

**CALL TO ORDER**

**ROLL CALL**

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

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

Staff: Bart McDonough, Town Planner and Kathy Connor, Project Planner

Advisory: Earledean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES-** May 5, 2020; June 25, 2020; July 23; 2020; August 13, 2020

One correction made for June 25, 2020, line 114.

**Vice Chair Kalmar moved to approve the minutes. Seconded by Mr. Perry. The motion passed by roll call vote 5-0-0.**

**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](mailto: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](mailto:bmcdonough@kitteryme.org). Comments received by noon on the day of the meeting will be read into the record by the Planning Board Chair.

Mr. McDonough read a public comment into the record from Gerry Burns.  
Chair Dunkelberger read a comment into the record from Jim Henry, CEO of Sweet Dirt.  
The Planning Board was interested in touring the facility.

Chair Dunkelberger opened up the public comments to the public in attendance.  
There being no comments, the Chair closed the public comments.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

11:00

#### **ITEM 1—Recommendation to Town Council expend funds from the Wetland Mitigation Fund**

Action: Recommend or not recommend to Town Council to release money from the Wetland Mitigation Fund to address invasive species impacting Fort Foster, pursuant to §16.9.3.9.3

**Vice Chair Kalmar moved to recommend to Town Council. Seconded by Mr. Ledgett. The motion passed by roll call vote 5-0-0.**

12:33

#### **ITEM 2—164 Rogers Road—Right-of-Way Plan Review**

Action: Accept or deny application; respectively schedule site walk or public hearing; approve or deny plan. Pursuant to §16.10.7.2.S *Right-of-way plan* of the Town of Kittery Land Use and Development Code, owner Melinda Birse and applicant Ryan Birse propose a new Right-Of-Way extending from Rogers Road to access a new lot not created by a subdivision located on real property with the address of 164 Rogers Road (Tax Map 22 Lot 23) in the Residential-Urban (R-U) Zone.

Chair Dunkeberger recused himself since he is an abutter to the property. Vice Chair Kalmar took over the item.

Mr. McDonough gave an overview of the plan including needed waivers.

Ryan Birse gave more details of the project, including the improvements the right of way would have on the current driveway. He addressed the requested waivers and invasive species.

Mr. McDonough told the Board that DPW and the Fire Department reviewed the plan. DPW was concerned about the three curb cuts. Sewer Department and the Water District have no comments on the plan. Discussion continued around the garage removal, setbacks, curb cuts, corner lots, and buffer setbacks.

Mr. Birse gave more details on the plan to the Board.

Mr. McDonough reviewed with the applicant what he needs to do to move the application forward. The Board did not have a problem with the waivers, but would like a cleaned-up plan. Driveway slope needed to be confirmed, and upcoming zoning amendments mentioned.

**Mr. Bellantone moved to continue the application. Seconded by Mr. Ledgett. The motion passed by roll call vote 4-0-0.**

53:05

**ITEM 3— 2 Old Ferry Lane—Shoreland Development Sketch Plan**

Action: Provide comments and feedback to applicant: Pursuant to §16.10.3.4 *Shoreland Development Review* of the Town of Kittery Land Use and Development Code, owner Forbes-Taylor Trust and applicant/agent Corey Papadopoli of Elliot Architects seek suggestions and comments from the Planning Board on a proposed Shoreland Development Plan intending to expand a legally nonconforming structure within the 25-ft and 100-ft setback of the highest annual tide on real property with an address of 2 Old Ferry Lane (Tax Map 17 Lot 14) in the Residential – Urban (R-U) and the Shoreland (OZ-SL-250') and Resource Protection (OZ-RP) Overlay Zones.

Mr. McDonough gave an introduction to the plan.

Corey Papadopoli gave an overview of the proposed plan and site. Discussion continued around expanding the structure, lot coverage, vertical expansion of a deck, roof and ceiling heights, and variances from Board of Appeals.

The Board suggested the applicant meet with other architects and staff to address the issues.

1:23:52

**ITEM 4— Land Use and Development Code Amendments—Recodification of Title 16 Discussion—16.4 Land Use Zone Regulations (Business Local (BL) and Business Local-1 (BL-1) Zoning District)**

Action: Review and discuss the proposed amendments and continue to a subsequent meeting. To amend Title 16 by reorganizing the title while modifying certain provisions therein to align with the Town's Comprehensive Plan and Planning Board's goals and objectives.

Mr. McDonough requested the Board discuss how and when this gets incorporated into the Code after discussing each page. Mr. McDonough gave the Board several options for this decision.

The Board reviewed each page of the section, discussing and making changes as needed. Ms. Connor clarified any questions from the Board.

Discussion around how to incorporate the regulations into the ordinance ensued. The recommendation was to wait for recodification, then set a public hearing for these amendments afterwards.

**OTHER BUSINESS**

1:41:10

**ITEM 4 – Board Member Items/Discussion**

Earldean Wells discussed the article she gave the Board about fertilizers and pesticides, and acknowledged it is hard for Code Enforcement to enforce. Education of the public has been the strategy other towns have used to address the issue, and incorporating measures in home associations. Discussion from the Board and staff continued.

1:54:20

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

Mr. McDonough told the Board at the next meeting they will see the Right-of-Way plan from Mr. Birse, the Homestead plan amendment and plan development, and the Litchfield subdivision review plan. He told the Board that the town will do the art barriers again, and the application is online.

1:56:55

**Adjournment**

**Vice Chair Kalmar moved to adjourn the meeting. Seconded by Mr. Ledgett. The motion passed by roll call vote 5-0-0.**

The Kittery Planning Board meeting of March 25, 2021 adjourned at 7:57 p.m.

Submitted by Carrie Varao, Development Staff Clerk on January 26, 2022.

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>.