

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent:

10

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

12

13 Advisory:

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA**

18

19 **PUBLIC COMMENTS**

20

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. Please note: every effort will be made to make this run smoothly; however,
24 some technical difficulties may occur. To register via Zoom visit

25 https://us02web.zoom.us/webinar/register/WN_qycXEoK5SLm6FOA1FJDjYq or at

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

27

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

37

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

39

40 **OLD BUSINESS –**

41 3:33

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

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

50

51 Mike Sudak, Attar Engineering presented the project and gave an overview.

52

53 Chair Dunkelberger opened the public hearing.

54 Public comment was heard from James Folan, 25 Morgan Court.

55 Mr. Zakian reviewed the issues presented in the written comments from Mr. Folan.

56 Mr. Sudak responded to Mr. Folan's comments. Mr. Garnham and Mr. Seymour
57 responded to questions and comments.

58 The traffic study was reviewed briefly.

59 Mr. Zakian read the State statutes to the Board.

60 Chair Dunkelberger closed the public hearing.

61 Comments were heard from the Board, including discussion on stormwater, erosion
62 control, landscaping, lighting, removal of existing septic or contaminated fill, and traffic.

63 The Board requested a peer review of the traffic impact analysis study.

64

65 **Mr. White moved to approve the site plan. Seconded by Vice Chair Kalmar. The**
66 **motion passed 7-0-0.**

67

68 **NEW BUSINESS-**

69

70 1:06:42

71 **ITEM 2 – 120 Route 1 Bypass – Hotel Site Plan – Sketch Plan Review**

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

78

79 Ms. Duquette presented the project to the Board and reviewed the plans.
80 The Board asked various questions. Discussion ensued on curb cuts, extended stay
81 definition, landscaping, headlight glare, DOT pavement, maximum setbacks, traffic
82 impacts, and sidewalks.

83

84 **Mr. White moved to accept the sketch plan. Seconded by Vice Chair Kalmar. The**
85 **motion passed 7-0-0.**

86

87 1:26:27

88 **ITEM 3 – 85 Route 1 Bypass – Hotel Site Plan – Sketch Plan Review**

89 Action: accept sketch plan or continue review. Engineer Ian MacKinnon, on behalf of
90 owner/applicant Kamlesh Patel, is proposing to demolish the site of a previously existing
91 hotel and redevelop the parcel with a new 107 room, 4-story hotel. The proposed hotel
92 is located on the property of 85 US Route 1 Bypass, Map 7 Lot 26, in the C-3
93 (Bypass/Old Post Road Commercial) Zone.

94

95 Mr. MacKinnon, Jones & Beach Engineers Inc., presented the project to the Board. He
96 corrected the owner name, to read “Rohit Patel”. Mr. MacKinnon reviewed the plans
97 with the Board.

98 The Board asked various questions and discussion ensued regarding: state and local
99 laws, swimming pool removal, stormwater mitigation, sewer pump station and lines,
100 water supply, hotel branding, outstanding issues from the fire, and acreage
101 inconsistencies.

102 Mr. Patel spoke to the Board regarding the state laws and the fire.

103

104 **Mr. White moved to accept the sketch plan. Seconded by Mr. Bensley. The motion**
105 **passed 7-0-0.**

106

107 2:13:15

108 **ITEM 4 – 23 Bond Road – Shoreland Development Plan Review**

109 Action: Accept or deny application. Approve or deny plan: Pursuant to §16.9.3
110 Shoreland Development Review of the Town of Kittery Land Use and Development
111 Code, Ryan McCarthy of Tidewater Civil Engineering & Surveying Inc, on behalf of
112 Touchdown Capital LLC, requests approval for the demolition and reconstruction of a
113 house and garage/guest house, new septic system, and associated
114 walkways/driveways on the property of 23 Bond Road, Tax Map 25, Lot 9, in the
115 Residential-Kittery Point Village (R-KPV), Shoreland Overlay Zone (OZ-SL-250’), and
116 Resource Protection Zone (OZ-RP).

117

118 Mr. McCarthy presented the project to the Board. He reviewed the plans and the details
119 of the project.

120 Discussion with the Board continued on building heights, the cabin, and tree removal.

121

122 **Mr. White moved to accept the application. Seconded by Vice Chair Kalmar. The**
123 **motion passed 7-0-0.**

124 **Vice Chair Kalmar moved to schedule a site walk on Monday, June 19th at 9 AM.**
125 **Seconded by Mr. White. The motion passed 7-0-0.**

126 **Vice Chair Kalmar moved to schedule the public hearing on Thursday, June 22nd**
127 **at 6 PM. Seconded by Mr. White. The motion passed 7-0-0.**

128

129 **APPROVAL OF MINUTES**

130 2:31:33

131 **ITEM 5 – May 25, 2023 Meeting Minutes**

132

133 **Vice Chair Kalmar moved to approve the minutes as written. Seconded by Mr.**
134 **Bellantone. The motion passed 6-0-1, with Mr. White abstaining.**

135

136 **BOARD MEMBER ITEMS-**

137 2:32:22

138 **Subcommittee reports**

139

140 2:33:19

141 **Adjournment**

142

143 **Vice Chair Kalmar moved to adjourn. Seconded by Mr. White. The motion passed**
144 **7-0-0.**

145

146 The Kittery Planning Board meeting of June 8, 2023 adjourned at 8:33 p.m.

147

148 Submitted by Carrie Varao, Development Staff Clerk on June 13, 2023.

149

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