

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Dutch Dunkelberger, Chair

9

10 Staff: Adam Causey, Director of Planning and Kathy Connor, Project Planner

11

12 Advisory: Earledean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA-**

17

18 **APPROVAL OF MINUTES-** August 12, 2021; August 26, 2021; and September 9, 2021

19

20 **Mr. Ledgett moved to accept the minutes as presented. Seconded by Mr. White.**
21 **The motion passed 6-0-0.**

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: every effort will be made to make this run smoothly, however
28 some technical difficulties may occur. To register via Zoom visit

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

30 <https://www.kitteryme.gov/planning-board>

31 Public comment and opinion are welcome during this meeting. However, comments and
32 opinions related to development projects currently being reviewed by the Planning
33 Board will be heard only during a scheduled public hearing when all interested parties
34 have the opportunity to participate. Those providing comment must state clearly their
35 name and address, and record it in writing at the podium. Further, the public may submit
36 written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed
37 comments should be sent to acausey@kitteryme.org. Comments received by noon on
38 the day of the meeting will become part of the public record and may be read in whole
39 or in summary by the Planning Board or Town Staff.

40
41 Public comment was heard from Lois Marshall, and Dan Gipson. Vice Chair Kalmar
42 read a received written comment from Filomena Knowles
43 Vice Chair Kalmar closed the public comments.

44
45 **OLD BUSINESS**

46
47 15:30

48 **ITEM 1— 52 State Road—Shoreland Development and Final Site Plan Review**

49 Action: continue public hearing to a subsequent meeting, approve or deny plan:

50 Pursuant to §16.3 *Land Use Regulations*, Article III *Nonconformance* of §16.7 *General*
51 *Development Requirements* and §16.10 *Development Plan Application* and review of
52 the Town of Kittery Land Use and Development Code, owner/applicant Kevin
53 Cambridge and agent Attar Engineering Inc. requests approval expand a legally
54 nonconforming commercial structure and construct a 26-space parking lot with
55 stormwater improvements on real property with an address of 52 State Road, (Tax Map
56 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream
57 Protection Overlay Zone (OZ-SP-75).

58
59 Mike Sudak, Attar Engineering Inc., gave an overview of the project and presented the
60 final plans to the Board.

61 The Board reviewed the list of missing items from the plan with the applicant. Mr. Sudak
62 addressed some comments from staff.

63
64 **Mr. White moved to continue. Seconded by Mr. Ledgett. The motion passed 6-0-0.**

65
66 31:50

67 **ITEM 2—8 Dexter Lane—Final Site Plan Review**

68 Action: Accept application as complete; if accepted--continue application to a
69 subsequent meeting, or set public hearing and site walk. Pursuant to 16.3 *Land Use*
70 *Regulations*, 16.6.4.D *Special Exception Use Request*, 16.8 *Design Performance*
71 *Standards for Built Environment* and §16.10 *Development Plan Application and Review*
72 of the Kittery Town Code, owner The Outlet Mall of Kittery, LLC and applicant Tree Tips
73 3, LLC with agent Attar Engineering, Inc. requests approval for a special exception use
74 to operate a Marijuana Business within an existing commercial retail space located on
75 real property with the address of 8 Dexter Avenue, Unit 8, Tax Map 47, Lot 3, in the
76 Commercial 1 (C-1) zoning district.

77
78 Brian Nielsen, Attar Engineering Inc. gave an update on the project to the Board.

79 Discussion around mold and occupancy ensued briefly.

80

81 **Mr. White moved to approve the final site plan with the stated conditions.**

82 **Seconded by Mr. Fitch. The motion passed 6-0-0.**

83 **Mr. Ledgett read the findings of fact and conditions of approval into record. The**
84 **Board approved the findings and conditions 6-0-0.**

85

86 54:22

87 **ITEM 3—98 Dennett Road and 27 Route 236—Master Site Development Plan**
88 **Review**

89 Action: Application acceptance, continue application to a subsequent meeting, or vote
90 on sketch plan application. Pursuant to 16.6 *Master Site Development* of the Kittery
91 Town Code, owners/applicants 98 Dennett Road, LLC and c/o Sheila Grant with agent
92 Hoyle, Tanner & Associates, Inc. requests sketch plan approval for a master site
93 development plan comprising 900 dwelling units, ±30,000-sf of commercial retail space,
94 ±29,000-sf of medical office space and ±42,000-sf of lab/life sciences with appurtenant
95 road and stormwater infrastructure and 13,241-sf of wetland alteration on real property
96 totaling 82 acres with an address of 98 Dennett Road, (Tax Map 12, Lot 3-1), and 27 Rt.
97 236 (Tax Map 20 Lot 13) in the Mixed-Use—Neighborhood (MU-N), Residential-
98 Suburban (R-S) and Commercial-2 (C-2) zoning districts along with Resource
99 Protection (OZ-RP) and Stream Protection (OZ-75-SP) Overlay Zones.

