

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

**APPROVED  
APRIL 11, 2024**

**CALL TO ORDER**

**ROLL CALL**

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

Absent:

Staff: 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.

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](mailto: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 –**

3:14

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

Action: Reconsider requested zoning boundary line extension. 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, appeared before the Board.

**Ms. Kalmar moved to approve the plan. Seconded by Mr. Doyle.**

**Mr. White moved to amend the pending motion to include approval of the boundary line extension of the C-3 Zone. Seconded by Ms. Kalmar. The motion passed 5-2-0, with Vice chair Bensley and Ms. Wells voting in the negative.**

**Vice Chair Bensley read the findings of fact into record. The Board moved to approve each finding, 7-0-0, with the exception of the following findings:**

**Development Conforms to Local Ordinances, passed 6-1-0, with Ms. Wells voting in the negative;**

**Traffic Managed, passed 5-2-0, with Vice Chair Bensley and Ms. Wells voting in the negative;**

**Utilization of the Site, passed 5-2-0, with Vice Chair Bensley and Ms. Wells voting in the negative;**

**Maintain Harmony with Adjacent Properties, passed 6-1-0, with Ms. Wells voting in the negative;**

**Maintain Harmony with Adjacent Uses, passed 5-2-0, with Vice Chair Bensley and Ms. Wells voting in the negative;**

**Maintain Public Safety, passed 5-2-0, with Vice Chair Bensley and Ms. Wells voting in the negative.**

**The Board moved to approve 5-2-0, with Vice Chair Bensley and Ms. Wells voting in the negative.**

18:54

**ITEM 2—5 Whipple Road—Major Site Plan — Final Review**

Action: Hold public hearing. Approve plan or continue review. Mike Sudak, on behalf of owner/applicants PB Real Estate Holdings LLC, requests approval to construct a 3,400 square foot commercial facility containing a butcher's shop and restaurant, along with

associated parking and utilities, on the property of 5 Whipple Road, Tax Map 9, Lot 134, in the Business Local (B-L) Zone.

Mike Sudak, Attar Engineering, gave an overview of the project.

Shannon Hill discussed environmental concerns about the project with the Board regarding contamination.

Further discussions included ADA parking and parking/travel on adjacent Town property.

Chair Dunkelberger opened the public hearing.

Public comment was heard from: Darren Lapierre, 10 Rogers Road, and Martha Mason, 13 Tenney Hill Road.

Chair Dunkelberger closed the public hearing.

The Board reviewed and discussed the waiver requests.

**Vice Chair Bensley moved to preliminarily approve the plan. Seconded by Mr. Doyle. The motion passed 7-0-0.**

**Ms. Kalmar moved to approve all waiver requests. Seconded by Vice Chair Bensley. The motion passed 7-0-0.**

**Vice Chair Bensley moved to approve the plan with conditions. Seconded by Mr. White. The motion passed 7-0-0.**

**Vice Chair Bensley read the findings of fact into record. The Board moved to approve each finding, 7-0-0.**

**The Board moved to approve by roll call vote, 7-0-0.**

The Board took a five-minute recess.

55:16

### **ITEM 3 – Housekeeping Amendments**

Action: Hold public hearing. Vote on recommendation to Council: 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 public hearing.

Public comment was heard from: Mike Sudak, 12 Bridle Lane, Epping, NH.

Chair Dunkelberger closed the public hearing.

The Board discussed the proposed revisions to Title 16, including several additional revisions presented by Jason Garnham, Director of Planning.

**Mr. White moved to recommend the proposed revisions as drafted with additional changes discussed by the Board to the Town Council. Seconded by Mr. Doyle. The motion passed 6-1-0, with Chair Dunkelberger voting in the negative.**

**NEW BUSINESS**

1:21:37

**APPROVAL OF MINUTES**

Minutes will be available for approval at the next meeting.

1:22:46

**BOARD MEMBER ITEMS-**

Vice Chair Bensley mentioned the upcoming business park zoning meeting.  
Chair Dunkelberger mentioned the recent market study presentation.  
Mr. White provided an update on the Housing Committee. Affordable housing was discussed.

1:29:24

**STAFF ITEMS-**

1:29:37

**Adjournment**

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

The Kittery Planning Board meeting of April 11, 2024 adjourned at 7:30pm.

Submitted by Niki Floros, Development Staff Clerk on April 18, 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>.