

CALL TO ORDER

ROLL CALL

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

Absent:

Staff: Max Zakian, Town Planner and 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/j/88326455329?pwd=MklnVnF2TitkR1FIb0tnN1JGUxFrQT09> or <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 mzakian@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 –

3:20

ITEM 1 – 35 Badgers Island West, Preliminary Site Plan and Shoreland Development Plan Review

Action: approve site plan or continue review. 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 change its use to 10 residential units at 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). This is a continued review after a public hearing held on May 25, 2023.

John Chagnon, Ambit Engineering – Haley Ward, presented the project and reviewed the revisions briefly.

Brandon Holben, Winter Holben Architecture & Design reviewed the building design.

Mr. White moved to approve the preliminary plan. Seconded by Mr. Doyle. The motion passed 7-0-0.

25:35

ITEM 2 – Proposed Amendments to Title 16.8.10.D

Action: Hold a public hearing, continue review: Kittery property owners James and Tudor Austin request a change to §16.8.10-D of Kittery's Land Use and Development Code to allow variances for first-time septic systems in minimum setback areas. §16.8.10-D.2.b.1 currently states that the minimum setback distance for a first-time subsurface disposal system may not be reduced by variance. This item was last reviewed at a planning board meeting held June 22, 2023.

James Austin introduced the item briefly.

Chair Dunkelberger opened the public hearing.

Public comment was heard from: Paula Ledgett, 45 Crockett Neck Road; Lois Marshall, 100 Blackberry Place; Richard Green, Water Quality & Compliance Services Inc.; Rosemary Charlesworth, 37 Cutts Island Lane; Melissa Paly, 8 Old Cart Path; Tudor Austin, 10 Lawrence Lane; Rob Nichols, 102 Goodwin Road; and Jim Austin, 10 Lawrence Lane.

Chair Dunkelberger reported that there were email comments from: Kittery Conservation Commission, Save Kittery Water, and Jeff Clifford. Chair Dunkelberger read an emailed comment from Debbie Driscoll.

Chair Dunkelberger closed the public hearing.

Discussion ensued from the Board.

The Board voted 7-0-0, not to recommend the amendment to Town Council.

NEW BUSINESS-

1:11:08

ITEM 3 – 163 & 165 Rogers Road – Conventional Subdivision – Sketch Plan Review

Action: accept sketch plan or continue review: Engineer Rick Chellman, on behalf of applicant/owners Ruth and Karen Bouffard, is proposing to merge two existing parcels into a single 2.84 acre-lot subdivided by unit into five single-family residential dwellings, all along a shared driveway with individual private septic systems. The proposed subdivision is located on the properties of 163 and 165 Rogers Road, Tax Map 14, Lot 53 & 53-1, in the R-U (Residential-Urban) Zone.

Rick Chellman presented the project to the Board.

Discussion for the requirements of a sketch plan, and septic systems ensued.

Mr. White moved to accept the sketch plan as complete. Seconded by Mr. Bensley. The motion passed 7-0-0.

1:25:22

ITEM 4 – 21 Badgers Island West – Shoreland Development Plan Review

Action: approve shoreland development plan or continue review: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, engineer Cory Belden, on behalf of owner/applicants David and Lisa Daniels, request approval to remove and redevelop an existing single-family residence on a property shared with a working waterfront business, while adding modifications to ensure access on the property for the working waterfront business. The property is located at 21 Badgers Island West, Tax Map 1, Lot 27, in the Mixed-Use Badgers Island (MU-BI) and Shoreland Overlay (OZ-SL-250') Zones, and partially within the Resource Protection (RZ-OP) and Commercial Fisheries (OZ-CFMU) Zones.

Erik Saari, Altus Engineering presented the project to the Board.

David Daniels described the working waterfront businesses to the Board.

Discussion ensued briefly on the stormwater, and parking.

Mr. White moved to accept the application. Seconded by Vice Chair Kalmar. The motion passed 6-0-1, with Ms. Wells abstaining.

The Board discussed dates for a site walk.

A site walk was scheduled for Monday, July 24, 2023 at 4:30 PM.

1:41:02

APPROVAL OF MINUTES

ITEM 5 – June 22, 2023 Meeting Minutes

Line 110: change suit to “suite”

Vice Chair Kalmar moved to approve the minutes as amended. Seconded by Mr. Bensley. The motion passed 6-0-1, with Mr. Bellantone abstaining.

1:42:14

BOARD MEMBER ITEMS-

Subcommittee reports

Mr. Garnham gave an update for KLIC and Housing Committee.

Celestynne Bragg gave an update for the Climate Adaptation Committee.

Mr. White provided an update on the Diversity, Equity & Inclusion Committee.

1:51:50

STAFF MEMBER ITEMS-

1:52:04

Adjournment

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

The Kittery Planning Board meeting of July 13, 2023 adjourned at 7:52 p.m.

Submitted by Carrie Varao, Development Staff Clerk on July 18, 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

**TOWN OF KITTERY, Maine
PLANNING BOARD MEETING
COUNCIL CHAMBERS**

**APPROVED
JULY 13, 2023**

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