

**CALL TO ORDER**

**ROLL CALL**

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

Absent: None

Staff: Bart McDonough, Town Planner

Advisory: Earldean Wells, Conservation Commission

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**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.

**OLD BUSINESS**

None

## **NEW BUSINESS**

### **ITEM 1— 76 Chauncey Creek Road—Shoreland Development Plan Review**

Action: Continue the agenda item to a subsequent meeting, schedule a site walk or approve or deny request: Owner Sarah Bartlett Upton Rollins requests approval for an after-the-fact construction of two accessory structures on a legally non-conforming lot, comprising a 294-sf outdoor patio and 84-sf storage shed within the base zone setback of the Shoreland Overlay Zone located on real property with the 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.

Chair Dunkelberger read to the Board the two sections of the Land Use Code that the application falls under, section 16.4.4 and 16.4.5.2.

Chair Dunkelberger read an email from the Town Planner about what the Planning Board's role in this application is since the work was done without Code approval.

Mr. McDonough gave an introduction and history of the application.

Mr. Rollins presented the application and a more detailed history of the unpermitted work.

The Board addressed questions to the applicant. Discussion continued around the shed placement and accessory structures. The Board agreed that the shed is the second accessory structure and illegal.

The applicant described the patio to the Board including the rational for installing it and his unawareness of needing a permit.

The Board discussed the patio in terms of another unpermitted structure, with emphasis that the Board cannot approve something that is not allowed by the code. Erosion control discussed briefly. Discussion continued on the Board allowing unpermitted, illegal work that would be denied by the Board otherwise.

Chair Dunkelberger asked the Board if they want a site walk. The Board did not feel it necessary.

Chair Dunkelberger asked the Board if the applicant should remove the patio. The majority said yes.

**Mr. Ledgett moved to amend the motion to remove the provision that the applicant cannot apply for a land use permit before all violations are removed. Seconded by Mr. Bellantone. The motion passed by roll call vote, 7-0-0.**

**Vice Chair Kalmar moved to deny the shoreland development plan application as amended. Seconded by Mr. Ledgett. The motion passed by roll call vote, 7-0-0.**

## **ITEM 2 – Board Member Items/Discussion**

Chair Dunkelberger reminded the Board about the Town Council meeting on the Flood Hazard Resiliency Plan.

Mr. Ledgett asked the Planner for clarification on an upcoming application from 134 Whipple Road.

## **ITEM 3 – Town Planner/Director of Planning & Development Items**

Mr. McDonough reminded the Board of the workshop next week. He also reminded them that recodification will be coming up soon. He requested that at the next meeting they review the priority list.

Earldean Wells reminded the Board of the beach clean-up.

## **Adjournment**

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

The Kittery Planning Board meeting of September 10, 2020 adjourned at 7:19 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 2, 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>.

