other developments and Kittery Land Trust.

136
137 **Mr. White moved to accept the sketch plan. Seconded by Mr. Ledgett. The motion**
138 **passed by roll call vote 7-0-0.**

139
140 **Mr. Ledgett moved to continue the application to March 24, 2022. Seconded by**
141 **Mr. White. The motion passed by roll call vote 7-0-0.**

142
143 **OTHER BUSINESS**

144
145 2:02:40

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

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148 Chair Dunkelberger reminded the Board of a Town Council workshop on March 14, 2022
149 at 5:30 PM. Chair Dunkelberger asked the Board about returning to in person meetings
150 in April with optional masks.

151
152 1. Review of Planning Board Priority List

153
154 Earldean Wells asked about adding increasing the wetland fees to the priority list.
155 Discussion followed on the topic.

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157 **Vice Chair Kalmar moved to recommend raising the wetland impact fee to**
158 **\$10/square foot to Town Council. Seconded by Mr. Ledgett. The motion passed by**
159 **roll call vote 7-0-0.**

160
161 Mr. Bellantone asked about rescheduling the by-law subcommittee meeting.

162

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163 Vice Chair Kalmar recommended reserving a spot for DEP changes under review on the
164 priority list. The Board will review the priority list in April.

165

166 2:13:50

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

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

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170 Mr. McDonough told the Board he is almost done with the status update list.

171

172 2:14:16

173 **Adjournment**

174

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

177

178 The Kittery Planning Board meeting of March 10, 2022 adjourned at 8:10 p.m.

179

180 Submitted by Carrie Varao, Development Staff Clerk on June 15, 2022.

181

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

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

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

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

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

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