

CALL TO ORDER

ROLL CALL

Present: Steve Bellantone, Member, Earledean Wells, Member, Karen Kalmar, Vice Chair, Dutch Dunkelberger, Chair, Robert Doyle, Member, and Ethan Bensley, Member

Absent: Russell White, Member,

Staff: Jason Garnham, Director of Planning

Advisory:

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_qycXEoK5SLm6FOA1FJDjYg 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 jgarnham@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.

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

OLD BUSINESS-

4:50

ITEM 1 – 22 Shapleigh Road– Preliminary Site Plan Review

Action: Hold public hearing. Owner/applicant Fair Tide and acting agent Geoffrey R Aleva, PE of Civil Consultants propose to redevelop an existing commercial building with additions creating a footprint of 5,669sf, and to add a 6-unit residential building consisting of a 2,058sf building footprint, at real property located at 22 Shapleigh Road (Tax Map 15, Lot 64) in the Business-Local (B-LI) and Residential-Urban (R-U) Zones respectively.

Geoff Aleva presented the project and gave an overview to the Board. Wetland impacts and stormwater discussed. Parking, snow storage and snow removal discussed briefly. Chair Dunkelberger opened the Public Hearing.

Public comments were made from: Dale E. Keller, 25 Wentworth Street #1; Suzy Johnson, 13 Cromwell Street; Cici Nielsen, 19 Traip Avenue; Hershey Hirschkop, 11 Sterling Road, South Berwick; Tracy Johnson, 20 Rice Avenue; Brian Moore, 93 Picott Road; John Perry, 2 Moores Court; Liz Moore, 93 Picott Road; Greg Gosselin, 4 Thunder Hill Road, York; Emily Flinkstrom, 12 Buckley Way; and Lucy Schlaffer, 172 Pepperrell Road.

Public Comment on Zoom were heard from: Clayton Smith, 5 Devon Woods Drive and Conservation Commission; and Jennifer Thayer, 47 Martin Road.

Vice Chair Kalmar moved to continue the public hearing until the next meeting. Seconded by Ms. Wells. The motion passed 6-0-0.

The site walk will be continued to February 21, 2023 at 4:15 PM.

Mr. Garnham summarized written comments from twelve correspondences.

Mr. Bellantone moved to continue the application until the next meeting. Seconded by Vice Chair Kalmar. The motion passed 6-0-0.

The Board took a five-minute break.

1:12:07

ITEM 2 – 39 Badgers Island West – Minor Subdivision Sketch and Shoreland Development Plan Review

Action: Hold public hearing: Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and

Development Code, owner applicant B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering propose to subdivide the 0.48-acre parcel identified as Lot 38 of Tax Map 1 into 4 residential condominiums. The property is located at 39 Badgers Island West, in the Mixed-Use Badgers Island Zoning District (MU-BI) and Shoreland Overlay Zone (OZ-SL-250').

John Chagnon, Ambit Engineering, presented the project and reviewed the changes to the plan briefly. Board members asked questions regarding signage, CMA input, catch basins, fence details and plantings, and snow removal.

Chair Dunkelberger opened the public hearing. There were no public comments. Chair Dunkelberger closed the public hearing.

Vice Chair Kalmar moved to approve the sketch plan application. Seconded by Mr. Doyle. The motion passed 6-0-0.

Discussion on the tracking of the application and next steps ensued. The applicant will submit for final subdivision application.

~~ITEM 3 – MS4 Stormwater Changes to Title 16~~

~~Action: Hold public hearing. Staff and consultants presented draft amendments to Title 16 that are required to be adopted by June 30, 2023 in accordance with state law during the January 12 workshop. Draft amendments and supporting memos from the January 12 workshop are provided for review and discussion. Staff recommend rescheduling this item to comply with public notice requirements of MRS §4352.~~

Mr. Garnham explained the noticing requirements for zoning amendments.

