

CALL TO ORDER

ROLL CALL

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

Absent: none

Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning, and Kathy Connor, Project Planner

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

With the Board's concurrence, Chair Dunkelberger moved Item 3 to the first agenda item.

Vice Chair Kalmar moved to amend the agenda. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

APPROVAL OF MINUTES- None

PUBLIC COMMENTS

Public comment and opinion are welcome during this open session. However, comments related to development projects currently under review by the Planning Board shall be heard only during their respective scheduled public hearing. Due to the current pandemic, all meetings and public hearings held by the Planning Board are conducted via Zoom webinar. To register in advance for the webinar, please submit a request to bmcdonough@kitteryme.org. After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during the public hearing and public comment period. Members of the public unable to participate during the webinar may submit comments for agenda items via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to

bmcdonough@kitteryme.org. Comments received by noon on the day of the meeting will be read into the record by the Planning Board Chair.

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

NEW BUSINESS

3:50

ITEM 3—70-78 Wallingford Square—Shoreland Development Plan

Action: Accept or deny plan, continue agenda item to a subsequent meeting, schedule a site walk and/or public hearing, or approve or deny plan: Pursuant to §16.10.3.2 *Other Development Review* and §16.10.3.4 *Shoreland Development Review* of the Town of Kittery Land Use Development Code, owner/applicant Jeffrey Kilty requests approval for a shoreland development plan proposing to expand the use of an existing restaurant by 500- sf by converting an existing retail space within a legally non-conforming structure on a legally non-conforming lot located in the Shoreland Overlay Zone on real property with the address of 70-78 Wallingford Square, Tax Map 4 Lot 81, in the Mixed-Use-Kittery Foreside (MU-KF) Zone and Shoreland (OZ-250-SL) and Resource Protection (OZ-RP) Overlay Zones.

Mr. McDonough gave the Board an overview of the project.

Mr. Kilty described the application to the Board in more detail, including the reason for the application and requested waivers. Parking leases were explained.

Mr. Perry asked about parking in more detail. Mr. Kilty replied to the concern. Chair Dunkelberger did not see anything wrong with the plan.

Vice Chair Kalmar moved to accept the plan. Seconded by Mr. White. The motion passed by roll call vote 7-0-0.

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

Vice Chair Kalmar moved to waive the plan submittal requirements of 16.10.5.2.B. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

Mr. White moved to approve the application with the stated conditions. Seconded by Mr. Fitch. The motion passed by roll call vote 7-0-0.

Vice Chair Kalmar read the findings of fact, with no exceptions from members. The Board voted to approve the findings of fact by roll call vote, 7-0-0.

PUBLIC HEARING

24:33

ITEM 1— Land Use Development Code Amendments—To Amend §16.2 Definitions and §16.8 Design and Performance Standards for Built Environment

Action: Continue or close public hearing, recommend or not recommend to Town Council. Pursuant to M.R.S.A Title 30-A, §4352 and §16.1.9 *Amendment* of the Town of Kittery Land Use Development Code, the Planning Board shall hold a public hearing to amend both §16.2 *Definitions* and §16.8 *Design and Performance Standards for Built Environment* to add respectively a new definition and performance standards related to outdoor dining, or take any other action relative thereto.

Chair Dunkelberger opened the public hearing. Mr. McDonough gave a description to the public on the changes in the ordinance. Ms. Connor requested the changes to line 40 be reflected in the current document.

Chair Dunkelberger shared a concern for disconnects. He opened the discussion up to other Board member comments.

Vice Chair Kalmar asked about roof covers. Staff addressed her question.

Mr. Causey commented on commercial areas and one oversight in MU-BI, line 15.

There were no public comments. There were no further comments.

Chair Dunkelberger closed the public hearing.

Vice Chair Kalmar moved to recommend the amended ordinance to Town Council. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.

OLD BUSINESS

36:27

ITEM 2— Land Use Development Code Amendments—Recodification of Title 16 — 16.3 Definitions

Action: Review and discuss the proposed amendments and continue to a subsequent meeting. To amend Title 16 to reorganize and modify certain provisions within the title that align with the Town's Comprehensive Plan and Planning Board's goals and objectives.

Vice Chair Kalmar questioned the purpose statement. Discussion briefly continued on the purpose statement.

The Board reviewed the definitions page by page, discussing and making corrections as needed.

Deferment to Performance Standards discussed for various definition questions.

Mr. McDonough stated he did not want to amend definitions related to newly enacted ordinances.

Brief discussion ensued regarding enforcement of ordinances and the relationship of the ordinance to the definitions.

OTHER BUSINESS

2:53:13

ITEM 4 – Board Member Items/Discussion

Chair Dunkelberger told the Board that he will put the review of Section last on the agenda since there are fewer upcoming meetings.

2:54:04

ITEM 5 – Town Planner/Director of Planning & Development Items

Mr. McDonough gave an update to the Board regarding 76 Dennett Rd requesting an update to their approved plan.

2:55:30

Adjournment

Mr. Ledgett moved to adjourn the meeting. Seconded by Mr. Fitch. The motion passed by roll call vote 7-0-0.

The Kittery Planning Board meeting of November 12, 2020 adjourned at 8:54 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 21, 2021.

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.