

**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, and Adam Causey, Director of Planning

Advisory: Earldean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Chair Dunkelberger proposed moving Item 5 to Item 1, and move Item 2 to last. Seconded by Vice Chair Kalmar. 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](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.

There being none, the Chair closed the public comments.

## **OTHER BUSINESS**

4:10

### **ITEM 5 – Approval of 2021 Planning Board Meeting Schedule**

**Vice Chair Kalmar moved to adopt the schedule. Seconded by Mr. Perry. The motion passed by roll call vote 7-0-0.**

## **OLD BUSINESS**

5:03

### **ITEM 1— 459 U.S. Route 1— Sketch Plan Review / Master Site Development Plan Review**

Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or deny plan: Pursuant to §16.10.2.2 *Master Site Plan Review Process* and §16.10.4.2 *Sketch Plan Review Phase* and §16.6.4.D *Special exception use request* of the Town of Kittery Land Use Development Code, owner/applicant Middlesex Land Holdings, LLC requests the review and consideration of a sketch plan proposing a special exception application and a modification to approved master site development plan by reducing the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (eight 4-unit buildings, 16 age-restricted; 16 non-age-restricted) dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

Brian Nielsen, Attar Engineering, gave an update to the Board on the project, incorporating the feedback from the last meeting. The residential component now includes 16 age restricted units, and 16 non-age restricted units. The addition of a community center was noted with its purpose identified.

Chair Dunkelberger asked for comments from staff. Mr. McDonough noted the project reintroduces the mixed-use concept. The amenities were discussed. The project is no longer a special exception request.

Chair Dunkelberger opened up the discussion to the Board.

The community center was discussed, with questions that the stormwater plan is not impacted by the location. Other ideas for the open space discussed. Placement for the age restricted units noted, with discussion following about ensuring the age restricted units remain in perpetuity. The stormwater management design, roof pitches and

ventilation discussed briefly. Mr. McDonough suggested a community garden be added to the plan.

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

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

## **NEW BUSINESS**

27:32

**ITEM 3—76 Chauncey Creek Road—Shoreland Development Plan Review Action:** Accept or deny plan as complete; continue application to a subsequent meeting, schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland Development Review* of the Town of Kittery Land Use Development Code, owner/applicant Sarah Bartlett Upton Rollins requests approval to expand a legally nonconforming dwelling unit on a legally nonconforming lot by 440-sf within the base zone setback of the Shoreland Overlay Zone located on real property with an address of 76 Chauncey Creek Road, Tax Map 45, Lot 66, in the Residential-Kittery Point Village (R-KPV) zone and the Shoreland (SL-OZ-250) and Resource Protection (OZ-RP) Overlay Zones.

Alger Rollins presented his proposal for the project. He noted that the patios and the shed were removed, and the updated plan was given to the Board. A pathway from the house to the dock is proposed, as well as the relocation of the patio to the front of the house.

Mr. McDonough stated the purpose of the plan is to expand the dwelling unit in the front of the house. Mr. McDonough explained the plans and his notes regarding zone setbacks and de-vegetation.

Mr. Rollins clarified the pathway would be constructed with pavers.

Chair Dunkelberger opened the discussion to the Board.

The Board and staff discussed the pathway in terms of compliance with the ordinance.

Mr. Rollins also mentioned the safety of the pathway. Discussion continued on the material of the pathway, and erosion. The front patio was discussed, and the Board requested more information from the applicant.

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

The Board did not want a public hearing, and deferred a site walk until a revised plan is submitted.

58:00

**ITEM 4— 16 Norton Road—Major Subdivision Modification and Special Exception Request**

Action: Accept or deny plan as complete; continue application to a subsequent meeting; schedule site walk and/or public hearing; approve or deny plan. Pursuant to §16.10.9.3.B *Major modifications* and §16.6.4.D *Special exception use request* of the Town of Kittery Land Use and Development Code, owner/applicant Gallo Rentals, LLC requests approval for a major modification to an approved cluster subdivision and special exception request proposing the installation of twelve 24'x12' garages of which seven (7) are centered in the Resource Protection Overlay Zone located on real property with an address of 16 Norton Road, Tax Map 56 Lot 26 in the Rural Residential Zone (R-RL) and Stream Protection (OZ-SP-75) and Resource Protection (OZ-RP) Overlay Zones.

Mr. McDonough stated the applicant requested a continuance to a future meeting.

**Mr. Ledgett moved to continue the application. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

**OLD BUSINESS**

1:01:50

**ITEM 2— Land Use Development Code Amendments—Recodification of Title 16 Discussion—16.4 Land Use Regulations**

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.

The Board reviewed section 16.4 page by page, discussing and making changes as needed.

**OTHER BUSINESS**

2:22:37

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

Chair Dunkelberger assigned section 16.5 for review for the next meeting on January 14, 2021.

2:23:33

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

Mr. McDonough informed the Board of a few upcoming Shoreland Development plans, and a possible Cluster Subdivision plan. Climate Adaptation will receive the solar ordinance soon, then it will come to the Planning Board.

2:25:21

**Adjournment**

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

The Kittery Planning Board meeting of December 10, 2020 adjourned at 8:25 p.m.

Submitted by Carrie Varao, Development Staff Clerk on January 3, 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>.