

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent: Dutch Dunkelberger, Chair

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\\_gycXEoK5SLm6FOA1FJDjYg](https://us02web.zoom.us/webinar/register/WN_gycXEoK5SLm6FOA1FJDjYg) or

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

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

36

37 There being no public comments, the Acting Chair closed the public comments.

38

39 **NEW BUSINESS –**

40

41 2:45

42 **ITEM 1 – 79 Tower Road – Shoreland Development Plan Review**

43 Action: approve shoreland development plan or continue review: Pursuant to §16.9.3  
44 Shoreland Development Review of the Town of Kittery Land Use and Development  
45 Code, Duncan Mellor, on behalf of owners Linda K Gingras Rev. Trust, request  
46 approval for the replacement-in-kind of an existing seawall and stone steps located on  
47 the property of 79 Tower Road, Tax Map 58. Lot 44, in the Residential-Rural  
48 Conservation (R-RC) and Shoreland Overlay (OZ-SL-250') Zones.

49

50 Duncan Mellor presented the project to the Board.

51

52 **Acting Vice Chair White moved to accept the application as complete. Seconded**  
53 **by Acting Chair Kalmar. The motion passed 6-0-0.**

54 **Acting Vice Chair White moved to approve the application as presented.**

55 **Seconded by Acting Chair Kalmar. The motion passed 6-0-0.**

56 **Mr. Bensley read the findings of fact into record. The Board moved to approve**  
57 **each finding, 6-0-0.**

58 **The Board moved to approve, 6-0-0.**

59

60 18:08

61 **ITEM 2 – 9 Water Street – Site Plan – Sketch Review**

62 Action: advise applicant on feasibility of proposal; “accept” sketch plan: John Chagnon,  
63 on behalf of owner/applicants Green & Company Real Estate, proposes to construct 8  
64 residential condominiums and a 20-slip marina on two parcels identified as Lots 45 and  
65 46 of Map 1 and addressed as 9 Water Street. The site is in the Mixed-Use Kittery  
66 Foreside Zoning District (MU-KF) and within the Shoreland (OZ-SL-250'), Resource  
67 Protection (OZ-RP) and Commercial Fisheries/Maritime Use (OZCFMU) Overlay Zones.  
68 The existing restaurant, fishing business, duplex residence, and appurtenant uses at the  
69 site are proposed to be demolished.

70

71 Attorney John Bosen presented the project to the Board on behalf of Green & Company  
72 Real Estate.

73 John Chagnon, Ambit Engineering, Inc. reviewed the plans with the Board.

74 Jason Garnham explained his staff report to the Board.

75 The Board asked several questions regarding zoning, State regulations, current  
76 business uses, State minimum standards, sea level rise, intensification of the residential  
77 use, and building elevations.

78 Mr. Zakian asked for clarification about the submerged land lease.

79 **Acting Vice Chair White moved to accept the plan as complete. Seconded by Mr.**  
80 **Bensley. The motion passed 5-1-0, with Ms. Wells voting in the negative.**

81

82 1:04:10

83 **ITEM 3 – 90 US Route 1 – Site Plan – Sketch Review**

84 Action: accept application or continue review: Geoff Aleva, on behalf of  
85 owner/applicants 90 US Route 1 LLC, request approval to develop a hotel with 63  
86 rooms and associated parking and utilities on the property of 90 US Route 1, Tax Map  
87 14, Lot 2, in the Bypass-Old Post Road Commercial (C-3) Zone.

88 Josh Schneier, Easterly Surveying, presented the project to the Board. He reviewed the  
89 site plan and the architectural renderings.

90

91 Geoff Aleva, Civil Consultants, presented the project to the Board and reviewed the  
92 plans.

93 The Board asked questions and discussion ensued regarding a height waiver, abutters,  
94 landscaping plan, snow removal/storage plan, elevations relative to adjacent properties,  
95 stormwater, and parking requirements.

96

97 **Acting Vice Chair White moved to accept the sketch plan application as complete.**  
98 **Seconded by Acting Chair Kalmar. The motion passed 6-0-0.**

99

100 1:22:30

101 **ITEM 4 – 25 & 17 Route 236 – Site Plan – Sketch Review**

102 Action: accept application or continue review: Geoff Aleva, on behalf of  
103 owner/applicants 25 & 17 Route 236 LLC, request approval to develop a 61-bed  
104 rooming house and associated parking shared with an existing 7-unit apartment on the  
105 properties of 17 & 25 Route 236, Map 21 Lot 20 & Map 20 Lot 12, in the Route 236  
106 Commercial (C-2) Zone.

107

108 Geoff Aleva, Civil Consultants, presented the project to the Board and reviewed the  
109 plans.

110 The Board asked questions regarding parking, bicycles, ride-share, bathroom facilities,  
111 handicap accessibility and elevators, rooming house definitions and use, and outdoor  
112 space.

113

114 **Acting Vice Chair White moved to accept the application as complete. Seconded**  
115 **by Mr. Bensley. The motion passed 6-0-0.**

116

117 1:46:50

118 **ITEM 5 – 50 Dion Avenue – Shoreland Development Plan Review**

119 Action: approve shoreland development plan or continue review: Pursuant to §16.9.3  
120 Shoreland Development Review of the Town of Kittery Land Use and Development  
121 Code, owner/applicants David and Jessica Hunter request approval for a two-story  
122 addition to an existing house located on the property of 50 Dion Ave, Tax Map 23. Lot 5-  
123 A, in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones.

124

125 David Hunter presented the project to the Board.

126 The Board asked a question regarding the finished space above the proposed garage.

127

128 **Acting Vice Chair White moved to accept the application. Seconded by Mr.**  
129 **Bensley. The motion passed 6-0-0.**

130 **Acting Vice Chair White moved to approve the plan. Seconded by Mr. Bensley.**  
131 **The motion passed 6-0-0.**

132 **Mr. Bensley read the findings of fact into record. The Board moved to approve**  
133 **each finding, 6-0-0. The Board moved to approve, 6-0-0.**

134

135 2:01:30

136 **APPROVAL OF MINUTES**

137

138 **ITEM 6 – July 27, 2023 Meeting Minutes**

139

140 **Mr. Bellantone moved to approve the minutes as presented. Seconded by Acting**  
141 **Vice Chair White and Acting Chair Kalmar. The motion passed 6-0-0.**

142

143 2:02:05

144 **BOARD MEMBER ITEMS-**

145

146 **Subcommittee reports**

147

148 2:02:12

149 **STAFF MEMBER ITEMS-**

150

151 2:02:19

152 **Adjournment**

153

154 **Acting Vice Chair White moved to adjourn. Seconded by Mr. Bensley. The motion**  
155 **passed 6-0-0.**

156

157 The Kittery Planning Board meeting of August 10, 2023 adjourned at 8:02 p.m.

158

159 Submitted by Carrie Varao, Development Staff Clerk on August 15, 2023.

160

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

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

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

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

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

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