

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent: none

10

11 Staff: Bart McDonough, Town Planner, and Adam Causey, Director of Planning

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA**

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19 Chair Dunkelberger proposed moving Item 6 first, and move Item 1 to last.

20

21 **APPROVAL OF MINUTES- None**

22

23 **PUBLIC COMMENTS**

24

25 Public comment and opinion are welcome during this open session. However,  
26 comments related to development projects currently under review by the Planning  
27 Board shall be heard only during their respective scheduled public hearing. Due to the  
28 current pandemic, all meetings and public hearings held by the Planning Board are  
29 conducted via Zoom webinar. To register in advance for the webinar, please submit a  
30 request to [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). After registering, you will receive a confirmation  
31 email containing information about joining the webinar. Webinar participants will be able  
32 to submit questions and comments during the public hearing and public comment  
33 period. Members of the public unable to participate during the webinar may submit  
34 comments for agenda items via email, US Mail, or by dropping written comments in the  
35 Drop Box outside the Town Hall entrance. Emailed comments should be sent to  
36 [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). Comments received by noon on the day of the meeting  
37 will be read into the record by the Planning Board Chair.

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39 There being none, the Chair closed the public comments.

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**NEW BUSINESS**

4:02

**ITEM 6—Land Use and Development Code Amendments—To Amend §16.2 Definitions, §16.3 Land Use Zone Regulations, and §16.8 Design and Performance Standards for Built Environment**

Action: Schedule public hearing: Pursuant to Title 30-A, M.R.S.A., Chapter 187, §4352 *Zoning Ordinances* and §16.1.9 *Amendment* of the Town of Kittery Land Use and Development Code, the Planning Board intends to schedule a public hearing to consider amending §16.2 *Definitions*, §16.3 *Land Use Zone Regulations*, and §16.8 *Design and Performance Standards for Built Environment* of the Town of Kittery Land Use and Development Code by respectively removing and adding new definitions related to marijuana uses, designating areas of operation for marijuana businesses within certain zoning districts, and establishing performance standards for marijuana businesses, or taking any other action relative thereto.

Town Manager Amaral gave the Board the background of the item, reviewing the steps the Town has taken in developing the framework of the ordinance. Ms. Amaral asked the Board for any questions regarding the process.

The Board asked questions around the ordinance, including who in the Town has had input on the ordinance. The Board voiced specific questions related the ordinance language and definitions.

**Mr. White moved to schedule a public hearing on February 11, 2021. Seconded by Mr. Ledgett. The motion passed by roll call vote 7-0-0.**

31:49

**ITEM 2—21 Litchfield Road—Sketch Plan Review, Cluster Subdivision**

Action: Accept or deny plan as complete; continue application to a subsequent meeting; approve or deny plan: Pursuant to Title 30-A, M.R.S.A., Chapter 187, §4401- §4408 *Subdivisions* and §16.10.4.2 *Sketch Plan Review Phase* of the Town of Kittery Land Use and Development Code, the Planning Board shall consider an application from owner Brenda Haley and applicant Chingburg Development, LLC requesting approval for a sketch plan cluster subdivision development proposing seven (7) lots with appurtenant infrastructure on real property with an address of 21 Litchfield Road (Tax Map 46, Lot 6) located in the Residential-Rural (R-RL) Zone and Shoreland-Stream Protection (OZ-SL-75) Overlay Zone.

79 Mr. McDonough gave the Board an update on the project, noting it is for eight (8) lots  
80 and clarifying the cemeteries and affordable housing.

81  
82 Eric Weinrieb, P.E. from Altus Engineering and associates (Paul Kerrigan, Colton Gold,  
83 and Ronald Beal) presented the project. He gave an overview of the property and the  
84 proposed project, giving the Board details on the plans.

85  
86 The Board asked the applicants questions and discussion ensued around clarification  
87 on the creek, test pits, water lines, cotton-tail rabbit habitat, vernal pool, community  
88 outdoor space, sidewalks, stormwater management plan, cemeteries, and easements.

89  
90 The Board gave consensus that the project is a major subdivision, with a contour  
91 interval of two feet.

92  
93 **Vice Chair Kalmar moved to accept and approve the sketch plan. Seconded by**  
94 **Mr. Ledgey. The motion passed by roll call vote 7-0-0.**

95  
96 The Board deferred a site walk until the preliminary plan is submitted.

97  
98 58:03

99 **ITEM 3—71 Old Dennett Road—Shoreland Development Plan Review Action:**  
100 Accept or deny plan as complete; continue application to a subsequent meeting,  
101 schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B  
102 *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland*  
103 *Development Review* of the Town of Kittery Land Use and Development Code, the  
104 Planning Board shall consider an application from owner/applicant Patricia A. &  
105 Stephen E. Bradley requesting approval to expand a legally nonconforming dwelling unit  
106 on a legally nonconforming lot by 360-sf within the base zone setback of the Shoreland  
107 Overlay Zone on real property with an address of 71 Old Dennett Road (Tax Map 6, Lot  
108 5) located in the Residential-Suburban (R-S) Zone and the Shoreland (OZ-SL-250) and  
109 Resource Protection (OZ-RP) Overlay Zones.

110  
111 Mr. McDonough gave an update on the project regarding the wetland calculations.

112  
113 Erik Saari from Altus Engineering presented the project describing the proposed  
114 addition, and the removal of pavement for re-vegetation. He asked the Board for  
115 questions.

