

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

**APPROVED
MARCH 28, 2024**

CALL TO ORDER

ROLL CALL

Present: Robert Doyle, Member, Karen Kalmar, Member, Dutch Dunkelberger, Chair, Ethan Bensley, Vice Chair, and Earldean Wells, Member.

Absent: Steve Bellantone, Member, and Russell White, Member.

Staff: Jason Garnham, Director of Planning

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.

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 an opportunity to participate. The public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Those in the room providing comments must clearly state their name and address and record it in writing at the podium. For those attending via Zoom, please state your name and address for the record.

Emailed comments should be sent to: mzakian@kitteryme.org, or hand-delivered to Town Hall. 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.

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

OLD BUSINESS –

3:46

ITEM 1—181 State Road—Marijuana Business Site Plan — Final Review

Action: Approve plan or continue review. Mike Sudak, on behalf of owner/applicant IDC5 LLC, is proposing to replace an existing restaurant and single-family dwelling with a 2,000 square foot marijuana retail store and associated parking on the properties of 181-185 State Road, Tax Map 22, Lots 4-1 and 4-2, a parcel split by the Business Local and Old Post Road Commercial (C-3) Zone.

Mike Sudak, Attar Engineering, provided an overview of changes to the plan since the January meeting, including snow storage, vehicle routing diagram, sidewalk dimensions, signage, temporary fence, TRC comments, and addendum to traffic impact study.

Jeffrey Dirk, Vanasse and Associates, summarized a supplemental traffic analysis for the Board and answered questions.

Mr. Sudak resumed the overview. Discussion included potentially combining the exit with abutting property, and special exception narrative.

Ms. Kalmar moved to approve a zone boundary line extension of the C-3 Zone. Seconded by Mr. Doyle. The motion failed to pass, 3-1-1, with Ms. Wells voting in the negative and Vice Chair Bensley abstaining.

Further discussions regarding traffic study/analysis and related data collection, and the zone boundary line extension request and related waiver.

Mr. Doyle moved to continue review to next available meeting. Seconded by Ms. Kalmar. The motion passed 5-0-0.

NEW BUSINESS

27:48

ITEM 2 – 1 Wood Island– Shoreland Development Plan Review

Action: Accept application. Approve plan or continue review: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Samuel Reid, on behalf of the Wood Island Life Saving Association, requests approval for the replacement-in-kind of an existing seawall within the base zone of the Highest Astronomical Tide Line on the property of Wood Island, Tax Map 51, Lot 14, in

the Residential-Rural Conservation, Shoreland Overlay, and Resource Protection Overlay Zones.

Samuel Reid provided an overview of the project.

Ms. Kalmar moved to accept the application. Seconded by Vice Chair Bensley. The motion passed 5-0-0.

Ms. Kalmar moved to approve the application. Seconded by Mr. Doyle. The motion passed 5-0-0.

Vice Chair Bensley read the findings of fact into record. The Board moved to approve each finding, 5-0-0.

The Board moved to approve with conditions, 5-0-0.

36:21

ITEM 3 – 38 Pepperrell Road– Shoreland Development Plan Review

Action: Accept application. Approve plan or continue review: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, George Derby requests approval for the replacement-in-kind of an existing seawall within the base zone of the Highest Astronomical Tide Line on the property of 38 Pepperrell Road, Tax Map 18, Lot 29, in the Residential Kittery Point Village and Shoreland Overlay Zones.

George Derby presented the project to the Board.

Vice Chair Bensley moved to accept the application. Seconded by Mr. Doyle. The motion passed 5-0-0.

Vice Chair Bensley moved to approve the application. Seconded by Mr. Doyle. The motion passed 5-0-0.

Vice Chair Bensley read the findings of fact into record. The Board moved to approve each finding, 5-0-0.

The Board moved to approve with conditions, 5-0-0.

44:13

ITEM 4 – Housekeeping Amendments

Action: Hold Workshop. Schedule public hearing: Planning and development staff are proposing a list of revisions to Title 16 to correct identified errors and clarify the development review process.

Chair Dunkelberger opened the discussion to the present members of the public.

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Mr. Garnham and the Board discussed proposed amendments to Title 16. Public comments were heard from: Jeff Clifford, on behalf of Kittery Land Trust, and MaryAlice Lapoint, 115 Pepperrell Road.

Vice Chair Bensley moved to schedule proposed amendments for public hearing. Seconded by Ms. Kalmar. The motion passed 5-0-0.

2:07:08

BOARD MEMBER ITEMS-

Brief discussion of land use table prepared by Max Zakian, Town Planner.

2:08:19

STAFF ITEMS-

Mr. Garnham mentioned the upcoming Kittery market study presentation.

2:09:43

Adjournment

Ms. Kalmar moved to adjourn. Seconded by Ms. Wells. The motion passed 5-0-0.

The Kittery Planning Board meeting of March 28, 2024 adjourned at 8:10pm.

Submitted by Niki Floros, Development Staff Clerk on April 17, 2024.

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>.