

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
Council Chambers**

**APPROVED
October 27, 2016**

Chair Grinnell called the meeting to order at 8:07 p.m.

ROLL CALL

Board Members Present: Robert Harris, Dutch Dunkelberger, Debbie Driscoll-Davis, Mark Alesse, Vice Chair Karen Kalmar, Chair Ann Grinnell, Brett Costa

Staff Present: Chris Di Matteo, Town Planner

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES FROM OCTOBER 13, 2016

Page 6 – Mr. Harris abstained from the vote.

Line 176 - the Planning Office will confirm with the Board the time for this site walk.

Line 240 – change DOA to DEP

Line 332 - change to” the York River as part of a National Park Service”.

All Board members were in consensus to approve the Minutes from October 13, 2016 as amended.

The Board was in consensus to amend the agenda and review Item 3 first and Item 4 second.

PUBLIC COMMENTS

Chair Grinnell opened the floor for public comment.

Resident Joe Gasbarro described the recent Town Council meeting regarding High Point Circle and Quiet Pine Lane. He felt the Town Council was unprepared on the topic of the naming of the streets. The Board thought signage was described in the Conditions of Approval, which Mr. Di Matteo will review. Mr. Gasbarro will meet with Mr. Di Matteo to discuss. Discussion of the recent Town Council meeting ensued. Mr. Di Matteo reported there is division of the recommendations of the proposal between the Planning Board and Public Works Dept. Mr. Di Matteo stated they will revisit this issue and look for a solution. Mr. Harris mentioned mailbox numbers were also discussed.

Mr. Di Matteo stated November 3rd will be the last public forum for the Comprehensive Plan. The meeting will be from 6:00 p.m. – 8:30 p.m. and will take place at the Community Center. The Town’s website will be updated with directions on how to review the revised chapters.

OLD BUSINESS / PUBLIC HEARING

ITEM 1 - Town Code Amendment - 16.7.3 Nonconformance, 16.2.2 Definitions

Action: Hold a public hearing. Recommend to Town Council. The proposed amendment is a reorganization of the Nonconformance provision within Title 16 and updates to ordinances pertaining to the expansion of nonconforming structures within the Shoreland or Resource Protection Overlay Zones.

Chair Grinnell opened the public hearing. There being no public present, the Chair closed the public hearing.

The following comments and amendments were made:

- Line 106 – Replace “to” with “must”.
- Note 14 - “coastal and freshwater” is correct usage.
- Line 14 is redundant with lines 298-300.

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- Lines 299-300 – change sentence to “The use of land or structure, lawful at the time such use began, may continue although such use may not meet the provisions of the code”. Mr. Di Matteo will discuss wording with the State.
- Lines 237- 247 – take out “Code Enforcement Officer”.
- Lines 210 and 224 – add period after pitch.
- Lines 69 - 70 – add a period after the word “appeals” and strike out “or”. Insert at the end of second sentence “the relocation of a structure must be approved by the Planning Board”.
- Line 138 – add a period after appeals; take out “or” and add “the repair and/or expansion of a structure must be approved by the Planning Board”.
- Page 2, No. 5 – Mr. Di Matteo will review the wording of MDEP’s mandatory guidelines regarding 17 Badgers Island.
- Line 519 – add a colon or semi colon at the end.
- Line 525 – fix typo after the word “support”.

**Mr. Dunkelberger moved to recommend to Town Council adoption for Town Code Amendments Title 16.7.3 Nonconformance and 16.2.2 Definitions, as amended, for October 27, 2016.
Vice Chair Kalmar seconded the motion.**

The motion carried 6-1-0. (Mr. Costa abstained)

ITEM 2 – Town Code Amendment 16.10.5.2 Planner Review and Confirmation of Submittal Content – Preliminary Plan

Action: Hold a public hearing. Recommend to Town Council. The proposed amendment addresses requirements for a preliminary plan application submittal.

Chair Grinnell opened the public hearing. There being no public present, the Chair closed the public hearing

The following comments and amendments were made:

- Line 217 – Label “G” as “Additional submission required for review of wireless communication facilities”.

Mr. Dunkelberger moved to recommend to Town Council Town Code Amendments, Title 16.10.5.2 Planner Review and Confirmation of Submittal Content – Preliminary Plan, as amended, for October 27, 2016.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.

NEW BUSINESS

ITEM 3 – Board Member Items

Committee Updates – None.

Action List – Tabled.

ITEM 4 – Town Planner Items

Betty Welch Road (M 66 L 2A & 8)

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Mr. Di Matteo has had a request for a 90-day extension of the sketch plan of Betty Welch Road. Mr. Di Matteo stated this is the third request for an extension. The applicants are still working with the State.

Vice Chair Kalmar moved to extend a 90-day extension for the Preliminary Plan Application for Betty Welch Road (M 66 L 2A & 8).

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

B. Other – None.

Mr. Alesse moved to adjourn the meeting.

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

The Kittery Planning Board meeting of October 27, 2016 adjourned at 8:50 p.m.

Submitted by Mary Mancini, Minute Recorder, on November 2, 2016.

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>