

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Russell White, Member, and Drew Fitch, Member

9

10 Staff: Adam Causey, Director of Planning

11

12 Advisory: None

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 **PUBLIC COMMENTS**

19

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

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

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

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

35

36 Chair Dunkelberger read a public comment from Sue Johnson regarding mold and
37 marijuana.

38 There being no other public comments, the Chair closed the public comments.

39

40 **OLD BUSINESS-**

41

42 6:21

43 **Item 1 – 134 Whipple Road – Shoreland Development Plan, Public Hearing**

44 Action: Close public hearing; Continue, Approve, or Deny the plan. Owners/Applicants
45 Nicolas and Amy Mercier request approval for a shoreland development plan on a
46 legally non-conforming lot with a legally non-conforming structure which will be replaced
47 per a Shoreland Development Plan approved by the Planning Board last year to
48 construct a seawall located within the base zone setback of the Shoreland Overlay
49 Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot
50 6A, in the Residential-Urban (R-U) Zone and the Shoreland (SL-OZ-250) Overlay Zone.

51

52 Erik Saari, Altus Engineering, Inc. reviewed updated plans since the site walk.

53 The landscape plan was reviewed and discussed.

54 The structural design of the wall needs to be updated, and the engineer will be on site
55 during the project. CMA will also have access to the site.

56 Chair Dunkelberger opened the item to the public for comment. There being no
57 comments, the Chair closed the public hearing.

58 Vice Chair Kalmar asked for clarification on the CMA review process with the applicant's
59 engineer.

60 Mr. Ledgett asked about armoring the seawall and DEP discussions and approval. Mr.

61 Saari replied that DEP approval is in process. Discussion on the wall and impacts
62 ensued.

63 Mr. Saari gave an update on the DEP approval, stating the project required a different
64 permit due to the threshold.

65 CMA recommends waiting until the NRPA approval before permitting the project.

66 Mr. Mercier discussed an in-kind replacement of the wall replacement with the changes,
67 in terms of ordering the building materials and the direction of the Board. Discussion
68 continued on the process of in-kind approvals.

69

70 **Mr. Ledgett moved to continue the application to August 25, 2022. Seconded by**
71 **Mr. Perry. The motion passed by roll call vote 5-0-0.**

72

73 33:30

74 **Item 2 – 181 State Road – Major Site Sketch Plan, Marijuana Business**

75 Action: Accept or Deny plan as complete; Continue application to a subsequent
76 meeting; Set site walk Pursuant to 16.4 Land Use Zone Regulations, 16.5.32 Marijuana
77 Business, and 16.7 Site Plan Review of the Town of Kittery Land Use and Development
78 Code, applicant IDC 5, LLC and agent Sebago Technics request approval for special

79 exception use to construct a 2,908-sf Marijuana Business on real property with an
80 address of 181 State Road (Tax Map 22, Lot 4) located in the Commercial (C-3) Zone

81
82 Craig Burgess, Sebago Technics reviewed the changes of the project to the Board.
83 Chair Dunkelberger asked about his prior request of the plan depicting the State right-
84 of-way and what the applicant is proposing to do with it. The applicant discussed DOT
85 approvals and feedback. Front door location discussion briefly.

86 Vice Chair Kalmar asked about stormwater and pavement.

87 Mr. Perry discussed traffic and the BL1 zones.

88 Discussion on split zoning ensued with Mr. Causey and the Board.

89 Traffic analysis and curb cuts discussed. Mr. Causey suggested that the applicant start
90 the process with DOT before preliminary.

91 **Vice Chair Kalmar moved to continue the application for a period not to exceed 90**
92 **days, with stated information needed for acceptance. Seconded by Mr. Ledgett.**
93 **The motion passed 5-0-0.**

94
95 **NEW BUSINESS-** None

96
97 **APPROVAL OF MINUTES**

98
99 1:02:50

100 **ITEM 3 – July 14, 2022**

101
102 **Vice Chair Kalmar moved to approve the minutes as written. Seconded by Mr.**
103 **Perry. The motion passed 4-0-1. Mr. Bellantone abstained.**

104
105 1:03:45

106 **BOARD MEMBER ITEMS-** None

107
108 1:04:00

109 **TOWN STAFF ITEMS-**

110
111 Mr. Causey told the Board that there are a few interviews scheduled for the Town Planner
112 position. The hydrologic study RFP has been released. The moratorium for the zoning
113 change is 8/12/2022.

114
115 1:05:37

116 **Adjournment**

117
118 **Mr. Perry moved to adjourn. Seconded by Mr. Ledgett. The motion passed 5-0-0.**

119

120 The Kittery Planning Board meeting of July 28, 2022 adjourned at 7:06 p.m.

121

122 Submitted by Carrie Varao, Development Staff Clerk on August 2, 2022.

123

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

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

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

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

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

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