

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Russell White, Member,

9

10 Staff: Jason Garnham, Director of Planning

11

12 Advisory:

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 **PUBLIC COMMENTS**

19

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

24 https://us02web.zoom.us/webinar/register/WN_qycXEoK5SLm6FOA1FJDjYg

25 or at <https://www.kitteryme.gov/planning-board>

26

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

36

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

38

39 **OLD BUSINESS-**

40

41 4:50

42 **ITEM 1 – 22 Shapleigh Road– Preliminary Site Plan Review**

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

49

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

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

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

61

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

64

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

66

67 Mr. Garnham summarized written comments from twelve correspondences.

68

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

71

72 The Board took a five-minute break.

73

74 1:12:07

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

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

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

84

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

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

90

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

93

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

96

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

98 ~~Action: Hold public hearing. Staff and consultants presented draft amendments to Title~~
99 ~~16 that are required to be adopted by June 30, 2023 in accordance with state law during~~
100 ~~the January 12 workshop. Draft amendments and supporting memos from the January~~
101 ~~12 workshop are provided for review and discussion. Staff recommend rescheduling~~
102 ~~this item to comply with public notice requirements of MRS §4352.~~

103

104 Mr. Garnham explained the noticing requirements for zoning amendments.

105

106 **NEW BUSINESS-**

107

108 1:27:42

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

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

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

119

120 John Chagnon, Ambit Engineering, gave an overview of the project.

121 Chair Dunkelberger notified Mr. Chagnon that an additional site walk will be scheduled.

122 Mr. Chagnon reviewed the changes to the plans. Discussion followed on stormwater

123 management, drainage, landscaping, public access, density, parking, elevator and

124 accessibility, and “jelly fish” stormwater system. Staff comments were reviewed by Mr.

125 Chagnon.

126

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

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

131 **The motion passed 6-0-0.**

132

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

135

136 2:10:01

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

139 Action: review for completeness, schedule public hearing: Pursuant to provisions of Title

140 16 of Kittery Town Code, applicant/ owner Ian Schlotman requests Planning Board

141 approval of a proposed medical marijuana registered caregiver home establishment at

142 his residence located at 6 Kelsey Lane, Lot 1b of Map 60. This use is classified as a

143 major home occupation per §16.5.12. No retail, manufacturing, or testing of cannabis

144 products is proposed.

145

146 Mr. Schlotman described to the board his intent and operation.

147 Chair Dunkelberger asked if he was a caregiver. Vice Chair Kalmar explained the

148 Kittery Town Code and definitions for the marijuana business uses. Discussion

149 continued on the appropriate use for the applicant.

150 Staff and the Board agreed that clarification on the Town and State ordinances is

151 needed.

152

153 **Vice Chair Kalmar moved to accept the application. Seconded by Mr. Bellantone.**

154 **The motion passed 6-0-0.**

155

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

158

159 **APPROVAL OF MINUTES**

160

161 2:29:59

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

164

165 January 26, 2023:

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

167 Line 59 correct Mr. Bensley’s name spelling.

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

169

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

171

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

174

175 2:35:00

176 **BOARD MEMBER ITEMS-**

177

178 **MMA Planning Board training reminders**

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

180

181 **Subcommittee reports from Housing and from Climate Adaptation and Kittery Land**
182 **Issues.**

183

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

186

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

188

189 2:39:47

190 **TOWN STAFF ITEMS-**

191

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

194

195 Badgers Island zoning discussed briefly.

196

197 2:44:30

198 **Adjournment**

199

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

202

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

204

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

206

207 Disclaimer: The following minutes constitute the author's understanding of the meeting.

208 Whilst every effort has been made to ensure the accuracy of the information, the

209 minutes are not intended as a verbatim transcript of comments at the meeting, but a

210 summary of the discussion and actions that took place. For complete details, please

211 refer to the video of the meeting on the Town of Kittery website at

212 <http://www.townhallstreams.com/locations/kittery-maine>.