

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

7

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

9

10 Staff: Jason Garnham, Director of Planning

11

12 Advisory:

13

14 **PLEDGE OF ALLEGIANCE**

15

16 **APPROVAL OF AGENDA**

17

18 **PUBLIC COMMENTS**

19

20 The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom
21 will be recognized during the public hearings and public comment portion of the
22 meeting.

23

24 Public comment and opinion are welcome during this meeting. However, comments and
25 opinions related to development projects currently being reviewed by the Planning
26 Board will be heard only during a scheduled public hearing when all interested parties
27 have an opportunity to participate. The public may submit written public comments via
28 email, US Mail, or by hand delivery to Town Hall. Those in the room providing
29 comments must clearly state their name and address and record it in writing at the
30 podium. For those attending via Zoom, please state your name and address for the
31 record.

32

33 Emailed comments should be sent to: mzakian@kitteryme.org, or hand-delivered to
34 Town Hall. Comments received by noon on the day of the meeting will become part of
35 the public record and may be read in whole or in summary by the Planning Board or
36 Town Staff.

37

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

39

40 **OLD BUSINESS –**

41

42 3:46

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

44 Action: Approve plan or continue review. Mike Sudak, on behalf of owner/applicant
45 IDC5 LLC, is proposing to replace an existing restaurant and single-family dwelling with
46 a 2,000 square foot marijuana retail store and associated parking on the properties of
47 181-185 State Road, Tax Map 22, Lots 4-1 and 4-2, a parcel split by the Business Local
48 and Old Post Road Commercial (C-3) Zone.

49

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

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

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

58

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

62

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

65

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

68

69 **NEW BUSINESS**

70

71 27:48

72 **ITEM 2 – 1 Wood Island– Shoreland Development Plan Review**

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

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

80

81 Samuel Reid provided an overview of the project.

82

83 **Ms. Kalmar moved to accept the application. Seconded by Vice Chair Bensley.**

84 **The motion passed 5-0-0.**

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

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

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

90

91 36:21

92 **ITEM 3 – 38 Pepperrell Road– Shoreland Development Plan Review**

93 Action: Accept application. Approve plan or continue review: Pursuant to §16.9.3
94 Shoreland Development Review of the Town of Kittery Land Use and Development
95 Code, George Derby requests approval for the replacement-in-kind of an existing
96 seawall within the base zone of the Highest Astronomical Tide Line on the property of
97 38 Pepperrell Road, Tax Map 18, Lot 29, in the Residential Kittery Point Village and
98 Shoreland Overlay Zones.

99

100 George Derby presented the project to the Board.

101

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

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

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

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

109

110 44:13

111 **ITEM 4 – Housekeeping Amendments**

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

115

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

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

**UNAPPROVED
MARCH 28, 2024**

117 Mr. Garnham and the Board discussed proposed amendments to Title 16.
118 Public comments were heard from: Jeff Clifford, on behalf of Kittery Land Trust, and
119 MaryAlice Lapoint, 115 Pepperrell Road.
120

121 **Vice Chair Bensley moved to schedule proposed amendments for public hearing.**
122 **Seconded by Ms. Kalmar. The motion passed 5-0-0.**
123

124 2:07:08

125 **BOARD MEMBER ITEMS-**

126 Brief discussion of land use table prepared by Max Zakian, Town Planner.
127

128 2:08:19

129 **STAFF ITEMS-**

130 Mr. Garnham mentioned the upcoming Kittery market study presentation.
131

132 2:09:43

133 **Adjournment**
134

135 **Ms. Kalmar moved to adjourn. Seconded by Ms. Wells. The motion passed 5-0-0.**
136

137 The Kittery Planning Board meeting of March 28, 2024 adjourned at 8:10pm.
138

139 Submitted by Niki Floros, Development Staff Clerk on April 17, 2024.
140

141 Disclaimer: The following minutes constitute the author's understanding of the meeting.
142 Whilst every effort has been made to ensure the accuracy of the information, the
143 minutes are not intended as a verbatim transcript of comments at the meeting, but a
144 summary of the discussion and actions that took place. For complete details, please
145 refer to the video of the meeting on the Town of Kittery website at
146 <http://www.townhallstreams.com/locations/kittery-maine>.
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