

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent: none

10

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

12

13 Advisory: Nanci Lovett, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA-** Chair Dunkelberger noted that Item 5 has been postponed.

18

19 **APPROVAL OF MINUTES-** September 15, 2020 (workshop); December 10, 2020;
20 December 9, 2021; April 14, 2022

21

22 April 14, 2022: line 52 add the zone “mixed-use neighborhood”.

23

24 **Mr. Ledgett moved to accept the minutes as amended. Seconded by Vice Chair**
25 **Kalmar. The motion passed 7-0-0.**

26

27 **PUBLIC COMMENTS**

28

29 The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom
30 will be recognized during the public hearings and public comment portion of the
31 meeting. Please note: every effort will be made to make this run smoothly, however
32 some technical difficulties may occur. To register via Zoom visit

33 https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzqXJDsCeyg or at

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

35 Public comment and opinion are welcome during this meeting. However, comments and
36 opinions related to development projects currently being reviewed by the Planning
37 Board will be heard only during a scheduled public hearing when all interested parties
38 have the opportunity to participate. Those providing comment must state clearly their
39 name and address, and record it in writing at the podium. Further, the public may submit

40 written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed
41 comments should be sent to acausey@kitteryme.org. Comments received by noon on
42 the day of the meeting will become part of the public record and may be read in whole
43 or in summary by the Planning Board or Town Staff.

44

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

46

47 **OLD BUSINESS**

48

49 5:25

50 **ITEM 1— 460 US Route 1 – Site Plan Modification**

51 Action: Continue to a subsequent meeting, approve or deny plan. Pursuant to §16.4.23
52 Mixed-Use, §16.7 Site Plan Review and of the Town of Kittery Land Use and
53 Development Code, the Planning Board shall consider a Site Plan modification
54 application from applicant PigPenPartners and agent Civil Consultants requesting
55 approval to construct 10,000-sf outdoor dining space with a 180-sf outdoor bar and
56 converting 360-sf of customer access space within the restaurant to employee space on
57 real property with an address of 460 U.S. Route 1 (Tax Map 61, Lot 27A) located in the
58 Mixed-Use (MU) Zone and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP)
59 Overlay Zones.

60

61 Neil Rapoza, Civil Consultants, gave the Board updated plans. He reviewed the updates
62 regarding previous comments from the Board, including the lighting, crosswalks, water
63 lines, vegetation, parking, signage for occupancy limit, walkways and fencing.

64 The Board had no other comments.

65

66 **Vice Chair Kalmar moved to accept the plan as complete. Seconded by Mr. White.**
67 **The motion passed 7-0-0.**

68 **Vice Chair Kalmar moved to approve the plan with the stated conditions.**
69 **Seconded by Mr. Ledgett. The motion passed 7-0-0.**

70 **Vice Chair Kalmar read the findings of fact into record. The Board moved to**
71 **approve the findings, 7-0-0.**

72 **Vice Chair Kalmar read the stated conditions of approval into record. The Board**
73 **moved to approve 7-0-0.**

74

75 27:25

76 **ITEM 2 – 523 US Route 1 – Final Site Plan Review**

77 Action: Continue to a subsequent meeting; approve or deny plan. Pursuant to §16.3.23
78 Mixed-Use, §16.7 Site Plan Review of the Town of Kittery Land Use and Development

79 Code, the Planning Board shall consider a final site plan application from applicant GSC
80 Enterprises, LLC and agent Haley Ward, Inc. requesting final approval to construct
81 1,010-sf coffee shop with a drive-through with appurtenant infrastructure and
82 landscaping on real property with an address of 523 U.S. Route 1 (Tax Map 68, Lot 26)
83 located in the Mixed-Use (MU) Zone.

84
85 Sean Thies, Haley Ward Inc., gave an update to the Board regarding notes added to the
86 plan. Updates included: geotechnical notes, stormwater management and maintenance,
87 grading, and landscaping.

88 The Board requested an operation and maintenance plan. The Board asked for
89 clarification on who is responsible for the areas on the lot. Discussion continued on the
90 operation manual to include stormwater management and snow removal. The lighting
91 plan was discussed. Post-construction stormwater management plan requested. Mr.
92 Causey clarified what is needed in the plan. The roof waiver discussed briefly. The
93 deficiency in the ordinance regarding a drive-thru restaurant with no seating discussed.
94 The picnic tables and parking mentioned. Slope grade clarified. The entrance on Route
95 1 was mentioned, with CMA support.

96

97 **Vice Chair Kalmar moved to continue. Seconded by Mr. Ledgett.**

98 Mr. White asked the reason for continuance, and Chair Dunkelberger replied that the
99 applicant should provide the operation and maintenance plan. Discussion continued.

