

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent:

10

11 Staff: Max Zakian, Town Planner

12

13 Advisory:

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA**

18 Chair Dunkelberger asked with the Board's concurrence to move Item 7 to the
19 beginning of the agenda.

20 Mr. Zakian informed the Board that Item 6 is struck from the agenda. Items 3 and 4
21 requested to be swapped in order.

22

23 **PUBLIC COMMENTS**

24

25 The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom
26 will be recognized during the public hearings and public comment portion of the
27 meeting. Please note: every effort will be made to make this run smoothly; however,
28 some technical difficulties may occur. To register via Zoom visit

29 https://us02web.zoom.us/webinar/register/WN_qycXEoK5SLm6FOA1FJDjYg or

30 <https://www.kitteryme.gov/planning-board>.

31 Public comment and opinion are welcome during this meeting. However, comments and
32 opinions related to development projects currently being reviewed by the Planning
33 Board will be heard only during a scheduled public hearing when all interested parties
34 have the opportunity to participate. Those providing comment must state clearly their
35 name and address, and record it in writing at the podium. Further, the public may submit
36 written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed
37 comments should be sent to mzakian@kitteryme.org. Comments received by noon on
38 the day of the meeting will become part of the public record and may be read in whole
39 or in summary by the Planning Board or Town Staff.

40

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

42

43 **BOARD MEMBER ITEMS-**

44

45 6:10

46 **ITEM 1— Planning Board Officer Elections**

47

48 **Mr. White nominated Mr. Dunkelberger for Chair. Vice Chair Kalmar seconded.**

49 **Mr. Bellantone nominated Mr. Bensley for Chair. Seconded by Mr. Doyle. Mr.**

50 **Bensley declined the nomination.**

51 **The motion for Mr. Dunkelberger as Chair passed 6-0-1, with Chair Dunkelberger**
52 **abstaining.**

53 **Vice Chair Kalmar nominated Mr. Bensley for Vice Chair. Seconded by Mr. White.**

54 **The motion for Mr. Bensley for Vice Chair passed 6-0-1, with Mr. Bensley**
55 **abstaining.**

56 **Chair Dunkelberger nominated Mr. Bellantone for Secretary. Seconded by Ms.**
57 **Kalmar.**

58 **The motion for Mr. Bellantone as Secretary passed 6-0-1, with Mr. Bellantone**
59 **abstaining.**

60

61 **NEW BUSINESS –**

62

63 12:30

64 **ITEM 7 – 0 Appledore Island– Shoreland Development Plan Review**

65 Action: Accept. Approve plan or continue review: Pursuant to §16.9.3 Shoreland
66 Development Review of the Town of Kittery Land Use and Development Code, Jennifer
67 Miksis-Olds and team, acting on behalf of the University of New Hampshire, requests
68 approval for the installation of a manhole and shallow trench along an existing gravel
69 located on the shore of Appledore Island, Tax Map 70. Lot 17, in the Residential-Rural
70 Conservation, Shoreland Overlay, and Resource Protection Overlay Zones.

71

72 Ms. Theresa Ridgeway gave a brief summary of the project.

73 The Board asked several questions.

74 **Ms. Kalmar moved to accept the application. Seconded by Mr. White. The motion**
75 **passed 7-0-0.**

76 **Mr. White moved to approve the application. Seconded by Ms. Kalmar. The**
77 **motion passed 7-0-0.**

78 **Vice Chair Bensley read the findings of fact into record. The Board moved to**
79 **approve the findings, 7-0-0. The Board moved to approve by roll call vote, 7-0-0.**

80

81 **OLD BUSINESS –**

82

83 25:07

84 **ITEM 2—181 State Road—Marijuana Business Plan — Preliminary Review**

85 Action: accept site plan as complete. Schedule site walk/public hearing. Mike Sudak, on
86 behalf of owner/applicant IDC5 LLC, is proposing to replace an existing restaurant and
87 condominium with a 2,000 square foot marijuana retail store and associated parking on
88 the properties of 181-185 State Road, Tax Map 22, Lots 4-1 and 4-2, a parcel split by
89 the Business Local and Old Post Road Commercial (C-3) Zone.

90

91 Mr. Sudak presented the project to the Board.

92 The traffic analysis was reviewed by Jeffrey Dirk.

93 The Board asked several questions.

94 Mr. Sudak continued the overview of the project.

95

96 **Mr. White moved to accept the application as complete. Seconded by Ms. Kalmar.**
97 **The motion passed 6-0-1, with Ms. Wells abstaining.**

98 **Ms. Kalmar moved to schedule a site walk on January 8, 2024 at 3:30 PM.**

99 **Seconded by Mr. White. The motion passed 7-0-0.**

100 **Mr. White moved to schedule a public hearing on January 11, 2024 at 6 PM.**

101 **Seconded by Vice Chair Bensley. The motion passed 7-0-0.**

102

103 1:14:30

104 **ITEM 4—27 & 29 Wentworth—Major Site Plan — Final Review**

105 Action: Approve plan or continue review. Eric Weinrieb, on behalf of applicant Madbury
106 Real Estate Ventures, is proposing to convert an existing bed and breakfast into two
107 independent inns with a total of 24 rental units and 2 innkeeper's suites. The proposed
108 development is located on the properties of 27 & 29 Wentworth Street, Map 9 Lots 37,
109 38, in the Kittery Foreside (MU-KF) Zone.

