

David Newson
187 State Road
Kittery, ME 03904

March 27, 2024

Town of Kittery
Planning Board
200 Rogers Road
Kittery, ME 03904
By email: mzakian@kitteryme.org

Dear Mr. Dunkelberger and Members of the Board:

I am the owner of property located at 187 State Road in Kittery. I write to express my concern regarding IDC 5, LLC's (the "Applicant") site plan application for a marijuana retail store located at 181-185 State Road (the "Property"). The Planning Board is set to consider the Applicant's final site plan submission on Thursday, March 28, 2024. I have serious concerns about the Applicant's amended traffic study, which has not yet been reviewed by the Board and requires further investigation and review, and about the traffic impact that the Applicant's proposed use at the Property will have on me and my property located at 187 State Road. Additionally, the engineering firm Barton & Loguidice has been retained to undertake a peer review of the amended traffic study and the traffic impacts for the proposed use at the Property. Accordingly, I respectfully request that the Board continue its vote on the site plan application by 30 days to allow Barton & Loguidice to complete and submit its peer review to the Board.

On June 2, 2022, the Applicant submitted a sketch plan review application to the Planning Board, which was rejected based on the Board's opinion that the traffic impacts from the proposed marijuana retail store would adversely impact health and safety in the community. Those concerns arose, in part, because of the Property's location on a busy traffic circle and the proposed use's traffic intensity.

Although the Applicant was permitted to continue with its site plan application, the Board last addressed the traffic impacts during a public hearing held on January 11, 2024. At that meeting, the Board approved the preliminary site plan on the condition that the Applicant amend the traffic study to include peak trip times from 2:00 to 3:00 p.m., and a narrative be submitted with the final site plan outlining how the proposed development meets the criteria of a special exception. The Board has not subsequently reviewed or addressed these conditions and is set to consider the amended traffic study for the first time on March 28, 2024.

After conducting a preliminary review of the amended traffic study that revealed some potential initial concerns, Bill Bray and John Adams of Barton & Loguidice have been retained to undertake a peer review of the Applicant's amended traffic study for the proposed use at the



Property. Mr. Bray is a well-known Professional Engineer who has conducted traffic studies in Maine for over 30 years. Mr. Adams is a Professional Engineer and a Professional Traffic Operations Engineer and also has decades of experience conducting traffic studies. Mr. Adams estimates that this review will require 30 days to complete and submit to the Board.

Accordingly, because the proposed use is centered in an already high-traffic area of the Town, this Board has, rightfully, already expressed concerns with the adverse traffic impacts of this proposed use, and Barton & Loguidice's peer review will provide the Board with an independent analysis of the potential traffic impacts, it is only prudent for the Planning Board to continue its review of the application and postpone its vote to approve the site plan for 30 days so a peer review can be completed and submitted to the Planning Board for its consideration.

Sincerely, 
David Newson

cc: Jason Garnham, Town of Kittery Director of Planning and Development