100 **The motion passed 7-0-0.**

101 **Vice Chair Kalmar moved to amend the motion, to continue the plan to a date not**
102 **to exceed the first meeting in June. Seconded by Mr. Ledgett. The motion passed**
103 **7-0-0.**

104

105 54:00

106 **ITEM 3 – Constructed Wetlands – Land Use & Development Code Amendment**

107 Action: Continue to a subsequent meeting, or vote on recommendation to Town
108 Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 Amendments
109 of the Kittery Town Code, the Planning Board holds a public hearing for an amendment
110 to Title 16 proposed by the Town of Kittery seeking to regulate constructed wetlands
111 (§16.5.30).

112

113 There was no discussion from the Board.

114

115 **Vice Chair moved to forward the amendment to Town Council. Seconded by Mr.**
116 **Ledgett. The motion passed 7-0-0.**

117

118 PUBLIC HEARING- None

119

120 NEW BUSINESS

121

122 56:28

123 ITEM 4 – 32 Pocahontas Road – Shoreland Development Plan

124 Action: Accept or deny application as complete; if accepted, continue application to a
125 subsequent meeting, set public hearing and/or site walk (discretionary), or approve or
126 deny application: Pursuant to 16.4 Land Use Regulations, §16.9.3 Shoreland
127 Development Review and Article III Nonconformance of §16.7 General Development
128 Requirements of the Town of Kittery Land Use and Development Code, owner/applicant
129 Edward and Carol Besade request approval to expand a legally non-conforming
130 accessory structure on a legally non-conforming lot within the base zone setback of the
131 Shoreland Overlay Zone located on real property with the address of 32 Pocahontas
132 Road, Tax Map 51, Lot 3, in the Residential-Rural Conservation Zone (R-RC),
133 Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-
134 RP).

135 Mr. Besade gave an overview of the plan to the Board.

136 The Board asked about the driveway and the neighbor. Mr. Ledgett asked for more
137 details on the current shape of the deck and the area that the applicant wants to
138 expand. The Board did not want a site walk.

139 **Mr. White moved to approve the application. Seconded by Mr. Ledgett. The**
140 **motion passed 7-0-0.**

141 The Board will read the findings at the next meeting, on May 26, 2022.

142

143 1:07:16

144 ITEM 5 – 35 Badgers Island – Shoreland Development Plan

145 Action: Accept or deny application as complete; if accepted, continue application to a
146 subsequent meeting, set public hearing and/or site walk (discretionary), or approve or
147 deny application: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland
148 Development Review requirements of the Town of Kittery Land Use and Development
149 Code, owner B.I.W. Group, LLC and agent Steven Riker with Ambit Engineering request
150 approval to repair and construct stone revetments on a legally conforming lot located on
151 real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the
152 Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'), and
153 Resource Protection Overlay Zone (OZ-RP).

154

155 Item postponed while under Kittery Port Authority review.

156 The owner introduced himself to the Board and asked a few procedural questions.

157

158 1:11:15

159 **ITEM 6 – 0 Route 236 – Site Plan Modification**

160 Action: Continue to a subsequent meeting; approve or deny plan: Owner/applicant

161 Waebak LLC and agent Sarah Simon with GPI Engineering request consideration of a
162 Site Plan modification to include the construction of a gravity sewer connection to the
163 approved car wash on a 324,233-sf lot located at the corner of Route 236 and
164 MacKenzie Lane (Tax Map 28, Lot 25D) in the Commercial Zone (C-2).

165

166 David Jordan, GPI Engineering gave an overview of the plan.

167 The Board clarified that the water recycling was still correct. Mr. Jordan asked for
168 clarification on the underground utilities with UniTel.

169

170 **Vice Chair Kalmar moved to approve the plan. Seconded by Mr. White. The**
171 **motion passed 7-0-0.**

172 **Vice Chair Kalmar read the findings of fact into record. The Board moved to**
173 **approve the findings, 7-0-0.**

174 **Vice Chair Kalmar read the stated waivers and conditions of approval into record.**
175 **The Board moved to approve 7-0-0.**

176

177 **OTHER BUSINESS**

178

179 1:30:04

180 **ITEM 7 – Board Member Items/Discussion**

181

182 Mr. Causey noted the recent changes in the bylaw document.

183 **Mr. Ledgett moved to approve the bylaws as amended. Seconded by Vice Chair**
184 **Kalmar.**

185 Mr. Bellantone made several comments.

186 **The motion passed 7-0-0.**

187

188 1:34:28

189 **ITEM 8 – Town Planner/Director of Planning & Development Items**

190

191 Mr. Causey discussed changing the newspaper that advertising is placed in and the
192 budget.

193

194 1:36:30

195 **Adjournment**

196

197 **Mr. Ledgett moved to adjourn. Seconded by Mr. Fitch. The motion passed 7-0-0.**

198

199 The Kittery Planning Board meeting of May 12, 2022 adjourned at 7:37 p.m.

200

201 Submitted by Carrie Varao, Development Staff Clerk on June 2, 2022.

202

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

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

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

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

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

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