

1 **CALL TO ORDER**

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3 **ROLL CALL**

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

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9 Absent:

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11 Staff: Max Zakian, Town Planner

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13 Advisory:

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15 **PLEDGE OF ALLEGIANCE**

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17 **APPROVAL OF AGENDA**

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19 **PUBLIC COMMENTS**

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

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

33

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

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

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**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

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

81  
82 Mike Sudak, Attar Engineering, gave an overview of the project.  
83 Shannon Hill discussed environmental concerns about the project with the Board  
84 regarding contamination.

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

87 Chair Dunkelberger opened the public hearing.  
88 Public comment was heard from: Darren Lapierre, 10 Rogers Road, and Martha Mason,  
89 13 Tenney Hill Road.

90 Chair Dunkelberger closed the public hearing.

91 The Board reviewed and discussed the waiver requests.

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

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

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

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

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

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102 The Board took a five-minute recess.

103

104 55:16

105 **ITEM 3 – Housekeeping Amendments**

106 Action: Hold public hearing. Vote on recommendation to Council: Planning and  
107 development staff are proposing a list of revisions to Title 16 to correct identified errors  
108 and clarify the development review process.

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110 Chair Dunkelberger opened the public hearing.

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

112 Chair Dunkelberger closed the public hearing.

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

115 **Mr. White moved to recommend the proposed revisions as drafted with additional  
116 changes discussed by the Board to the Town Council. Seconded by Mr. Doyle.**

117 **The motion passed 6-1-0, with Chair Dunkelberger voting in the negative.**

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**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>.