116

117 The Board had no questions or objections. They did not want to schedule a site walk or  
118 public hearing.

119  
120 **Mr. White moved to accept the application as complete. Seconded by Mr. Ledgett.**  
121 **The motion passed by roll call vote 7-0-0.**

122  
123 **Mr. White moved to approve the plan without conditions. Seconded by Mr.**  
124 **Ledgett. The motion passed by roll call vote 7-0-0.**

125  
126 **Vice Chair Kalmar read the findings of fact. The Board moved to approve the**  
127 **findings by roll call vote 7-0-0.**

128  
129 1:18:04

130 **ITEM 4—18 Crockett Neck Road—Shoreland Development Plan Review**

131 Action: Accept or deny plan as complete; continue application to a subsequent meeting,  
132 schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B  
133 *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland*  
134 *Development Review* of the Town of Kittery Land Use and Development Code, the  
135 Planning Board shall consider an application from owner/applicant Anne and Marshall  
136 Gaffney requesting approval to replace in situ a deck (350-sf) attached to a legally  
137 nonconforming dwelling unit on a legally nonconforming lot within the base zone  
138 setback of the Shoreland Overlay Zone on real property with an address of 18 Crockett  
139 Neck Road, (Tax Map 26, Lot 45) located in the Residential-Kittery Point Village (R-  
140 KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection (OZRP) Overlay  
141 Zones.

142  
143 Mr. Gaffney presented the project to the Board, describing that he wants to rebuild his  
144 existing deck in the same footprint.

145  
146 Mr. McDonough confirmed it is a replacement, and the waiver he is requesting is the  
147 Shoreland Development Plan.

148  
149 **Vice Chair Kalmar moved to waive 16.10.10.1.B(1). Seconded by Mr. Ledgett. The**  
150 **motion passed by roll call vote 7-0-0.**

151  
152 **Mr. Ledgett moved to approve the application of an in-kind replacement.**  
153 **Seconded by Mr. White. The motion passed by roll call vote 7-0-0.**

154  
155 The Board did not want to schedule a site walk or public hearing.

156  
157 **Mr. White moved to approve the application without conditions. Seconded by Mr.**  
158 **Ledgett. The motion passed by roll call vote 7-0-0.**

159  
160 **Mr. McDonough read the findings of fact. The Board moved to approve the**  
161 **findings by roll call vote 7-0-0.**

162  
163 1:37:20

164 **ITEM 5—23 Oak Terrace—Shoreland Development Plan Review**

165 Action: Accept or deny plan as complete; continue application to a subsequent meeting,  
166 schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B  
167 *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland*  
168 *Development Review* of the Town of Kittery Land Use and Development Code, the  
169 Planning Board shall consider and application from owner 23 Oak Terrace LLC and  
170 applicant Drew Fitch requesting approval to replace and expand an existing deck  
171 attached to a legally nonconforming dwelling unit located on a legally nonconforming lot  
172 by 100-sf., totaling 232-sf., within the base zone setback of the Shoreland Overlay Zone  
173 on real property with an address of 23 Oak Terrace, (Tax Map 2, Lot 3) located in the  
174 Residential-Suburban (R-S) Zone and the Shoreland (OZ-SL-250) and Resource  
175 Protection (OZ-RP) Overlay Zones.

176  
177 Chair Dunkelberger recused Mr. Fitch from the Item.

178  
179 Erik Saari from Altus Engineering presented the plan. He gave the Board an overview of  
180 the property and the proposed project of an expanded deck.

181  
182 The Board agreed that the proposal makes the property less non-conforming.

183  
184 **Mr. White moved to accept the plan as presented. Seconded by Mr. Ledgett. The**  
185 **motion passed by roll call vote 6-0-0.**

186  
187 The Board did not want to schedule a site walk or public hearing.

188  
189 **Mr. White moved to approve the application. Seconded by Mr. Bellantone. The**  
190 **motion passed by roll call vote 6-0-0.**

191  
192 **Vice Chair Kalmar read the findings of fact. The Board moved to approve the**  
193 **findings by roll call vote 6-0-0.**

194

195 1:56:38

196 **OLD BUSINESS**

197

198 **ITEM 1—Land Use and Development Code Amendments—Recodification of Title**  
199 **16 Discussion—16.5 General Performance Standards**

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

204

205 The Board reviewed section 16.5, page by page discussing and making changes as  
206 requested. Staff responded and made clarifications or corrections as needed.

207

208 **OTHER BUSINESS**

209

210 3:07:53

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

212

213 Chair Dunkelberger shared positive feedback from the Town Manager on the code work.  
214 He asked the Board to review section 16.6 for the next meeting. He asked the Board to  
215 consider a workshop.

216 Vice Chair Kalmar asked if the Board should prioritize the ordinances.

217 Chair Dunkelberger told the Board they will review their goals and objectives at the next  
218 meeting.

219

220 3:13:31

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

222

223 Mr. McDonough told the Board that applicant material will be provided on Thursday, and  
224 he will email any additional information in the staff report.

225

226 3:16

227 **Adjournment**

228

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

231

232 The Kittery Planning Board meeting of January 14, 2021 adjourned at 9:16 p.m.

233

234 Submitted by Carrie Varao, Development Staff Clerk on January 4, 2022.

235

236 Disclaimer: The following minutes constitute the author's understanding of the meeting.  
237 Whilst every effort has been made to ensure the accuracy of the information, the  
238 minutes are not intended as a verbatim transcript of comments at the meeting, but a  
239 summary of the discussion and actions that took place. For complete details, please  
240 refer to the video of the meeting on the Town of Kittery website at  
241 <http://www.townhallstreams.com/locations/kittery-maine>.