110

111 Mr. Weinrieb presented the project to the Board and reviewed changes.

112

113 **Ms. Kalmar moved to approve the application. Seconded by Mr. White.**

114 Mr. Holben reviewed the architecture of the buildings.

115 **The motion passed 7-0-0.**

116 **Vice Chair Bensley read the findings of fact into record. The Board moved to**
117 **approve each finding, 7-0-0, except findings: 6, 15 and 16, 6-0-1 with Ms. Wells**
118 **abstaining.**

119 **The Board moved to approve by roll call vote, 6-0-1 with Ms. Wells abstaining.**

120

121 **The Board took a five-minute recess.**

122

123 1:34:23

124 **ITEM 3—3 Walker Street—Major Site Plan — Preliminary Review**

125 Action: accept site plan as complete. Schedule site walk/public hearing. Eric Weinrieb,
126 on behalf of owner/applicant 3 Walker Street LLC, is proposing to redevelop an existing
127 structure into a 1,500 sq ft. mixed-use building consisting of two floors of office space
128 and a third floor with a residential unit located on the property of 3 Walker Street, Map 4
129 Lot 99, in the Mixed-Use Kittery Foreside Zone.

130

131 Lane Cheney, owner representative, introduced himself to the Board.

132 Mr. Weinrieb presented the project to the Board. He briefly reviewed potential requested
133 waivers.

134 The Board asked several questions.

135 Mr. Holben reviewed the architecture.

136 The Board asked questions, and discussion ensued briefly.

137

138 **Mr. White moved to accept the application as complete. Seconded by Ms. Kalmar.**
139 **The motion passed 7-0-0.**

140 **Vice Chair Bensley moved to schedule a site walk on January 8, 2024 at 4:15 PM.**
141 **Seconded by Mr. White. The motion passed 7-0-0.**

142 **Mr. White moved to schedule a public hearing on January 25, 2024 at 6 PM.**
143 **Seconded by Ms. Kalmar. The motion passed 7-0-0.**

144

145 2:07:37

146 **ITEM 5—17 and 25 US Route 236—Major Site Plan — Final Review**

147 Action: Approve plan or continue review. Geoff Aleva, on behalf of owner/applicant 25 &
148 17 Route 236 LLC, is proposing to develop a 35-unit rooming house and associated
149 parking shared with an existing 7-unit apartment on the properties of 25 and 17 Route
150 236, Tax Map 21 Lot 20 & Map 20 Lot 12, in the Route 236 Commercial (C-2) Zone.

151

152 Neil Rapoza, presented the project to the Board.

153

154 **Mr. Bellantone moved to approve the application with conditions. Seconded by**
155 **Mr. White. The motion passed 6-0-1 with Ms. Wells abstaining.**
156 **Ms. Kalmar read the findings of fact into record. The Board moved to approve the**
157 **findings 7-0-0, except finding 5, 6-0-1 with Ms. Wells abstaining.**
158 **The Board moved to approve by roll call vote, 6-0-1 with Ms. Wells abstaining.**
159

160 **ITEM 6—9 & 11-13 Water Street—Shoreland Development and Major Site Plan —**
161 **Preliminary Review**

162 Action: accept site plan as complete or continue review. Schedule site walk/public
163 hearing. John Chagnon, on behalf of owner/applicant WLH Management Corporation, is
164 proposing to replace an existing restaurant, working waterfront use, and 2 residential
165 dwellings with an 8-unit condo development and 1,200 square foot lobster pound
166 utilizing an existing deck. The proposal is located on the properties of 9 & 11-13 Water
167 Street, Map 1, Lots 45 and 46, in the Mixed-use Kittery Foreside, Shoreland Overlay,
168 Resource Protection Overlay, and Commercial Fisheries Overlay Zones.

169 **Postponed per applicant.**

170

171 2:23:38

172 **APPROVAL OF MINUTES**

173

174 **ITEM 8 – 11/16/23 Meeting Minutes**

175 Line 131, 148: add “preliminary” in front of “plan”.

176 **Ms. Kalmar moved to approve the minutes as amended. Seconded by Ms. Wells.**
177 **The motion passed 5-0-2, with Mr. White and Vice Chair Bensley abstaining.**

178

179 The Board discussed paper packets and electronic files.

180

181 2:39:48

182 **STAFF ITEMS-**

183

184 **ITEM 9 – Planning board 2024 priorities and goals**

185 Chair Dunkelberger suggested addressing this in January.

186 Discussion on the outcome of the hydrologic study ensued briefly.

187

188 2:44:35

189 **Adjournment**

190

191 **Mr. White moved to adjourn. Seconded by Mr. Bellantone. The motion passed 7-0-**
192 **0.**

193

194 The Kittery Planning Board meeting of December 14, 2023 adjourned at 8:44 p.m.

195

196 Submitted by Carrie Varao, Development Staff Clerk on December 20, 2023.

197

198 Disclaimer: The following minutes constitute the author's understanding of the meeting.

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

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

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

202 refer to the video of the meeting on the Town of Kittery website at

203 <http://www.townhallstreams.com/locations/kittery-maine>.