NEW BUSINESS-

1:27:42

ITEM 4 – 35 Badgers Island West, Site Plan and Shoreland Development Plan

Action: review for completeness, continue, approve, or deny plan: Pursuant to §16.4 Land Use Regulations §16.7 and §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and Development Code, owner B.I.W. Group, LLC and agent John Chagnon with Ambit Engineering request approval to expand a legally non-conforming office building and it to 10 residential units on a legally conforming lot located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 34, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'),

Resource Protection Overlay Zone (OZ-RP) and the Commercial Fisheries/Maritime Use (OZ-CFMU).

John Chagnon, Ambit Engineering, gave an overview of the project. Chair Dunkelberger notified Mr. Chagnon that an additional site walk will be scheduled. Mr. Chagnon reviewed the changes to the plans. Discussion followed on stormwater management, drainage, landscaping, public access, density, parking, elevator and accessibility, and “jelly fish” stormwater system. Staff comments were reviewed by Mr. Chagnon.

Vice Chair Kalmar moved to accept the sketch plan as complete. Seconded by Mr. Bellantone.

Mr. Garnham explained the application process to the Board members. Discussion ensued.

The motion passed 6-0-0.

Vice Chair Kalmar moved to schedule a site walk on February 21, 2023 at 5 PM. Seconded by Mr. Bensley. The motion passed 6-0-0.

2:10:01

ITEM 5 – 6 Kelsey Lane, Marijuana Home Establishment Business License and Major Home Occupation

Action: review for completeness, schedule public hearing: Pursuant to provisions of Title 16 of Kittery Town Code, applicant/ owner Ian Schlotman requests Planning Board approval of a proposed medical marijuana registered caregiver home establishment at his residence located at 6 Kelsey Lane, Lot 1b of Map 60. This use is classified as a major home occupation per §16.5.12. No retail, manufacturing, or testing of cannabis products is proposed.

Mr. Schlotman described to the board his intent and operation. Chair Dunkelberger asked if he was a caregiver. Vice Chair Kalmar explained the Kittery Town Code and definitions for the marijuana business uses. Discussion continued on the appropriate use for the applicant. Staff and the Board agreed that clarification on the Town and State ordinances is needed.

Vice Chair Kalmar moved to accept the application. Seconded by Mr. Bellantone. The motion passed 6-0-0.

Vice Chair Kalmar moved to schedule a public hearing on February 23, 2023 at 6 PM. Seconded by Mr. Bensley. The motion passed 6-0-0.

APPROVAL OF MINUTES

2:29:59

ITEM 6 – January 26, 2023 Meeting Minutes; January 12, 2023 Workshop Minutes; January 26, 2023 Workshop Minutes

January 26, 2023:

Line 98 change “legal size” to “11x17 inches”

Line 59 correct Mr. Bensley’s name spelling.

Line 119: change motion to “6-0-0”, note Mr. Bellantone was silent.

January 26, 2023 Workshop: Mr. Bellantone was not in attendance.

Mr. Bellantone moved to approve the minutes as amended. Seconded by Mr. Bensley. The motion passed 6-0-0.

2:35:00

BOARD MEMBER ITEMS-

MMA Planning Board training reminders

MMA training webinar on Thursday February 16th. 4 PM-7:30 PM.

Subcommittee reports from Housing and from Climate Adaptation and Kittery Land Issues.

Freedom of Access training discussed with the board. A live workshop is scheduled with MMA on March 7th. A previously recorded training is also available to watch at any time.

Ms. Wells reported that she is the Spruce Creek Steering Committee as a resident.

2:39:47

TOWN STAFF ITEMS-

Mr. Garnham reviewed protocol on technical questions, procedural questions, and informed the board that he is their point of contact.

Badgers Island zoning discussed briefly.

2:44:30

Adjournment

Vice Chair Kalmar moved to adjourn. Seconded by Mr. Bellantone. The motion passed 6-0-0.

The Kittery Planning Board meeting of February 9, 2023 adjourned at 8:44 p.m.

Submitted by Carrie Varao, Development Staff Clerk on February 15, 2023.

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>.