

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Ronald Ledgett, Member, Drew Fitch, Member, John Perry, Member, Steve
6 Bellantone, Member, Russell White, Member, Karen Kalmar, Vice Chair, and Dutch
7 Dunkelberger, Chair

8

9 Absent: None

10

11 Staff: Adam Causey, Director of Planning

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA**

18

19 **PUBLIC COMMENTS**

20

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

25 https://us02web.zoom.us/webinar/register/WN_Rcj4kiG4SRayzqXJDsCeyg or at

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

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 acausey@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 Jen Thayer made a public comment.

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

39

40 **OLD BUSINESS-** None

41

42 **NEW BUSINESS**

43

44 7:20

45 **ITEM 1 – 28 Wyman Avenue – Sketch Plan Review, Cluster Residential**
46 **Development**

47 Action: Accept or deny plan as complete; continue application to a subsequent meeting;
48 set site walk. Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law
49 and §16.8.10.H, Cluster Residential Development of the Town of Kittery Land Use and
50 Development Code, owner Lusitano, LLC requests approval for a cluster residential
51 development proposing three (3) single-family residences as a condominium on real
52 property with an address of 28 Wyman Avenue (Tax Map 16, Lot 148) located in the
53 Residential-Urban (R-U) Zone.

54

55 Erik Saari, Altus Engineering, Inc. presented the project and gave the Board updates on
56 the plans.

57 The Board requested covenants to review. Earldean Wells asked about the vernal pool
58 and requested signs posted around the resource.

59 Discussion continued around the choice of condominium ownership verses individual
60 lots within a cluster subdivision. Net residential calculations and right-of-way discussed.
61 Staff requested more specificity on the common area.

62

63 **Mr. White moved to accept the application. Seconded by Mr. Fitch. The motion**
64 **passed 7-0-0.**

65

66 The Board discussed dates for a site walk.

67

68 **Mr. White moved to schedule a site walk on June 28, 2022 at 10 AM. Seconded by**
69 **Vice Chair Kalmar. The motion passed 7-0-0.**

70

71 23:45

72 **ITEM 2 – 134 Whipple Road – Shoreland Development Plan**

73 Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting,
74 schedule a public hearing / site walk or approve. Owners/Applicants Nicolas and Amy
75 Mercier request approval for a shoreland development plan on a legally non-conforming
76 lot with a legally non-conforming structure which will be replaced per a Shoreland
77 Development Plan approved by the Planning Board last year to construct a seawall
78 located within the base zone setback of the Shoreland Overlay Zone located on real

79 property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-
80 Urban (R-U) Zone and the Shoreland (SL-OZ-250) Overlay Zone.

81
82 Erik Saari, Altus Engineering, Inc. presented the project to the Board and reviewed the
83 plans.

84 Discussion on the vegetation buffer, wall versus revetment or rip-rap, slope, materials,
85 and abutting seawalls continued.

86 The Board discussed a site walk and public hearing.

87
88 **Mr. White moved to accept the application. Seconded by Mr. Ledgett. The motion**
89 **passed 7-0-0.**

90
91 The Board discussed dates for a site walk and a public hearing.

92
93 **Mr. White moved to schedule a site walk on June 28, 2022 at 11 AM. Seconded by**
94 **Mr. Perry. The motion passed 7-0-0.**

95 **Mr. White move to schedule a public hearing on July 28, 2022 at 6 PM. Seconded**
96 **by Vice Chair Kalmar. The motion passed 7-0-0.**

97
98 47:58

99 **ITEM 3 – 35 Badgers Island – Shoreland Development Plan**

100 Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting,
101 schedule a public hearing / site walk. Owner/Applicant B.I.W. Group, LLC request
102 approval for a shoreland development plan on a lot with a three-story commercial
103 building and associated parking and utilities proposing to construct a 7,978 square foot
104 revetment (retaining wall), of which 4,291 square feet, will be located within the base
105 zone setback of the Shoreland Overlay Zone and the Resource Protection Zone located
106 on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the
107 Mixed-Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and
108 the Resource Protection Zone (OZ-RP).

109
110 John Chagnon, Ambit Engineering, Inc. presented the project and reviewed the plans
111 with the Board.

112 Discussion on the revetment versus a wall, sea rise levels, construction details,
113 proposed vegetation, the stone berm, and public access rights ensued.

114
115 **Mr. White moved to accept the application. Seconded by Mr. Ledgett. The motion**
116 **passed 7-0-0.**

117

118 The Board discussed a site walk.

119

120 **Mr. White moved to schedule a site walk on June 28, 2022 at 12 PM. Seconded by**
121 **Mr. Ledgett. The motion passed 7-0-0.**

122 **Mr. White moved to schedule a public hearing on July 14, 2022 at 6 PM. Seconded**
123 **by Mr. Ledgett. The motion passed 7-0-0.**

124

125 1:09:10

126 **ITEM 4 – 16 Ridgewood Drive – Shoreland Development Plan**

127 Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting,
128 schedule a public hearing / site walk, or approve or deny plan. Owners/Applicants

129 Daniel and Jill White request approval for a Shoreland Development Plan proposing to
130 expand a legally non-conforming structure within the base zone setback of the
131 Shoreland Overlay Zone located on real property with the address of 16 Ridgewood
132 Lane, Tax Map 20, Lot 2-8, in the Residential-Suburban Zone (R-S) and Resource
133 Protection Overlay Zone (OZ-RP).

134

135 Daniel and Jill White presented the project briefly to the Board.

136 The Board discussed the prohibition of expanding a structure closer to the resource.
137 Staff clarified the process to the Board and the applicant. Discussion continued on the
138 lot, DEP rules, and setbacks. Staff and the Board reviewed the process of appealing the
139 decision to the applicant.

140 The Board took no action on the application.

141

142 1:20:40

143 **ITEM 5- APPROVAL OF MINUTES**

144 October 14, 2021; October 28, 2021; November 9, 2021 (Workshop); November 18,
145 2021; May 12, 2022

146

147 November 18, 2021: line 79, replace “chicken and pigs” with “chicken coups abutting
148 the eating area”.

149 May 12, 2022: line 109, replace “holds a public hearing for” with “considers”.

150

151 **Vice Chair Kalmar moved to approve the minutes as amended. Seconded by Mr.**
152 **Ledgett. The motion passed 6-0-0.**

153

154 1:24:37

155 **ITEM 6 – Board Member Items/Discussion**

156

157 1:24:50

158 **ITEM 7 – Town Planner/Director of Planning & Development Items**

159

160 Mr. Causey told the Board the updated Title 16 is on the website in e-code. The Board's
161 code books can be dropped off and staff can rebuild them with the new code.

162 Mr. Causey gave an update on the ADU grant program, and asked about the Board's
163 intention of allowing ADUs in the shoreland overlay zone. The Board conferred that ADUs
164 would not be allowed within the 100-foot setback to the resource.

165 Chair Dunkelbrger asked to go over the priority list at the next meeting.

166

167 1:32:09

168 **Adjournment**

169

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

172

173 The Kittery Planning Board meeting of June 6, 2022 adjourned at 7:32 p.m.

174

175 Submitted by Carrie Varao, Development Staff Clerk on June 14, 2022.

176

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

178 Whilst every effort has been made to ensure the accuracy of the information, the
179 minutes are not intended as a verbatim transcript of comments at the meeting, but a
180 summary of the discussion and actions that took place. For complete details, please
181 refer to the video of the meeting on the Town of Kittery website at

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