

1 **CALL TO ORDER**

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3 **ROLL CALL**

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

7

8 Absent: Drew Fitch, Member

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

11

12 Advisory: Earldean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

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16 **APPROVAL OF AGENDA-**

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18 **APPROVAL OF MINUTES-** September 23, 2021; March 24, 2022; April 28, 2022

19

20 September 23, 2021: line 77 change "tile" to "title"

21

22 **Vice Chair Kalmar moved to accept the minutes as amended. Seconded by Mr.**  
23 **Perry. The motion passed 6-0-0.**

24

25 **PUBLIC COMMENTS**

26

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

31 [https://us02web.zoom.us/webinar/register/WN\\_SSk-9Fq5T-uApy5s5UZFYA](https://us02web.zoom.us/webinar/register/WN_SSk-9Fq5T-uApy5s5UZFYA) or at  
32 <https://www.kitteryme.gov/planning-board>

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

40 the day of the meeting will become part of the public record and may be read in whole  
41 or in summary by the Planning Board or Town Staff.

42

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

44

45 **PRESENTATIONS**

46 Jessa Kellogg with the Department of Public Works presented the annual MS4  
47 stormwater update.

48 Kristie Rabasca, Integrated Environmental Engineering Inc. presented to the Board.  
49 Timelines and process discussed briefly.

50

51 **OLD BUSINESS**

52

53 34:38

54 **ITEM 1 – 32 Pocahontas Road – Findings of Fact**

55 Action: Approve or deny Findings of Fact: Consider Findings of Fact for owner/applicant  
56 Edward and Carol Besade’s approval to expand a legally non-conforming accessory  
57 structure on a legally non-conforming lot within the base zone setback of the Shoreland  
58 Overlay Zone located on real property with the address of 32 Pocahontas Road, Tax  
59 Map 51, Lot 3, in the Residential-Rural Conservation Zone (R-RC), Shoreland Overlay  
60 Zone (OZ-SL-250’), and Resource Protection Overlay Zone (OZ-RP).

61

62 **Vice Chair Kalmar read the findings of fact into record. The Board moved to**  
63 **approve each finding, 6-0-0.**

64 **Vice Chair Kalmar read the conditions of approval. The Board moved to approve**  
65 **6-0-0.**

66

67 42:29

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

69 Action: Continue to a subsequent meeting; approve or deny plan. Pursuant to §16.4.23  
70 Mixed-Use Zone and §16.7 Site Plan Review of the Kittery Land Use and Development  
71 Code, applicant GSC Enterprises, LLC and agent Haley Ward request approval to  
72 construct a 1,010-sf coffee shop with a drive-through with appurtenant infrastructure  
73 and landscaping on real property with an address of 523 U.S. Route 1 (Tax Map 68, Lot  
74 26) located in the Mixed-Use (MU) Zone.

75

76 Sean Thies, Haley Ward updated the Board with an operations maintenance manual.  
77 Chair Dunklberger mentioned the property owner or the lessee’s responsibility for the  
78 maintenance of the property. Discussion ensued on the difference between the lot and

79 the leased area of the lot. Vegetation on the rest of the lot discussed. The need for a  
80 legal review discussed. Discussion ensued around the leased portion and the question  
81 of whether the owner should be the applicant, instead of the lessee.

82

83 **Mr. White moved to approve the waiver from Section 16.5.27.E.(2). Seconded by**  
84 **Mr. Perry. The motion passed 6-0-0.**

85 **Mr. White moved to approve the waiver from Section 16.7.11.H. Seconded by Mr.**  
86 **Ledgett. The motion passed 6-0-0.**

87 **Mr. White moved to approve the flat roof waiver. Seconded by Mr. Perry. The**  
88 **motion passed 6-0-0.**

89 **Mr. White moved to approve the final plan with the stated condition. Seconded by**  
90 **Vice Chair Kalmar. The motion passed 6-0-0.**

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

93 **Chair Dunkelberger read the approved waivers into the record.**

94 **Vice Chair Kalmar read the conditions of approval into the record. The Board**  
95 **moved to approve 6-0-0.**

96

97 The owner of Aroma Joes spoke to the Board and thanked them.

98

99 1:32:00

100 **ITEM 3 – 41 Route 236 – Sketch Site Plan Review**

101 Action: Accept application as complete; if accepted, set site walk. Pursuant to 16.4 Land  
102 Use Regulations, 16.4.20 Special Exception Use Request, 16.5.32 Marijuana Business,  
103 and 16.7 Site Plan Review of the Town of Kittery Land Use and Development Code,  
104 owner LaPierre Properties, LLC and applicant Well Field 44, LLC with agent Attar  
105 Engineering, Inc. requests approval for a special exception use to construct a 1,034-sf  
106 Marijuana Business with appurtenant infrastructure and a wetland alteration of 3,001-sf,  
107 located on real property with the address of 41 Route 236, Tax Map 29, Lot 1, in the  
108 Commercial 2 (C-2) zoning district.

109

110 Brian Nielsen, Attar Engineering, Inc. introduced the project. He reviewed the plans  
111 briefly and asked the Board for questions.

112 Discussion ensued on: the traffic and the intersection; sidewalk and lighting; wetland fill  
113 and BOA variance; Martin Road impacts; vernal pools; hydrological study; and  
114 stormwater management.

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116 **Mr. White moved to accept the sketch plan application. Seconded by Mr.**  
117 **Bellantone. The motion passed 6-0-0.**

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2:04:04

**ITEM 4 – 52 State Road – Final Site Plan Review**

Action: Approve or deny plan: Pursuant to §16.4.18 B-L1 Zone and §16.1.8 General Development Requirements of the Kittery Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering requests approval to expand a legally nonconforming commercial structure and construct a 26-space parking lot with stormwater improvements on real property with an address of 52 State Road (Tax Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone.

Mike Sudak, Attar Engineering Inc. reviewed the plan changes since the last meeting addressing comments.

Snow storage discussed briefly.

**Mr. White moved to approve the final plan with stated conditions. Seconded by Mr. Perry. The motion passed 6-0-0.**

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

**Vice Chair Kalmar read the conditions of approval into the record. The Board moved to approve 6-0-0.**

**PUBLIC HEARING-** None

**NEW BUSINESS-** None

**OTHER BUSINESS**

2:21:39

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

The Board received a clean copy of the Planning Board by-laws.

2:22:55

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

2:23:52

**Adjournment**

**Vice Chair Kalmar moved to adjourn. Seconded by Mr. Ledgett. The motion passed 6-0-0.**

158

159 The Kittery Planning Board meeting of May 26, 2022 adjourned at 8:27 p.m.

160

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

162

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

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

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

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

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

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