

**CALL TO ORDER**

**ROLL CALL**

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

Absent:

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](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](mailto: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.

Mr. Garnham reported that a written comment was received from Suzanne Johnson regarding natural resources and wildlife.

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

**OLD BUSINESS-**

6:00

**ITEM 1 – 22 Shapleigh Road– Final Site Plan Review**

Action: approve final plan and Findings of Fact or continue review. Owner/applicant Fair Tide and 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.

Mr. Aleva presented the project and updated plans. Waivers and lighting discussed briefly. Stormwater discussed in more detail. Chair Dunkelberger read the requested waivers.

**Vice Chair Kalmar moved to waive the parking standards. Seconded by Mr. White. The motion passed 7-0-0.**

**Vice Chair Kalmar moved to waive minimal increase in peak stormwater flow standards. Seconded by Mr. White.**

Discussion on stormwater and the wetland ensued.

**The motion passed 6-1-0, with Ms. Wells voting in the negative.**

The landscape plan was discussed.

**Mr. White moved to approve the final site plan. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

**Vice Chair Kalmar read the findings of fact into record. The Board moved to approve the findings: 1, 2, 3, 5, 6, 7, 9, 11, 12, 13, 14, and 16, 7-0-0. The Board moved to approve the findings: 4, 8, 10, and 15, 6-1-0, with Ms. Wells voting in the negative. The Board moved to approve by roll call vote, 7-0-0.**

43:23

**ITEM 2 – 35 Badgers Island West, Preliminary Site Plan and Shoreland Development Plan Review**

Action: review for completeness, schedule public hearing, 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 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).

Mr. Chagnon presented the project to the Board. He reviewed the plans and discussed the concerns regarding landscaping, wildlife habitat, and the maintenance of the "jelly fish filter" of the drainage system. The landscape plan was discussed. Discussion ensued on the required setbacks and the objectives of the development meeting the requirements of the ordinance. Parking, setbacks, public access, and number of units discussed.

**Vice Chair Kalmar moved to continue the application. Seconded by Mr. White. The motion passed 6-1-0, with Mr. Bensley voting in the negative.**

**Mr. White moved to schedule a public hearing on May 25, 2023. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

#### **NEW BUSINESS-**

2:00:00

#### **ITEM 3 – Buoy Shack Off-site Parking – Site Plan Modification Review**

Action: approve, deny, or continue review. 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).

Mr. Harris gave an overview of the modification. Discussion on seating and parking ensued briefly.

The Board discussed the need for a site walk and public hearing.

**Mr. White moved to schedule a site walk on Monday, May 22, 2023 at 4 PM.**

**Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

**Mr. White moved to schedule a public hearing on May 25, 2023. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

#### **APPROVAL OF MINUTES**

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2:10:25

**ITEM 4 – April 13, 2023 Meeting Minutes**

**Vice Chair Kalmar moved to approve the minutes as written. Seconded by Mr. White. The motion passed 7-0-0.**

2:11:26

**BOARD MEMBER ITEMS-**

**Subcommittee reports**

**Planning Board 2023 Goals discussion, continued**

Mr. Garnham reminded the Board of the workshop scheduled prior to the May 11, 2023 meeting at 5 PM. He also mentioned the FOAA training requirement.

2:14:11

**Adjournment**

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

The Kittery Planning Board meeting of April 27, 2023 adjourned at 8:14 p.m.

Submitted by Carrie Varao, Development Staff Clerk on May 2, 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>.