

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent:

10

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

12

13 Advisory:

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/j/88326455329?pwd=MklnVnF2TitkR1FIb0tnN1JGUxFrQT09>

26 or <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 mzakian@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 3:20

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

43 Action: approve site plan or continue review. Pursuant to §16.4 Land Use Regulations
44 §16.7 and §16.9.3 Shoreland Development Review requirements of the Town of Kittery
45 Land Use and Development Code, owner B.I.W. Group, LLC and agent John Chagnon
46 with Ambit Engineering request approval to expand a legally non-conforming office
47 building and change its use to 10 residential units at 35 Badgers Island West, Tax Map
48 1, Lot 34, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-
49 SL-250'), Resource Protection Overlay Zone (OZ-RP) and the Commercial
50 Fisheries/Maritime Use (OZ-CFMU). This is a continued review after a public hearing
51 held on May 25, 2023.

52

53 John Chagnon, Ambit Engineering – Haley Ward, presented the project and reviewed
54 the revisions briefly.

55 Brandon Holben, Winter Holben Architecture & Design reviewed the building design.

56

57 **Mr. White moved to approve the preliminary plan. Seconded by Mr. Doyle. The**
58 **motion passed 7-0-0.**

59

60 25:35

61 **ITEM 2 – Proposed Amendments to Title 16.8.10.D**

62 Action: Hold a public hearing, continue review: Kittery property owners James and
63 Tudor Austin request a change to §16.8.10-D of Kittery's Land Use and Development
64 Code to allow variances for first-time septic systems in minimum setback areas.
65 §16.8.10-D.2.b.1 currently states that the minimum setback distance for a first-time
66 subsurface disposal system may not be reduced by variance. This item was last
67 reviewed at a planning board meeting held June 22, 2023.

68

69 James Austin introduced the item briefly.

70 Chair Dunkelberger opened the public hearing.

71 Public comment was heard from: Paula Ledgett, 45 Crockett Neck Road; Lois Marshall,
72 100 Blackberry Place; Richard Green, Water Quality & Compliance Services Inc.;;
73 Rosemary Charlesworth, 37 Cutts Island Lane; Melissa Paly, 8 Old Cart Path; Tudor
74 Austin, 10 Lawrence Lane; Rob Nichols, 102 Goodwin Road; and Jim Austin, 10
75 Lawrence Lane.

76 Chair Dunkelberger reported that there were email comments from: Kittery
77 Conservation Commission, Safe Kittery Water, and Jeff Clifford. Chair Dunkelberger
78 read an emailed comment from Debbie Driscoll.

79 Chair Dunkelberger closed the public hearing.

80 Discussion ensued from the Board.

81 **The Board voted 7-0-0, not to recommend the amendment to Town Council.**

82

83 **NEW BUSINESS-**

84

85 1:11:08

86 **ITEM 3 – 163 & 165 Rogers Road – Conventional Subdivision – Sketch Plan**

87 **Review**

88 Action: accept sketch plan or continue review: Engineer Rick Chellman, on behalf of
89 applicant/owners Ruth and Karen Bouffard, is proposing to merge two existing parcels
90 into a single 2.84 acre-lot subdivided by unit into five single-family residential dwellings,
91 all along a shared driveway with individual private septic systems. The proposed
92 subdivision is located on the properties of 163 and 165 Rogers Road, Tax Map 14, Lot
93 53 & 53-1, in the R-U (Residential-Urban) Zone.

94

95 Rick Chellman presented the project to the Board.

96 Discussion for the requirements of a sketch plan, and septic systems ensued.

97

98 **Mr. White moved to accept the sketch plan as complete. Seconded by Mr.**
99 **Bensley. The motion passed 7-0-0.**

100

101 1:25:22

102 **ITEM 4 – 21 Badgers Island West – Shoreland Development Plan Review**

103 Action: approve shoreland development plan or continue review: Pursuant to §16.9.3

104 Shoreland Development Review of the Town of Kittery Land Use and Development
105 Code, engineer Cory Belden, on behalf of owner/applicants David and Lisa Daniels,
106 request approval to remove and redevelop an existing single-family residence on a
107 property shared with a working waterfront business, while adding modifications to
108 ensure access on the property for the working waterfront business. The property is
109 located at 21 Badgers Island West, Tax Map 1, Lot 27, in the Mixed-Use Badgers Island
110 (MU-BI) and Shoreland Overlay (OZ-SL-250') Zones, and partially within the Resource
111 Protection (RZ-OP) and Commercial Fisheries (OZ-CFMU) Zones.

112

113 Erik Saari, Altus Engineering presented the project to the Board.

114 David Daniels described the working waterfront businesses to the Board.

115 Discussion ensued briefly on the stormwater, and parking.

116

117 **Mr. White moved to accept the application. Seconded by Vice Chair Kalmar. The**
118 **motion passed 6-0-1, with Ms. Wells abstaining.**

119

120 The Board discussed dates for a site walk.

121 **A site walk was scheduled for Monday, July 24, 2023 at 4:30 PM.**

122

123 1:41:02

124 **APPROVAL OF MINUTES**

125

126 **ITEM 5 – June 22, 2023 Meeting Minutes**

127 Line 110: change suit to “suite”

128

129 **Vice Chair Kalmar moved to approve the minutes as amended. Seconded by Mr.**
130 **Bensley. The motion passed 6-0-1, with Mr. Bellantone abstaining.**

131

132 1:42:14

133 **BOARD MEMBER ITEMS-**

134

135 **Subcommittee reports**

136 Mr. Garnham gave an update for KLIC and Housing Committee.

137 Celestyne Bragg gave an update for the Climate Adaptation Committee.

138 Mr. White provided an update on the Diversity, Equity & Inclusion Committee.

139

140 1:51:50

141 **STAFF MEMBER ITEMS-**

142

143 1:52:04

144 **Adjournment**

145

146 **Vice Chair Kalmar moved to adjourn. Seconded by Mr. White. The motion passed**
147 **7-0-0.**

148

149 The Kittery Planning Board meeting of July 13, 2023 adjourned at 7:52 p.m.

150

151 Submitted by Carrie Varao, Development Staff Clerk on July 18, 2023.

152

153 Disclaimer: The following minutes constitute the author’s understanding of the meeting.

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

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

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

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

**UNAPPROVED
JULY 13, 2023**

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