

1 **CALL TO ORDER**

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3 **ROLL CALL**

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

7

8 Absent: Drew Fitch, Member, and Russell White, Member

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10 Staff: Bart McDonough, Town Planner and Kathy Connor, Project Planner

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12 Advisory: Earledean Wells, Conservation Commission

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14 **PLEDGE OF ALLEGIANCE**

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16 **APPROVAL OF AGENDA**

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18 **APPROVAL OF MINUTES-** May 5, 2020; June 25, 2020; July 23; 2020; August 13,  
19 2020

20

21 One correction made for June 25, 2020, line 114.

22

23 **Vice Chair Kalmar moved to approve the minutes. Seconded by Mr. Perry. The**  
24 **motion passed by roll call vote 5-0-0.**

25

26 **PUBLIC COMMENTS**

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

39 [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). Comments received by noon on the day of the meeting  
40 will be read into the record by the Planning Board Chair.

41  
42 Mr. McDonough read a public comment into the record from Gerry Burns.  
43 Chair Dunkelberger read a comment into the record from Jim Henry, CEO of Sweet Dirt.  
44 The Planning Board was interested in touring the facility.

45  
46 Chair Dunkelberger opened up the public comments to the public in attendance.  
47 There being no comments, the Chair closed the public comments.

48  
49 **OLD BUSINESS**

50 None

51  
52 **NEW BUSINESS**

53  
54 11:00

55 **ITEM 1—Recommendation to Town Council expend funds from the Wetland  
56 Mitigation Fund**

57 Action: Recommend or not recommend to Town Council to release money from the  
58 Wetland Mitigation Fund to address invasive species impacting Fort Foster, pursuant to  
59 §16.9.3.9.3

60  
61 **Vice Chair Kalmar moved to recommend to Town Council. Seconded by Mr.**  
62 **Ledgett. The motion passed by roll call vote 5-0-0.**

63  
64 12:33

65 **ITEM 2—164 Rogers Road—Right-of-Way Plan Review**

66 Action: Accept or deny application; respectively schedule site walk or public hearing;  
67 approve or deny plan. Pursuant to §16.10.7.2.S *Right-of-way plan* of the Town of Kittery  
68 Land Use and Development Code, owner Melinda Birse and applicant Ryan Birse  
69 propose a new Right-Of-Way extending from Rogers Road to access a new lot not  
70 created by a subdivision located on real property with the address of 164 Rogers Road  
71 (Tax Map 22 Lot 23) in the Residential-Urban (R-U) Zone.

72  
73 Chair Dunkeberger recused himself since he is an abutter to the property. Vice Chair  
74 Kalmar took over the item.

75  
76 Mr. McDonough gave an overview of the plan including needed waivers.

77 Ryan Birse gave more details of the project, including the improvements the right of way  
78 would have on the current driveway. He addressed the requested waivers and invasive  
79 species.

80

81 Mr. McDonough told the Board that DPW and the Fire Department reviewed the plan.  
82 DPW was concerned about the three curb cuts. Sewer Department and the Water  
83 District have no comments on the plan.

84 Discussion continued around the garage removal, setbacks, curb cuts, corner lots, and  
85 buffer setbacks.

86

87 Mr. Birse gave more details on the plan to the Board.

88

89 Mr. McDonough reviewed with the applicant what he needs to do to move the  
90 application forward.

91 The Board did not have a problem with the waivers, but would like a cleaned-up plan.  
92 Driveway slope needed to be confirmed, and upcoming zoning amendments mentioned.

93

94 **Mr. Bellantone moved to continue the application. Seconded by Mr. Ledgett. The**  
95 **motion passed by roll call vote 4-0-0.**

96

97 53:05

98 **ITEM 3— 2 Old Ferry Lane—Shoreland Development Sketch Plan**

99 Action: Provide comments and feedback to applicant: Pursuant to §16.10.3.4 *Shoreland*  
100 *Development Review* of the Town of Kittery Land Use and Development Code, owner  
101 Forbes-Taylor Trust and applicant/agent Corey Papadopoli of Elliot Architects seek  
102 suggestions and comments from the Planning Board on a proposed Shoreland  
103 Development Plan intending to expand a legally nonconforming structure within the 25-ft  
104 and 100-ft setback of the highest annual tide on real property with an address of 2 Old  
105 Ferry Lane (Tax Map 17 Lot 14) in the Residential – Urban (R-U) and the Shoreland  
106 (OZ-SL-250') and Resource Protection (OZ-RP) Overlay Zones.

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108 Mr. McDonough gave an introduction to the plan.

109

110 Corey Papadopoli gave an overview of the proposed plan and site.

111 Discussion continued around expanding the structure, lot coverage, vertical expansion  
112 of a deck, roof and ceiling heights, and variances from Board of Appeals.

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114 The Board suggested the applicant meet with other architects and staff to address the  
115 issues.

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1:23:52

**ITEM 4— Land Use and Development Code Amendments—Recodification of Title 16 Discussion—16.4 Land Use Zone Regulations (Business Local (BL) and Business Local-1 (BL-1) Zoning District)**

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

Mr. McDonough requested the Board discuss how and when this gets incorporated into the Code after discussing each page. Mr. McDonough gave the Board several options for this decision.

The Board reviewed each page of the section, discussing and making changes as needed. Ms. Connor clarified any questions from the Board.

Discussion around how to incorporate the regulations into the ordinance ensued. The recommendation was to wait for recodification, then set a public hearing for these amendments afterwards.

**OTHER BUSINESS**

1:41:10

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

Earldean Wells discussed the article she gave the Board about fertilizers and pesticides, and acknowledged it is hard for Code Enforcement to enforce. Education of the public has been the strategy other towns have used to address the issue, and incorporating measures in home associations. Discussion from the Board and staff continued.

1:54:20

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

Mr. McDonough told the Board at the next meeting they will see the Right-of-Way plan from Mr. Birse, the Homestead plan amendment and plan development, and the Litchfield subdivision review plan. He told the Board that the town will do the art barriers again, and the application is online.

1:56:55

**Adjournment**

158 **Vice Chair Kalmar moved to adjourn the meeting. Seconded by Mr. Ledgett. The**  
159 **motion passed by roll call vote 5-0-0.**

160

161 The Kittery Planning Board meeting of March 25, 2021 adjourned at 7:57 p.m.

162

163 Submitted by Carrie Varao, Development Staff Clerk on January 26, 2022.

164

165 Disclaimer: The following minutes constitute the author's understanding of the meeting.

166 Whilst every effort has been made to ensure the accuracy of the information, the  
167 minutes are not intended as a verbatim transcript of comments at the meeting, but a  
168 summary of the discussion and actions that took place. For complete details, please  
169 refer to the video of the meeting on the Town of Kittery website at  
170 <http://www.townhallstreams.com/locations/kittery-maine>.