

CALL TO ORDER

ROLL CALL

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

Absent: None

Staff: Adam Causey, Director of Planning

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. Please note: every effort will be made to make this run smoothly, however some technical difficulties may occur. To register via Zoom visit

https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzgXJDsCeyg or at <https://www.kitteryme.gov/planning-board>

Public comment and opinion are welcome during this meeting. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address, and record it in writing at the podium. Further, the public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed comments should be sent to acausey@kitteryme.org. Comments received by noon on the day of the meeting will become part of the public record and may be read in whole or in summary by the Planning Board or Town Staff.

Jen Thayer made a public comment requesting an update on the watershed study in the 98 Dennett Road area and asked if the projects will continue forward.

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

OLD BUSINESS- None

NEW BUSINESS

7:20

ITEM 1 – 28 Wyman Avenue – Sketch Plan Review, Cluster Residential Development

Action: Accept or deny plan as complete; continue application to a subsequent meeting; set site walk. Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law and §16.8.10.H, Cluster Residential Development of the Town of Kittery Land Use and Development Code, owner Lusitano, LLC requests approval for a cluster residential development proposing three (3) single-family residences as a condominium on real property with an address of 28 Wyman Avenue (Tax Map 16, Lot 148) located in the Residential-Urban (R-U) Zone.

Erik Saari, Altus Engineering, Inc. presented the project and gave the Board updates on the plans.

The Board requested covenants to review. Earldean Wells asked about the vernal pool and requested signs posted around the resource.

Discussion continued around the choice of condominium ownership verses individual lots within a cluster subdivision. Net residential calculations and right-of-way discussed. Staff requested more specificity on the common area.

Mr. White moved to accept the application. Seconded by Mr. Fitch. The motion passed 7-0-0.

The Board discussed dates for a site walk.

Mr. White moved to schedule a site walk on June 28, 2022 at 10 AM. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

23:45

ITEM 2 – 134 Whipple Road – Shoreland Development Plan

Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting, schedule a public hearing / site walk or approve. 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 which will be replaced per a Shoreland Development Plan approved by the Planning Board last year to construct a seawall

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.

Erik Saari, Altus Engineering, Inc. presented the project to the Board and reviewed the plans.

Discussion on the vegetation buffer, wall versus revetment or rip-rap, slope, materials, and abutting seawalls continued.

The Board discussed a site walk and public hearing.

Mr. White moved to accept the application. Seconded by Mr. Ledgett. The motion passed 7-0-0.

The Board discussed dates for a site walk and a public hearing.

Mr. White moved to schedule a site walk on June 28, 2022 at 11 AM. Seconded by Mr. Perry. The motion passed 7-0-0.

Mr. White move to schedule a public hearing on July 28, 2022 at 6 PM. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

47:58

ITEM 3 – 35 Badgers Island – Shoreland Development Plan

Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting, schedule a public hearing / site walk. Owner/Applicant B.I.W. Group, LLC request approval for a shoreland development plan on a lot with a three-story commercial building and associated parking and utilities proposing to construct a 7,978 square foot revetment (retaining wall), of which 4,291 square feet, will be located within the base zone setback of the Shoreland Overlay Zone and the Resource Protection Zone located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the Mixed-Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and the Resource Protection Zone (OZ-RP).

John Chagnon, Ambit Engineering, Inc. presented the project and reviewed the plans with the Board.

Discussion on the revetment versus a wall, sea rise levels, construction details, proposed vegetation, the stone berm, and public access rights ensued.

Mr. White moved to accept the application. Seconded by Mr. Ledgett. The motion passed 7-0-0.

The Board discussed a site walk.

Mr. White moved to schedule a site walk on June 28, 2022 at 12 PM. Seconded by Mr. Ledgett. The motion passed 7-0-0.

Mr. White moved to schedule a public hearing on July 14, 2022 at 6 PM. Seconded by Mr. Ledgett. The motion passed 7-0-0.

1:09:10

ITEM 4 – 16 Ridgewood Drive – Shoreland Development Plan

Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting, schedule a public hearing / site walk, or approve or deny plan. Owners/Applicants Daniel and Jill White request approval for a Shoreland Development Plan proposing to expand a legally non-conforming structure within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 16 Ridgewood Lane, Tax Map 20, Lot 2-8, in the Residential-Suburban Zone (R-S) and Resource Protection Overlay Zone (OZ-RP).

Daniel and Jill White presented the project briefly to the Board.

The Board discussed the prohibition of expanding a structure closer to the resource. Staff clarified the process to the Board and the applicant. Discussion continued on the lot, DEP rules, and setbacks. Staff and the Board reviewed the process of appealing the decision to the applicant.

The Board took no action on the application.

1:20:40

ITEM 5- APPROVAL OF MINUTES

October 14, 2021; October 28, 2021; November 9, 2021 (Workshop); November 18, 2021; May 12, 2022

November 18, 2021: line 79, replace “chicken and pigs” with “chicken coups abutting the eating area”.

May 12, 2022: line 109, replace “holds a public hearing for” with “considers”.

Vice Chair Kalmar moved to approve the minutes as amended. Seconded by Mr. Ledgett. The motion passed 6-0-0.

1:24:37

ITEM 6 – Board Member Items/Discussion

1:24:50

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

Mr. Causey told the Board the updated Title 16 is on the website in e-code. The Board's code books can be dropped off and staff can rebuild them with the new code.

Mr. Causey gave an update on the ADU grant program, and asked about the Board's intention of allowing ADUs in the shoreland overlay zone. The Board conferred that ADUs would not be allowed within the 100-foot setback to the resource.

Chair Dunkelbrger asked to go over the priority list at the next meeting.

1:32:09

Adjournment

Mr. Ledgett moved to adjourn. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.

The Kittery Planning Board meeting of June 6, 2022 adjourned at 7:32 p.m.

Submitted by Carrie Varao, Development Staff Clerk on June 14, 2022.

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