

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: John Perry, Member, Steve Bellantone, Member, Drew Fitch, 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**

18

19 Chair Dunkelberger proposed moving Item 2 to last. The Board agreed.

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. 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. Comments received by noon on the day of the meeting
37 will be read into the record by the Planning Board Chair.

38

39 Chair Dunkelberger read a public comment into the record from the owners of 4, 6 and
40 8 Wildwood Lane, dated January 19, 2021, regarding 10 Wildwood Lane street
41 classification.

42 Mr. McDonough read the staff reply from Craig Alfis, the Code Enforcement Officer.

43

44 There being no other comments, the Chair closed the public comments.

45

46 11:44

47 **OLD BUSINESS**

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

49 Action: Accept or deny plan as complete; continue application to a subsequent meeting,
50 schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B

51 Nonconforming structure repair and/or expansion and §16.10.3.4 Shoreland
52 Development Review of the Town of Kittery Land Use Development Code,
53 owner/applicant Sarah Bartlett Upton Rollins requests approval to expand a legally
54 nonconforming dwelling unit on a legally nonconforming lot by 440-sf within the base
55 zone setback of the Shoreland Overlay Zone located on real property with an address of
56 76 Chauncey Creek Road, Tax Map 45, Lot 66, in the Residential-Kittery Point Village
57 (R-KPV) zone and the Shoreland (SL-OZ-250) and Resource Protection (OZ-RP)
58 Overlay Zones.

59

60 Mr. Rollins gave the Board an overview and an update on the plan. The updated plan
61 shows the same walkway with permeable pavers, and the front patio location moved
62 outside of the setback.

63

64 Chair Dunkelberger asked for the Board's comments. Porch overhangs and de-
65 vegetation discussed briefly. The three kinds of pavers discussed between the Board,
66 Mr. Rollins and staff.

67

68 **Mr. White moved to approve the plan as provided with the stated condition of**
69 **permeable paver. Seconded by Mr. Bellantone. The motion passed by roll call**
70 **vote, 7-0-0.**

71

72 **The motion was amended to include the addition of the applicant obtaining a**
73 **building permit and required inspections.**

74

75 **Mr. White moved to approve the plan as amended with the stated conditions.**
76 **Seconded by Mr. Perry. The motion passed by roll call vote, 7-0-0.**

77

78 **Vice Chair Kalmar read the findings of fact into record. The Board approved the**
79 **findings by roll call vote, 7-0-0.**

80

81 **NEW BUSINESS**

82

83 49:11

84 **ITEM 3— 4 Pepperell Road—Shoreland Development Plan Review**

85 Action: Accept or deny plan as complete; continue application to a subsequent meeting,
86 schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B

87 Nonconforming structure repair and/or expansion and §16.10.3.4 Shoreland

88 Development Review of the Town of Kittery Land Use and Development Code, the

89 Planning Board shall consider an after-the-fact permit application from owner/applicant

90 Elizabeth Kirschner requesting approval to maintain a patio with an enclosed screened

91 porch and expand a legally nonconforming dwelling unit on a legally nonconforming lot

92 within the base zone setback of the Shoreland Overlay Zone on real property with an

93 address of 4 Pepperrell Road, (Tax Map 18, Lot 45-4) located in the Residential-Kittery

94 Point Village (R-KPV) Zone and the Shoreland (OZ-SL-250) and Resource Protection

95 (OZ-RP) Overlay Zones.

96

97 Mr. McDonough gave an overview to the Board, describing the history and the status of
98 the project.

99

100 Peter Garland gave the Board more details on the circumstances of the application and
101 described the porch. Owner Elizabeth Kirschner had technical difficulties and could not
102 be heard.

103

104 The Board discussed the project, including the definitions of a structure and setbacks.

105 Staff input was given regarding the project and the permit issued. Discussion continued

106 around expansion closer to the water, and the patio inside the setback.

107

108 **Mr. Ledgett moved to continue the application to February 11, 2021. Seconded by**
109 **Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

110

111 **OLD BUSINESS**

112

113 1:18:56

114 **ITEM 2—Land Use and Development Code Amendments—Recodification of Title**

115 **16 Discussion—16.6 Master Site Plan Review & 16.7 Site Plan Review**

116 Action: Review and discuss the proposed amendments and continue to a subsequent
117 meeting. To amend Title 16 by reorganizing the tile while modifying certain provisions
118 therein to align with the Town’s Comprehensive Plan and Planning Board’s goals and
119 objectives.

120

121 The Board reviewed section 16.6, page by page discussing and making changes as
122 requested. Staff responded and made clarifications or corrections as needed.

123

124 **OTHER BUSINESS**

125

126 2:07:53

127 **ITEM 4 – Board Member Items/Discussion**

128

129 Chair Dunkelberger told the Board that the previous Chair had a birthday, and he wanted
130 to wish her a happy birthday.

131

132 2:09:01

133 **ITEM 5 – Town Planner/Director of Planning & Development Items**

134

135 Mr. McDonough explained the marijuana ordinance language from Title 5 was provided
136 to them for review in terms of changes for Title 16.

137

138 2:11:44

139 **Adjournment**

140

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

143

144 The Kittery Planning Board meeting of January 28, 2021 adjourned at 8:12 p.m.

145

146 Submitted by Carrie Varao, Development Staff Clerk on January 5, 2022.

147

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