

**CALL TO ORDER**

**ROLL CALL**

Present: Ethan Bensley, Member, Robert Doyle, Member, Russell White, Member, Earledean Wells, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

Absent: Steve Bellantone, Member

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

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. Please note: every effort will be made to make this run smoothly; however, some technical difficulties may occur. To register via Zoom visit [https://us02web.zoom.us/webinar/register/WN\\_qycXEoK5SLm6FOA1FJDjYg](https://us02web.zoom.us/webinar/register/WN_qycXEoK5SLm6FOA1FJDjYg) or <https://www.kitteryme.gov/planning-board>.

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 the opportunity to participate. Those providing comment must state clearly their name and address, and record it in writing at the podium. Further, the public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed comments should be sent to [mzakian@kitteryme.org](mailto:mzakian@kitteryme.org). 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 –**

3:36

**ITEM 1 – 89 Route 236 – Site Plan Modification and Marijuana Business – Final Review**

Action: Approve final plan or continue review. Joshua Seymour of JD Investments, LLC, represented by Mike Sudak of Attar Engineering, proposes to change use of portion of existing commercial building to adult-use marijuana retail and extend sewer main to serve the subject property. Applicant also proposes to construct parking improvements that were approved by the Planning Board in 2021. Property address 89 Route 236; identified as Tax Map 28, Lot 14-2, located in C-2 Commercial zoning district.

Ken Wood, Attar Engineering, presented the plan.

Discussion ensued briefly on sewer line and wetland impact statements.

**Vice Chair Kalmar moved to approve the plan. Seconded by Mr. White.**

Mr. Bensley asked the applicant about the turn lane.

**The motion passed 5-0-1, with Ms. Wells abstaining.**

**Mr. Bensley read the findings of fact into record. The Board moved to approve each finding, 6-0-0. The Board moved to approve, 5-0-1 with Ms. Wells abstaining.**

16:35

**ITEM 2 – 120 US Route 1—Site Plan — Preliminary Review**

Action: Hold Public Hearing. Approve preliminary plan or continue review Nicole Duquette, on behalf of owner/applicant Kittery Circle LLC, is proposing to re-develop the site of a former gas station into a hotel with 102 rooms and associated parking and utilities. The proposed hotel is located on the properties of 112 & 120 US Route 1 Bypass and 139 Old Post Road, Map 14 Lots 10, 12, & 12A, in the C-3 (Bypass/Old Post Road Commercial) Zone.

Nicole Duquette, GPI, presented the project and informed the Board of changes to the plan.

Jeffrey Dirk, Vanasse & Associates, Inc., discussed the traffic study comments.

The Board discussed impervious surface and parking.

Chair Dunkelberger opened the public hearing.

Public comment was heard from: Sandy Winter, 128 Old Post Rd.; Rosemary Charlesworth; Debbie Driscoll; and Bob Gray, Manson Rd.

Chair Dunkelberger closed the public hearing.

Ms. Duquette responded to the public comments.

Discussion ensued on zoning, The Comprehensive Plan, and traffic.

**Mr. White moved to continue the plan. Seconded by Vice Chair Kalmar. The motion passed 6-0-0.**

The Board took a five-minute recess.

1:33:35

**ITEM 3 – 27 & 29 Wentworth—Site Plan — Preliminary Review**

Action: accept site plan as complete. Schedule site walk/public hearing. Eric Weinrieb, on behalf of applicant Madbury Real Estate Ventures, is proposing to convert an existing bed and breakfast into two independent inns with a total of 12 rental units each and a single innkeeper's suite. The proposed development is located on the properties of 27 & 29 Wentworth Street, Map 9 Lots 37, 38, in the Kittery Foreside (MU-KF) Zone.

Eric Weinrieb, Altus Engineering, presented the project to the Board.

Vicky Martel, Woodburn & Company, reviewed the landscaping plan.

Brandon Holben, Winter Holben, reviewed the architecture.

Discussion ensued on the landscaping, proposed existing remaining infrastructure, open space waiver, and innkeeper legal opinion.

**Mr. White moved to accept the application as complete. Seconded by Mr. Bensley. The motion passed 6-0-0.**

**Mr. White moved to schedule a site walk on September 19, 2023 at 4:30 PM. Seconded by Vice Chair Kalmar. The motion passed 6-0-0.**

**Mr. White moved to schedule a public hearing on September 28, 2023 at 6 PM. Seconded by Ms. Wells. The motion passed 6-0-0.**

2:10:50

**ITEM 4 – 163-165 Rogers Road – Conventional Subdivision Plan – Preliminary Review**

Action: accept plan as complete or continue review. Schedule site walk/public hearing. Rick Chellman, on behalf of applicant Ledge Development LLC, is proposing to merge two existing parcels into a single 2.84-acre lot subdivided by unit into five single-family residential dwellings, along a shared driveway. The proposed subdivision is located on the properties of 163 and 165 Rogers Road, Map 14 Lots 53 & 53-1, in the Residential-Urban (R-U) Zone.

Chair Dunkelberger recused himself from the item as he is an abutter to the project.

Rick Chellman, TND Engineering, presented the project to the Board.

Discussion on the driveway standards, and septic systems ensued.

**Mr. White moved to accept the application as complete. Seconded by Mr. Bensley. The motion passed 5-0-0.**

**Mr. White moved to schedule a site walk on October 5, 2023 at 4:30 PM. Seconded by Ms. Wells. The motion passed 5-0-0.**

**Mr. White moved to schedule a public hearing on October 26, 2023 at 6 PM. Seconded by Mr. Bensley. The motion passed 5-0-0.**

## **NEW BUSINESS –**

2:28:20

### **ITEM 5 – 9 Village Green Drive –Site Plan– Sketch Review**

Action: Accept concept design or continue review: Erik Saari, on behalf of owner/applicant MWC Holdings LLC, is proposing to develop a 5-unit housing complex, 4 of which will be mixed-use, on the property of 9 Village Green Drive, Map 8 Lot 41 A-1, in the Business Local (B-L) Zone.

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

Discussion ensued briefly on the mixed-use buildings, heated driveway, garages, abutter, height allowances, grade and ledge, emergency power system, stormwater management, and sidewalk modification.

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

2:43:45

## **APPROVAL OF MINUTES**

### **ITEM 6 – August 24, 2023 Meeting Minutes**

Line 68: change “to” to “before the”

Line 104: replace “needs to be replaced in perpetuity” with “should state that all plantings will be replaced into perpetuity”.

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

2:45:50

**BOARD MEMBER ITEMS-**

**Subcommittee reports**

Chair Dunkelberger gave an update from the Climate Adaptation Committee.  
Mr. White gave an update from the Diversity Committee.  
Vice Chair Kalmar gave an update from KLIC.

2:47:33

**STAFF MEMBER ITEMS-**

**ITEM 7 – Planning Academy Workshop**

Mr. Garnham informed the Board of an upcoming workshop.

**ITEM 8 – LD 2003 zoning amendments: committee draft version and pending workshop.**

Mr. Garnham gave an overview of the item.

2:58:17

**Adjournment**

**Vice Chair Kalmar moved to adjourn. Seconded by Mr. White. The motion passed 6-0-0.**

The Kittery Planning Board meeting of September 14, 2023 adjourned at 8:58 p.m.

Submitted by Carrie Varao, Development Staff Clerk on September 21, 2023.

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>.