100

101 Shawn Tobey, Hoyle, Tanner & Associates Inc. gave an update to the Board on the
102 project, highlighting the changes since the last meeting.

103 Mr. Causey reviewed the Plan Review Notes with Mr. Tobey.

104 The Board requested a CMA review for the roadway and the Route 236 house lots
105 conformity.

106 Discussion on the soil study discussed briefly. Architecture and uses mentioned.

107 Eardean Wells shared concern over the proposed wetland alterations.

108

109 **Mr. Ledgett moved to continue. Seconded by Mr. White. The motion passed 6-0-0.**

110

111 **PUBLIC HEARING**

112

113 1:46:55

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

115 Action: Continue to a subsequent meeting, or vote on recommendation to Town
116 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 Amendments
117 of the Kittery Town Code, the Planning Board holds a public hearing for an amendment

118 to Title 16 proposed by the Town of Kittery seeking to delete cluster residential
119 development provisions throughout Title 16 and replace with new regulations governing
120 non-traditional subdivisions along with establishing a new chapter titled ‘16.10
121 Conservation Subdivision’.

122

123 Mr. Causey gave an overview of the amendments.

124 Vice Chair Kalmar opened the public hearing.

125 Public comment was heard from Kate Johnston and Earldean Wells.

126 Vice Chair Kalmar closed the public hearing.

127 Discussion on wetland protections continued.

128

129 **Mr. White moved to recommend to Town Council. Seconded by Mr. Ledgett. The**
130 **motion passed 6-0-0.**

131

132 2:07:30

133 **ITEM 5—Land Use and Development Code Amendments**

134 Action: Continue to a subsequent meeting, or vote on recommendation to Town
135 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.7 Amendments
136 of the Kittery Town Code, the Planning Board holds a public hearing for an amendment
137 to Title 16 proposed by the Town of Kittery seeking to require affordable housing and to
138 regulate cottage clusters within the Mixed-Use Neighborhood (MU-N) zoning district
139 (§16.4.23), and to provide clarifying language.

140

141 Mr. Causey gave an overview of the amendment.

142 Vice Chair Kalmar opened the public hearing. Written public comments by Debbie
143 Driscoll, Amy Nucci, and Lisa Linehan were read into the record by the Board. Helen
144 Betz, Old Dennett Road, made a public comment. Mr. Causey explained the “payment
145 in lieu fee” policy. Jody Curtis, Happy Avenue made a comment. Earldean Wells asked
146 about open space requirements. Kate Johnston made a comment.

147 Vice Chair Kalmar closed the public hearing.

148 Discussion continued around the “payment in lieu fee”.

149

150 **Mr. Ledgett moved to recommend to Town Council. Seconded by Mr. White. The**
151 **motion passed 6-0-0.**

152

153 2:46:00

154 **ITEM 6—Land Use and Development Code Amendments**

155 Action: Continue to a subsequent meeting, or vote on recommendation to Town
156 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments

157 of the Kittery Town Code, the Planning Board holds a public hearing for an amendment
158 to Title 16 proposed by the Town of Kittery seeking to regulate constructed wetlands
159 (§16.5.30).

160

161 Vice Chair Kalmar opened the public hearing.

162 Kate Johnston made a comment.

163 The Board gave a brief overview of the amendment. An additional public comment was
164 made by Jen Thayer. Discussion around protocols for wetland surveying ensued briefly.

165 Stormwater management systems and wetlands discussed.

166 Vice Chair Kalmar closed the public hearing.

167 The Board continued the item.

168

169 **NEW BUSINESS-** None

170

171 **OTHER BUSINESS**

172

173 3:03:55

174 **ITEM 8 – Board Member Items/Discussion**

175

176 Vice Chair Kalmar reminded the Board that there is a workshop on Monday, May 2 at 6
177 PM.

178 The Board briefly discussed the by-laws and were told to send their comments to Mr.
179 Causey.

180

181 3:06:21

182 **ITEM 9 – Town Planner/Director of Planning & Development Items**

183

184 Mr. Causey told the Board the Town is still accepting applications for the Town Planner
185 position.

186

187 3:06:43

188 **Adjournment**

189

190 **Mr. Ledgett moved to adjourn. Seconded by Mr. White. The motion passed 6-0-0.**

191

192 The Kittery Planning Board meeting of April 28, 2022 adjourned at 9:05 p.m.

193

194 Submitted by Carrie Varao, Development Staff Clerk on May 5, 2022.

195

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

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

198 minutes are not intended as a verbatim transcript of comments at the meeting, but a
199 summary of the discussion and actions that took place. For complete details, please
200 refer to the video of the meeting on the Town of Kittery website at
201 <http://www.townhallstreams.com/locations/kittery-maine>.