

1 **CALL TO ORDER**

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3 **ROLL CALL**

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

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8 Absent: Steve Bellantone, Member

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10 Staff: Bart McDonough, Town Planner and Adam Causey, Director of Planning

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12 Advisory: Earldean Wells, Conservation Commission

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14 **PLEDGE OF ALLEGIANCE**

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16 **APPROVAL OF AGENDA**

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18 Chair Dunkelberger proposed starting with Item 3, then moving to Item 2, and then Item
19 1. There were no objections.

20

21 **APPROVAL OF MINUTES- None**

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23 **PUBLIC COMMENTS**

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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.

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

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NEW BUSINESS

4:08

ITEM 3—28 Mendum Avenue—Shoreland Development Plan

Action: Accept / deny application as complete, continue application to a subsequent meeting, schedule site walk or public hearing, approve or deny application: Pursuant to §16.10.3.4 *Shoreland Development Review* of the Town of Kittery Land Use Development Code, owner/applicant Oliver P. & Claire H. Gaudissart request consideration for rip rap shoreline stabilization along Mendum Creek on a 9,600+- sf parcel located on real property with in address of 28 Mendum Avenue (Tax Map 3 Lot 52) in the Residential – Urban (R-U) and the Shoreland Overlay (OZ-SL-250') Zones.

Mr. McDonough gave an explanation for the purpose of the plan, and gave an overview of the project.

Kuerstin Fordham of Riverside and Pickering offered to answer questions from the Board since the scope of the project has not changed.

Mr. White moved to accept the application. Seconded by Mr. Perry. The motion passed by roll call vote 6-0-0.

The Board did not want to schedule a public hearing or site walk.

Vice Chair Kalmar moved to approve the Shoreland Development Plan and adopt the findings of fact dated 12/13/2018. Seconded by Mr. Ledge. The motion passed by roll call vote 6-0-0.

PUBLIC HEARING

10:30

ITEM 2— Title 16 Land Use Development Code Amendments

Action: Continue or close public hearing, recommend or not recommend to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning Board shall hold a public hearing on Thursday, February 11, 2021 beginning at 6 pm, to amend §16.2 *Definitions*, §16.3 *Land Use Regulations* and §16.8 *Design and Performance Standards for Built Environment* by respectively removing and adding new definitions related to marijuana uses, designating areas of operation for marijuana businesses within certain

79 zoning districts, and establishing performance standards for marijuana businesses, or
80 taking any other action relative thereto.

81

82 The Chair opened the hearing up to public comments.

83 Public comments were made by Jim Spencer and Julie Cutting.

84

85 Mr. McDonough read the written public comments into the record.

86

87 Chair Dunkelberger asked the Board for comments on the proposed changes.

88 Caregivers and retail regulation, outside growing prohibition, State regulations, zoning
89 considerations, and hoop houses were discussed.

90

91 Mr. McDonough read newly received public comments into the record.

92 Chair Dunkelberger noted that they would have to learn more about seed-to-sale ERP
93 software before discussing it further.

94

95 The Board would like a separate section for Caregivers before the Workshop.

96

97 Discussion around expanding the allowed zones ensued. Traffic and density discussed,
98 along with maximum number or distance limits.

99

100 The Board consensus was to keep marijuana in the Commercial and Mixed-Use zones
101 only. They agreed to 500 ft for distance. Annual electrical affidavit for cultivation facilities
102 agreed upon. Square footage of the retail space discussed.

103

104 Chair Dunkelberger closed the public hearing.

105 Discussion continued around the square footage of retail space.

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

109

110 **OLD BUSINESS**

111

112 1:26:50

113 **ITEM 1— Land Use and Development Code Amendments—Recodification of Title** 114 **16 Discussion— 16.9 Other Development Review**

115 Action: Review and discuss the proposed amendments and continue to a subsequent
116 meeting. To amend Title 16 by reorganizing the title while modifying certain provisions

117 therein to align with the Town’s Comprehensive Plan and Planning Board’s goals and
118 objectives.

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120 The Board reviewed section 16.9 page by page, discussing and making corrections as
121 needed.

122
123 **OTHER BUSINESS**

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125 1:43:30

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

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128 Chair Dunkelberger reminded the Board of the upcoming workshop, and Title 5. The
129 Town Manager wanted the Board to know that the STAR Theater is open for in person
130 meetings with social distancing and masks. The Board preferred to continue online
131 meetings.

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133 1:46:11

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

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136 Mr. McDonough told the Board there will be a Right-of-Way Plan at the next meeting, as
137 well as a Shoreland Plan. There will be no zoning amendments.

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139 1:47:05

140 **Adjournment**

141
142 **Mr. White moved to adjourn the meeting. Seconded by Mr. Ledgett. The motion**
143 **passed by roll call vote 6-0-0.**

144
145 The Kittery Planning Board meeting of March 11, 2021 adjourned at 7:44 p.m.

146
147 Submitted by Carrie Varao, Development Staff Clerk on January 20, 2022.

148
149 Disclaimer: The following minutes constitute the author’s understanding of the meeting.
150 Whilst every effort has been made to ensure the accuracy of the information, the
151 minutes are not intended as a verbatim transcript of comments at the meeting, but a
152 summary of the discussion and actions that took place. For complete details, please
153 refer to the video of the meeting on the Town of Kittery website at
154 <http://www.townhallstreams.com/locations/kittery-maine>.