

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

8 Absent: Russell White, Member

9

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

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_NBwg4NWRtk2KaA2C9bpt8Q or at
25 <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 4:35

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

43 Action: hold public hearing. Pursuant to §16.4 Land Use Regulations §16.7 and §16.9.3
44 Shoreland Development Review requirements of the Town of Kittery Land Use and
45 Development Code, owner B.I.W. Group, LLC and agent John Chagnon with Ambit
46 Engineering request approval to expand a legally non-conforming office building and
47 change its use to 10 residential units at 35 Badgers Island West, Tax Map 1, Lot 34, in
48 the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250'),
49 Resource Protection Overlay Zone (OZ-RP) and the Commercial Fisheries/Maritime
50 Use (OZ-CFMU).

51

52 Mr. Chagnon presented the project and updated the Board.

53 Chair Dunkelberger opened the public hearing.

54 Public comments were heard from: Jeff Nawrocki, 24 Badgers Island West; Ken Cohen,
55 32 Badgers Island West Unit 1; Darren LaPierre, 37 & 27 Badgers Island West; Julia
56 Pendleton, 28 Badgers Island West; and Heather Sadler, 26 Badgers Island West.

57 Chair Dunkelberger closed the public hearing.

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

60 Chair Dunkelberger called for a five-minute recess.

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

62 Shayne Forsley, Hampshire Development, spoke regarding public access.

63 Discussion on incursion of the setback ensued.

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

66

67 1:02:11

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

69 Action: hold public hearing. Joel Harris, owner of the Buoy Shack restaurant located at
70 1-3 Badgers Island West (Map 1 Lot 19), proposes to utilize existing off-site parking to
71 increase seating at existing restaurant. The off-site parking lot is located at Foreside
72 Dental, 12 Newmarch St., (Map 3 Lot 8).

73

74 Tim Phoenix presented the project and discussed parking in detail.

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

76 Chair Dunkelberger opened the public hearing.

77 Public comments were heard from: Drew Fitch, 4 Island Ave.; Kenneth Cohen, 32
78 Badgers Island West Unit 1; Jeff Nawrocki, 24 Badgers Island West; Darren LaPierre,
79 37 & 27 Badgers Island West; and George Flanders, 23 Badgers Island West.

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

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

86 Chair Dunkelberger closed the public hearing.

87 Mr. Phoenix addressed the public comments.

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

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

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

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

94

95 The Board took a five-minute recess.

96

97 2:29:45

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

100 Action: accept sketch plan or continue review of revised plans. Neil Hansen (Patrick
101 Crimmins) of Tighe & Bond, Inc, representing the property owner, proposes to re-
102 develop the 6.4-acre property located at 283 Route 1 with a mixed-use project
103 comprised of three separate buildings including a 120-room, 18,500 square foot hotel, a
104 100-unit, 25,000 square-foot apartment building, and a 10,000 square foot retail/ service
105 building. The property is identified as Map 30 Lot 44, is within the C-1 Commercial 1
106 zoning district, and is currently developed with retail uses.

107

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

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

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

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

116 2:57:28

117 **ITEM 4 – Business Park Zoning Amendments**

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

124

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

127

128 Video feed ended at 9:00 PM.

129

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

132

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

135

136 **NEW BUSINESS-**

137

138 **ITEM 5 – 0 Bellamy Lane – Shoreland Development Plan Review**

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

146

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

148

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

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

151

152 **APPROVAL OF MINUTES**

153

154 **ITEM 6 – May 11, 2023 Meeting Minutes**

155
156 Line 67: add (Ken Wood) after Mike Sudak.
157
158 **The Board moved to approve the minutes as amended, 5-0-1 with Mr. Bensley**
159 **abstaining.**
160
161 **BOARD MEMBER ITEMS-**
162
163 **Subcommittee reports**
164
165 **Planning Board 2023 Goals discussion, continued**
166
167 **Adjournment**
168
169 The Kittery Planning Board meeting of May 25, 2023 adjourned at approximately 9:30
170 p.m.
171
172 Submitted by Carrie Varao, Development Staff Clerk on May 31, 2023.
173
174 Disclaimer: The following minutes constitute the author's understanding of the meeting.
175 Whilst every effort has been made to ensure the accuracy of the information, the
176 minutes are not intended as a verbatim transcript of comments at the meeting, but a
177 summary of the discussion and actions that took place. For complete details, please
178 refer to the video of the meeting on the Town of Kittery website at
179 <http://www.townhallstreams.com/locations/kittery-maine>.