

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

**UNAPPROVED
OCTOBER 27, 2022**

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Chair Dutch Dunkelberger Vice Chair Kamar Member, Drew Fitch, Member, John Perry, Member
6 Stephen Bellantone, Member Russell White, Member Ron Ledgett

7

8 Staff: Jordan Kelley, Town Planner

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10 Advisory: Earledean Wells, Conservation Commission

11

12 **PLEDGE OF ALLEGIANCE**

13

14 **APPROVAL OF AGENDA**

15

16 **PUBLIC COMMENTS**

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

21 https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzgXJDsCeyg or at

22 <https://www.kitteryme.gov/planning-board>

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

30

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

32

33 **OLD BUSINESS**

34 None

35

36 **NEW BUSINESS-**

37

38 **ITEM 1** – 35 Badgers Island West, Shoreland Development Plan

39 Action: review for completeness, continue approve accept or deny : Pursuant to §16.4 Land Use Regulations and
40 §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and Development Code,
41 owner B.I.W. Group, LLC and agent Steven Riker with Ambit Engineering request approval to expand a legally non-
42 conforming building and convert an existing office building to 10 residential units on a legally conforming lot
43 located on real property with the address of 35 Badgers Island West, Tax Map 44, Lot 71, in the Mixed-Use Badgers
44 Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP).

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- 46 Dutch Dunkelberger started the meeting
- 47 John Chagnon gave his summary description of the proposed project proposed that agent should be changed to
48 John Chagnon from Steve Riker. The Owner is Steve Wilson.
- 49 There was a question from Vice Chair Kalmar to clarify the existing conditions i.e. the boat storage area.
- 50 John Chagnon mentioned the previous revetment plan and then summarized the proposed additions.
- 51 Dutch Dunkelberger commented on the square footage discrepancy, the town GIS shows a radically different
52 number than what is shown by the surveyors of the project
- 53 John Chagnon commented that this was square footage from above the HAT Line
- 54 Karen Kalmar was concerned with the minimum land area per dwelling unit size, there is not a clear picture.
- 55 Dutch Dunkelberger commented that if they use the applicant survey numbers the dwelling unit size works but not
56 with the town GIS, this will need to be addressed in future iterations.
- 57 Drew Fitch commented on the area of the patios and walkways within the setback
- 58 John Chagnon stated they make up 1823 sqft said it would include the walkways around the entire site.
- 59 John Chagnon showed the site details plan and explained the additions including garages
- 60 Dutch Dunkelberger commented on the garage and the possibility of leaking cars, etc.
- 61 Karen Kalmar commented on the slope and the possibility of storms, in the next iteration show the elevations and
62 capacity of the proposed stormwater system.
- 63 John Chagnon commented on planting plans and buffer intrusions of the building and parking.
- 64 Dutch Dunkelberger proposed that this project hinges upon proving the following items
- 65 Karen Kalmar asked about the 30% expansion limit, there needs to be a clear timeline of the expansions.
- 66 There was a decision to take no action based on proving this portion of the Plan Review Notes §16.4.24. D 3 (C) 1,
67 2, 3 highlighting Extraordinary Benefits. These include:
- 68 **(c) Preserve the environmental quality of coastal resources. Protect existing wildlife habitat, conserve shore cover and
69 ensure the quality of stormwater runoff by satisfying all of the following standards:**
- 70 **[1] Retain and protect existing significant wildlife habitat that provides food, cover and/or nesting for migratory songbirds
71 and wading birds;**
- 72 **[2] In order to conserve shore cover, contiguous areas of shrubberies of varying height, such as dwarf species of barberry,
73 serviceberry, holly, crabapple, dogwood, cotoneaster, euonymus, firethorn and/or osa rugosa, as well as erosion-resistant
74 ground cover plantings must be retained and planted, and existing trees retained, wherever practicable in the setback;**
- 75 **[3] Implementation of a stormwater management plan endorsed by the York County Soil and Water Conservation District
76 (SCS), or the Town's engineering peer review consultant, that treats stormwater with appropriate BMPs and removes
77 pollutants in accordance with the most-current edition of the Maine Department of Environmental Protection BMP Manual,
78 Stormwater Management for Maine. Pollutants sought to be removed include suspended solids, nitrates, hydrocarbons and
79 heavy metals. Such special treatment of the first flush of runoff may include detention, infiltration, filtering and trapping of
80 pollutants.**
- 81 Ron Ledgett the details on the plantings are important as well as the stormwater systems

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82 Earldean Wells regarding C1 existing conditions the overflow pipe and the final plan must have a snow storage and
83 removal plan. As well as be clear about the trees you are keeping and what is being removed from each iteration

84 John Chagnon mentioned that will be on the plan and that the overflow pipe was from an old plan.

85 Drew Fitch mentioned he was not happy with the patio and walkways within the setback

86 Steve Wilson made a Public Comment regarding the background of the project and the desire to complete it

87 Point of order from member Russel White to take no action to not start a clock

88 Steven Wilson Commented again saying the revetment is completed had a suggestion for a site walk

89 Russel White proposed a site walk, Ron Ledgett Seconded

90 **Motion by Vice Chair Kalmar for a site walk 11/14/22 Seconded by Ron Motion Approved 7-0-0**

91 Chair Dunkelberger set the date for a site walk for November 14th 10AM

92 **APPROVAL OF MINUTES- –**

93

94 **ITEM 2 – October 5th Site Walk and October 13th Meeting**

95 **October 5th Site Walk at 41 Route 236 – added Jeff Clifford (Representing KLT)**

96 **Karen Kalmar motioned to approve, Seconded by Stephen Bellantone**

97 **Approved as amended, Motion passed 4-0-3 (Member’s Drew Fitch, Ron Ledgett, Dutch Dunkelberger abstained)**

98 **October 13th PB Minutes -**

Karen Kalmar Motioned to Approve, Seconded by Drew Fitch, Motion passed 6-0-1 (Russel abstained)

99

100 **Board Member Items/Discussion**

101

102 Confirming of next Planning Board Meeting for November 17th – Confirmed

103 Public Hearing for 28 Wyman Ave for November 17th – 2nd Public Hearing, Abutters Notices will be sent

104

105 **Adjournment**

106

107 Vice Chair Kalmar moved to adjourn. Seconded by Drew Fitch The motion passed 7-0-0

108

109 The Kittery Planning Board meeting of October 27, 2022 adjourned at 7:17 p.m.

110

111 Submitted by Jordan Kelley, Town Planner November 3, 2022.

112

113 Disclaimer: The following minutes constitute the author’s understanding of the meeting. Whilst every effort has
114 been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of
115 comments at the meeting, but a summary of the discussion and actions that took place. For complete details,

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