

**CALL TO ORDER**

**ROLL CALL**

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

Absent: Drew Fitch, Member

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

4:37

**ITEM 1— Land Use Development Code Amendments—Title 16.2 Definitions and 16.3.2.11 Commercial (C-1, C-2, C-3)**

Action: Recommend or not recommend to Town Council. The proposed amendments to Title 16.2 Definitions seek to add and amend terms therein while the proposed amendments to 16.3.2.11 Commercial (C-1, C-2, C-3) seek to amend use, dimensional and performance standards for the commercial zones.

**Mr. White moved to recommend to Town Council. Seconded by Vice Chair Kalmar.**

At the request of the Chair, Mr. Bellantone read public comments into the record.

Mr. Ledgett questioned the wording of the mini-storage, changing from a number limit to a distance to another facility.

Mr. Ledgett questioned the minimum setback changes.

Mr. McDonough responded.

**The motion passed by roll call vote, 6-0-0.**

18:50

**ITEM 2— Land Use Development Code Amendments—Add new section to Title 16 titled “Affordable Housing”, to amend §16.3.2.4.D Standards, to amend §16.7.8.4 Exemptions to net residential acreage standards, and to amend §16.8.9.4 Off street parking standards**

Action: Recommend or not recommend to Town Council. The proposed amendments to Title 16 include inserting a new section entitled “Affordable Housing” that intends to provide and incentivize the construction of a diversity of housing types; an amendment to §16.3.2.4.D Standards that intends to remove a dwelling unit standard so as to be in conformance with the definition of a dwelling unit; an amendment to §16.7.8.4 Exemptions to net residential acreage standards that intends to provide exemptions from the standards for certain uses in the C-1 and C-3 zones; to amend §16.8.9.4 Off-street parking standards that intends to provide dimensional standards for compact vehicles, or take any other action relative thereto.

**Mr. White moved to recommend to Town Council. Seconded by Vice Chair Kalmar.**

Vice Chair Kalmar asked about the incentives related to the BL zones. Mr. Causey gave an update on the incentives, and Ms. Connor read the language for the incentives.

**Mr. White moved to amend the motion. Seconded by Vice Chair Kalmar. The motion passed by roll call vote, 6-0-0.**

A workshop with Town Council is tentatively scheduled for October 5, 2020 at 5 PM.

26:48

**ITEM 3— 76 Chauncey Creek Road—Shoreland Development Plan Review**

Action: To establish and render findings of fact: 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.

**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, 6-0-0.**

## **NEW BUSINESS**

34:38

### **ITEM 4 – Route 236 / MacKenzie Lane—Final Site Plan Review**

Action: Continue agenda item to a subsequent meeting, approve with or without conditions, or deny plan. Owner/applicant Robert T. Brennan, Jr. requests consideration of a preliminary site plan for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 28, Lot 25D) in the Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

Ryan McCarthy gave an update on the project, including updated plans and narratives. CMA reviewed and commented, and Mr. McCarthy offered to read through their comments.

Chair Dunkelberger asked about the bathroom, explaining it is an incinerator toilet inside the building.

Vice Chair Kalmar asked if the client is on board with CMA's input regarding the fill and excavation. Mr. McCarthy and the applicant are agreeable.

**Mr. Bellantone moved to approve the plan with the stated conditions. Seconded by Mr. Ledgett.**

Mr. McCarthy questioned condition number three, in regards to the significant wildlife habitat.

Consensus was reached that condition number three will be removed.

**Mr. White moved to approved the final site plan with stated conditions. Seconded by Mr. Ledgett.**

**Vice Chair Kalmar read the findings of fact into record. The motion passed by roll call vote, 6-0-0.**

54:44

**ITEM 5— 8 Wentworth Street, Rice Public Library—Final Site Plan Review**

Action: Continue agenda item to a subsequent meeting, approve with or without conditions, or deny plan. Owner/applicant, the Town of Kittery, requests consideration of a preliminary site plan review for a three-story addition and related site improvements to the Rice Public Library located at 8 Wentworth Street (Tax Map 4, Lot 88) in the Mixed Use – Kittery Foreside (MU-KF) Zone. Agents are Steve Doe, Sabego Technics; and Ryan Kanteres, Scott Simons Architects.

Ryan Kanteres gave an update on the project, including the dumpster site, retaining wall, stairs, waiver for Traip Avenue, and CMA's feedback.

Vice Chair Kalmar asked about the deed correction on the final plan.

**Mr. Ledgett moved to approve the final site plan with the stated conditions. Seconded by Vice Chair Kalmar. The motion passed by roll call vote, 6-0-0.**

**Vice Chair Kalmar read the findings of fact, with no exceptions from members. The Board voted to approve the findings by roll call vote, 6-0-0.**

1:10:29

**ITEM 6—134 Whipple Road—Shoreland Development Plan Review**

Action: Accept/deny plan as complete; If plan is accepted, continue the agenda item to a subsequent meeting, schedule a public hearing / site walk, or approve or deny plan: Owners/Applicants Nicolas and Amy Mercier request approval for a shoreland development plan on a legally non-conforming lot with a legally non-conforming structure proposing to construct a 10.5' retaining wall comprising 259- sf located within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland (SL-OZ-250) Overlay Zone.

Owner gave an overview of the project, including why the retaining wall is necessary, and the material of the wall. The project went in front of the Board of Appeals to request a variance, which was approved.

Mr. McDonough gave more details on the process of the project going to the Board of Appeals, and now the Planning Board.

Mr. Ledgett stated that the variance should have no influence on the Board's decision. Mr. Ledgett requested that the Board visit the site since this proposal has a significant deviation from the natural shoreline. The Board was in favor of a site walk.

The owner clarified the wall location and the contour of the shoreline and remarked that other options were explored before this proposal.

Brief discussion on seawalls and retaining walls followed.

Vice Chair Kalmar requested an erosion control plan and a soil report to send to CMA for review.

**Mr. White moved to accept the plan. Seconded by Mr. Ledgett. The motion passed by roll call vote, 6-0-0.**

**Vice Chair moved to schedule a site walk on October 1, 2020 at 9:30 AM. Seconded by Mr. Ledgett. Motion passed by roll call vote 6-0-0.**

**Mr. White moved to continue the agenda item. Seconded by Vice Chair Kalmar. The motion passed by roll call vote 6-0-0.**

## **OTHER BUSINESS**

1:30:54

### **ITEM 7 – Board Member Items/Discussion**

The Board commented that they liked the format of the meeting.

Mr. Ledgett requested to eliminate the issuance of subsequent updates to the Board after the release of the initial packets.

Earldean told the Board that they could park in her driveway for the site walk.

1:32:47

### **ITEM 8 – Town Planner/Director of Planning & Development Items**

Mr. McDonough reported that there will be a KLIC Meeting, and then recodification will come to the Board. He suggested reviewing the priority list.

1:33:45

### **Adjournment**

**Mr. White moved to adjourn the meeting. Seconded by Mr. Ledgett. The motion passed by roll call vote 6-0-0.**

The Kittery Planning Board meeting of September 24, 2020 adjourned at 7:33 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 14, 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

**TOWN OF KITTERY, Maine  
PLANNING BOARD MEETING  
REMOTE**

**APPROVED**  
**SEPTEMBER 24, 2020**

refer to the video of the meeting on the Town of Kittery website at  
<http://www.townhallstreams.com/locations/kittery-maine>.