

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: John Perry, Member, Drew Fitch, Member, Steve Bellantone, Member, Ronald
6 Ledgett, Member, Russell White, 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 5 to Item 1, and move Item 2 to last.**
20 **Seconded by Vice Chair Kalmar. The motion passed by roll call vote 7-0-0.**

21

22 **APPROVAL OF MINUTES- None**

23

24 **PUBLIC COMMENTS**

25

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

39

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

41

42 **OTHER BUSINESS**

43

44 4:10

45 **ITEM 5 – Approval of 2021 Planning Board Meeting Schedule**

46

47 **Vice Chair Kalmar moved to adopt the schedule. Seconded by Mr. Perry. The**
48 **motion passed by roll call vote 7-0-0.**

49

50 **OLD BUSINESS**

51

52 5:03

53 **ITEM 1— 459 U.S. Route 1— Sketch Plan Review / Master Site Development Plan**
54 **Review**

55 Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or
56 deny plan: Pursuant to §16.10.2.2 *Master Site Plan Review Process* and §16.10.4.2
57 *Sketch Plan Review Phase* and §16.6.4.D *Special exception use request* of the Town of
58 Kittery Land Use Development Code, owner/applicant Middlesex Land Holdings, LLC
59 requests the review and consideration of a sketch plan proposing a special exception
60 application and a modification to approved master site development plan by reducing the
61 residential dwelling unit count from 44 (32 age-restricted; 12 non-agerestricted) to 32
62 (eight 4-unit buildings, 16 age-restricted; 16 non-age-restricted) dwelling units on real
63 property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU)
64 Zone.

65

66 Brian Nielsen, Attar Engineering, gave an update to the Board on the project,
67 incorporating the feedback from the last meeting. The residential component now
68 includes 16 age restricted units, and 16 non-age restricted units. The addition of a
69 community center was noted with its purpose identified.

70

71 Chair Dunkelberger asked for comments from staff. Mr. McDonough noted the project
72 reintroduces the mixed-use concept. The amenities were discussed. The project is no
73 longer a special exception request.

74

75 Chair Dunkelberger opened up the discussion to the Board.

76 The community center was discussed, with questions that the stormwater plan is not
77 impacted by the location. Other ideas for the open space discussed. Placement for the
78 age restricted units noted, with discussion following about ensuring the age restricted
79 units remain in perpetuity. The stormwater management design, roof pitches and

80 ventilation discussed briefly. Mr. McDonough suggested a community garden be added
81 to the plan.

82

83 **Vice Chair Kalmar moved to accept the sketch plan. Seconded by Mr. Ledgett.**

84 **The motion passed by roll call vote 7-0-0.**

85 **Vice Chair Kalmar moved to approve the sketch plan. Seconded by Mr. White. The**
86 **motion passed by roll call vote 7-0-0.**

87

88 **NEW BUSINESS**

89

90 27:32

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

92 Accept or deny plan as complete; continue application to a subsequent meeting, schedule

93 site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B

94 *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland*

95 *Development Review* of the Town of Kittery Land Use Development Code,

96 owner/applicant Sarah Bartlett Upton Rollins requests approval to expand a legally

97 nonconforming dwelling unit on a legally nonconforming lot by 440-sf within the base zone

98 setback of the Shoreland Overlay Zone located on real property with an address of 76

99 Chauncey Creek Road, Tax Map 45, Lot 66, in the Residential-Kittery Point Village (R-

100 KPV) zone and the Shoreland (SL-OZ-250) and Resource Protection (OZ-RP) Overlay

101 Zones.

102

103 Alger Rollins presented his proposal for the project. He noted that the patios and the
104 shed were removed, and the updated plan was given to the Board. A pathway from the
105 house to the dock is proposed, as well as the relocation of the patio to the front of the
106 house.

107 Mr. McDonough stated the purpose of the plan is to expand the dwelling unit in the front
108 of the house. Mr. McDonough explained the plans and his notes regarding zone
109 setbacks and de-vegetation.

110 Mr. Rollins clarified the pathway would be constructed with pavers.

111 Chair Dunkelberger opened the discussion to the Board.

112 The Board and staff discussed the pathway in terms of compliance with the ordinance.

113 Mr. Rollins also mentioned the safety of the pathway. Discussion continued on the
114 material of the pathway, and erosion. The front patio was discussed, and the Board
115 requested more information from the applicant.

116

117 **Mr. White moved to continue the plan. Seconded by Vice Chair Kalmar. The**
118 **motion passed by roll call vote 7-0-0.**

119

120 The Board did not want a public hearing, and deferred a site walk until a revised plan is
121 submitted.

122

123 58:00

124 **ITEM 4— 16 Norton Road—Major Subdivision Modification and Special Exception**
125 **Request**

126 Action: Accept or deny plan as complete; continue application to a subsequent meeting;
127 schedule site walk and/or public hearing; approve or deny plan. Pursuant to §16.10.9.3.B
128 *Major modifications* and §16.6.4.D *Special exception use request* of the Town of Kittery
129 Land Use and Development Code, owner/applicant Gallo Rentals, LLC requests approval
130 for a major modification to an approved cluster subdivision and special exception request
131 proposing the installation of twelve 24'x12' garages of which seven (7) are centered in
132 the Resource Protection Overlay Zone located on real property with an address of 16
133 Norton Road, Tax Map 56 Lot 26 in the Rural Residential Zone (R-RL) and Stream
134 Protection (OZ-SP-75) and Resource Protection (OZ-RP) Overlay Zones.

135

136 Mr. McDonough stated the applicant requested a continuance to a future meeting.

137

138 **Mr. Ledgett moved to continue the application. Seconded by Vice Chair Kalmar.**
139 **The motion passed by roll call vote 7-0-0.**

140

141 **OLD BUSINESS**

142

143 1:01:50

144 **ITEM 2— Land Use Development Code Amendments—Recodification of Title 16**
145 **Discussion—16.4 Land Use Regulations**

146 Action: Review and discuss the proposed amendments and continue to a subsequent
147 meeting. To amend Title 16 by reorganizing the title while modifying certain provisions
148 therein to align with the Town's Comprehensive Plan and Planning Board's goals and
149 objectives.

150

151 The Board reviewed section 16.4 page by page, discussing and making changes as
152 needed.

153

154 **OTHER BUSINESS**

155

156 2:22:37

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

158

159 Chair Dunkelberger assigned section 16.5 for review for the next meeting on January 14,
160 2021.

161

162 2:23:33

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

164
165 Mr. McDonough informed the Board of a few upcoming Shoreland Development plans,
166 and a possible Cluster Subdivision plan. Climate Adaptation will receive the solar
167 ordinance soon, then it will come to the Planning Board.

168
169 2:25:21

170 **Adjournment**

171
172 **Mr. Ledgett moved to adjourn the meeting. Seconded by Mr. White. The motion**
173 **passed by roll call vote 7-0-0.**

174
175 The Kittery Planning Board meeting of December 10, 2020 adjourned at 8:25 p.m.

176
177 Submitted by Carrie Varao, Development Staff Clerk on January 3, 2022.

178
179 Disclaimer: The following minutes constitute the author's understanding of the meeting.
180 Whilst every effort has been made to ensure the accuracy of the information, the
181 minutes are not intended as a verbatim transcript of comments at the meeting, but a
182 summary of the discussion and actions that took place. For complete details, please
183 refer to the video of the meeting on the Town of Kittery website at
184 <http://www.townhallstreams.com/locations/kittery-maine>.