

CALL TO ORDER

ROLL CALL

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

Absent: Russell White, Member

Staff: Jason Garnham, Director of Planning and Max Zakian, Town Planner

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_NBwg4NWRTk2KaA2C9bpt8Q 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 –

4:35

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

Action: hold public hearing. 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).

Mr. Chagnon presented the project and updated the Board.

Chair Dunkelberger opened the public hearing.

Public comments were heard from: Jeff Nawrocki, 24 Badgers Island West; Ken Cohen, 32 Badgers Island West Unit 1; Darren LaPierre, 37 & 27 Badgers Island West; Julia Pendleton, 28 Badgers Island West; and Heather Sadler, 26 Badgers Island West.

Chair Dunkelberger closed the public hearing.

Mr. Chagnon addressed the public comments. He discussed stormwater, parking, and public access.

Chair Dunkelberger called for a five-minute recess.

Mr. Chagnon amended the record regarding the neighbor's public access.

Shayne Forsley, Hampshire Development, spoke regarding public access.

Discussion on incursion of the setback ensued.

Ms. Wells moved to continue the application, not to exceed 90 days. Seconded by Mr. Bellantone. The motion passed 6-0-0.

1:02:11

ITEM 2 – Buoy Shack Off-site Parking – Site Plan Modification Review

Action: hold public hearing. Joel Harris, owner of the Buoy Shack restaurant located at 1-3 Badgers Island West (Map 1 Lot 19), proposes to utilize existing off-site parking to increase seating at existing restaurant. The off-site parking lot is located at Foreside Dental, 12 Newmarch St., (Map 3 Lot 8).

Tim Phoenix presented the project and discussed parking in detail.

Joel Harris provided additional detail on the off-site parking.

Chair Dunkelberger opened the public hearing.

Public comments were heard from: Drew Fitch, 4 Island Ave.; Kenneth Cohen, 32 Badgers Island West Unit 1; Jeff Nawrocki, 24 Badgers Island West; Darren LaPierre, 37 & 27 Badgers Island West; and George Flanders, 23 Badgers Island West.

Mr. Garnham reported that he received 44 emails regarding the item, both in support and not in support of the project.

Comments were heard from: Michael Dion, 1 Badgers Island West; Todd Miller, 21 Sterling Rd.; Evan Baker, 20 Coffins Ct., Portsmouth; Laura Stewart, 20 Coffins Ct., Portsmouth; Brielle Berman, 63 Whipple Rd.; and Julia Pendleton, 28 Badgers Island West.

Chair Dunkelberger closed the public hearing.

Mr. Phoenix addressed the public comments.

Ms. Wells and the Board discussed the seating plan briefly. The Board discussed the parking plan.

Mr. Doyle moved to approve the plan with the stated conditions. Seconded by Vice Chair Kalmar.

Discussion on the need for a parking lot attendant ensued briefly.

The motion passed 4-2-0, with Ms. Wells and Mr. Bensley voting in the negative.

The Board took a five-minute recess.

2:29:45

ITEM 3 – 283 Route 1 Mixed Use Master Site Development Plan – Sketch Plan Review

Action: accept sketch plan or continue review of revised plans. Neil Hansen (Patrick Crimmins) of Tighe & Bond, Inc, representing the property owner, proposes to re-develop the 6.4-acre property located at 283 Route 1 with a mixed-use project comprised of three separate buildings including a 120-room, 18,500 square foot hotel, a 100-unit, 25,000 square-foot apartment building, and a 10,000 square foot retail/ service building. The property is identified as Map 30 Lot 44, is within the C-1 Commercial 1 zoning district, and is currently developed with retail uses.

Patrick Crimmins updated the Board on the project, addressing the feedback from the Board.

Discussion on enhancing the pocket park, open space, parking, incorporated businesses, and green space ensued.

Ryan Plummer provided timelines to the Board and discussed the layout of the lot with the Board.

Vice Chair Kalmar moved to accept the sketch plan as complete. Seconded by Mr. Bensley. The motion passed 6-0-0.

2:57:28

ITEM 4 – Business Park Zoning Amendments

Action: hold public hearing, make recommendation for Council: Moratorium on permit applications in former Neighborhood Mixed Use zoning district expires August 8. Draft revisions to Neighborhood Mixed Use zoning standards are under development, pending implementation of a public engagement plan. Formal adoption of Business Park zoning standards and Zoning Map is recommended during the interim to ensure consistency, predictability, and fairness for property owners and residents.

Mr. Garnham explained that this item is to bring the zoning map into compliance with the previously enacted zoning amendment.

Video feed ended at 9:00 PM.

Chair Dunkelberger opened the public hearing. There being no comments, Chair Dunkelberger closed the public hearing.

The Board moved to forward a positive recommendation to Town Council 5-0-1, with Ms. Wells abstaining.

NEW BUSINESS-

ITEM 5 – 0 Bellamy Lane – Shoreland Development Plan Review

Action: approve, deny, or continue review. Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Steve Riker of Ambit Engineering, on behalf of owner/applicants the D'Amico Nominee Trust, requests approval for the repair of an existing stone erosion control barrier totaling 393 sq. ft along the shoreline of 0 Bellamy Lane, Tax Map 27, Lot 48, in the Residential-Kittery Point Village (R-KPV), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Zone (OZ-RP).

John Chagnon, on behalf of Steve Riker, presented the project.

The Board moved to approve the plan, 6-0-0.

The Board moved to approve the findings of fact, 6-0-0.

APPROVAL OF MINUTES

ITEM 6 – May 11, 2023 Meeting Minutes

Line 67: add (Ken Wood) after Mike Sudak.

The Board moved to approve the minutes as amended, 5-0-1 with Mr. Bensley abstaining.

BOARD MEMBER ITEMS-

Subcommittee reports

Planning Board 2023 Goals discussion, continued

Adjournment

The Kittery Planning Board meeting of May 25, 2023 adjourned at approximately 9:30 p.m.

Submitted by Carrie Varao, Development Staff Clerk on May 31, 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>.