

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Steve Bellantone, Member

9

10 Staff: Bart McDonough, Town Planner

11

12 Advisory: Earledean Wells, Conservation Commission

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 **APPROVAL OF MINUTES-** July 8, 2021, June 24, 2021, and June 10, 2021

19

20 June 10, 2021

21 Mr. White made a correction for the minutes on line 160. Mr. Ledgett made a correction
22 on line 110.

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

25

26 June 24, 2021

27 **Vice Chair Kalmar moved to accept the minutes as presented. Seconded by Mr.**
28 **White. The motion passed 4-2-0.**

29

30 July 8, 2021

31 Mr. Ledgett made a correction on line 85. Chair Dunkelberger made a correction on line
32 90.

33 **Vice Chair Kalmar moved to accept the minutes as amended. Seconded by Mr.**
34 **White. The motion passed 6-0-0.**

35

36 **PUBLIC COMMENTS**

37

38 5:35

39 The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom
40 will be recognized during the public hearings and public comment portion of the
41 meeting. Please note, the Town is testing its hybrid meeting technology. Every effort will
42 be made to make this run smoothly, however some technical difficulties may occur as
43 the Town implements this new approach. To register via Zoom:

44 https://us02web.zoom.us/webinar/register/WN_SSk-9Fq5T-uApy5s5UZFYA

45 After registering, you will receive a confirmation email containing information about
46 joining the webinar. Webinar participants will be able to submit questions and comments
47 during a public hearing. The public may submit public comments for the DISCUSSION
48 agenda item via email, US Mail, or by dropping written comments in the Drop Box
49 outside the Town Hall entrance. Emailed comments should be sent to
50 bmcdonough@kitteryme.org. Comments received by noon on the day of the meeting
51 will become part of the public record and may be read in whole or in summary by the
52 Planning Board Chair or Town Planner.

53

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

55

56 **OLD BUSINESS**

57 None

58

59 **Public Hearing**

60

61 7:20

62 **ITEM 1—Land Use Development Code Amendments—Proposed Revisions to Title** 63 **16 to Amend Distant Requirements between a Gas Station and Protective** 64 **Structures.**

65 Action: Continue to a subsequent meeting, close public hearing, issue recommendation
66 to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9
67 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning
68 Board seeks to hold a public hearing for a proposed amendment to §16.3 *Land Use*
69 *Regulations* from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP
70 by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline
71 Sales and protected uses and certain types of structures.

72

73 Sandra Guay, Archipelago Law, LLP presented the application. She reviewed the site
74 and the renderings of the Cumberland Farms on the site. Ms. Guay reviewed where the
75 proposed structure does not meet the setbacks. She reviewed the proposed
76 amendments to the ordinance. She addressed some comments from the Planner notes,

77 and discussed the Town’s Comprehensive Plan in terms of the application. Ms. Guay
78 opened up her presentation to questions.

79 Mr. Dunkelberger asked the Board members about the limits in the code and its
80 relevance.

81 Mr. Ledgett discussed the need for the allowing a gas station instead of just the retail
82 convenience store, in terms of changing the code.

83 Mr. McDonough reviewed what the Board requested from the last meeting. He reviewed
84 what the impact of the changes would have on the C-1 zone. He told the Board that
85 they, and Town Council will ultimately need to ask if another gas station is needed on
86 Route 1 and if that is in the vision for the area. Mr. McDonough suggested the Board
87 obtain an engineer’s opinion on the tanks, and then discuss the future of “post gasoline”
88 as cars become electric.

89 Ms. Guay responded, and noted that despite gas stations being allowed in the zone,
90 because of the ordinance there are no locations. She noted that the parcel has been
91 vacant, and the development would enhance the area.

92 The underground storage tanks were discussed in detail.

93 EV charging discussed briefly. The buffer discussed in terms of explosions and
94 hazardous materials.

95 Chair Dunkelberger opened the item up to the public for comment.

96 Craig Wilson, 22 Charles Hill Road, commented that the concerns from the neighbors in
97 a previous, similar situation were about trash, noise and lighting. There was no concern
98 from the residences about fire and explosions.

99 There were no public comments on Zoom.

100 Chair Dunkelberger read one received comment into the record from Keith Lemont,
101 operator of Pine Tree Country Store.

102 Chair Dunkelberger closed the public hearing.

103 The Board continued the discussion around changing the code, and the redevelopment
104 of the area.

105 **Mr. Ledgett moved to not recommend the amendment to Town Council. Seconded**
106 **by Mr. Perry. The motion passed 4-0-2.**

107

108 **NEW BUSINESS**

109

110 1:05:49

111 **ITEM 2—Wetland Alteration Plan—Charles Hill Road (Map 63 Lot 34)**

112 Action: Accept/deny plan as complete, continue to subsequent meeting, set site walk
113 and/or public hearing, approve or deny application. Pursuant to §16.9 Design and

114 Performance Standards for Natural Environment and 16.3 Land Use Regulations of the
115 Town of Kittery Land Use and Development Code, owner/applicant Mark and Anna

116 Kramer requests approval to alter a wetland by 2,600-sf to accommodate a driveway to

117 access the lot's buildable sections on real property at Tax Map 63 - Lot 34, located
118 within the Residential-Rural (R-RL) zone and the Shoreland (OZ-SL-250) and Resource
119 Protection (OZ-RP) Overlay Zones.

120

121 Lewis Chamberlain, Attar Engineering, Inc. gave an overview of the project. He
122 explained how the location of the driveway and the house minimized the impact of the
123 wetland.

124 The Board asked questions regarding where the wetland drains and wetland impacts.
125 Discussion around the flag lot, and the lot formation and history continued. The Board
126 and applicant discussed wetland protections, buffers and impacts.

127 Eardean Wells reported that the Conservation Commission has not reviewed the plans
128 yet. Concerns over the buffer, the driveway and floodplain, culverts and a bridge were
129 expressed. Timelines for the meetings discussed.

130 CMA review and stormwater plan discussed briefly.

131 **Mr. White moved to accept the application as complete. Seconded by Mr. Ledgett.**

132 **The motion passed 6-0-0.**

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

134 **Vice Chair Kalmar moved to approve the application with conditions. Seconded**
135 **by Mr. White. The motion passed 6-0-0.**

136 **Vice Chair Kalmar read the findings of fact into record. The Board approved the**
137 **findings 6-0-0.**

138 Vice Chair Kalmar and Mr. McDonough read the conditions of approval into record.

139 Discussion on the no cut, no disturb buffer ensued.

140 Discussion on the application process for Conservation Commission continued.

141

142 **OTHER BUSINESS**

143

144 2:03:54

145 **ITEM 3 – Board Member Items/Discussion**

146

147 Chair Dunkelberger thanked the Board for attending the webinar. Discussion around the
148 need of alternate members for the board, and hybrid "Zoom" meeting ordinance creation
149 followed.

150

151 2:13:13

152 **ITEM 4 – Town Planner/Director of Planning & Development Items**

153

154 Mr. McDonough told the Board about the upcoming meeting agenda.

155

156 2:14:18

157 **Adjournment**

158

159 **Mr. Ledgett moved to adjourn the meeting. Seconded by Mr. Perry. The motion**
160 **passed 6-0-0.**

161

162 The Kittery Planning Board meeting of July 22, 2021 adjourned at 8:09 p.m.

163

164 Submitted by Carrie Varao, Development Staff Clerk on March 10, 2022.

165

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

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

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

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

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

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