

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

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

8

9 Absent:

10

11 Staff: Max Zakian, Town Planner

12

13 Advisory:

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF AGENDA-** updated the date to read “August 24, 2023”

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\\_NBwg4NWRtk2KaA2C9bpt8Q](https://us02web.zoom.us/webinar/register/WN_NBwg4NWRtk2KaA2C9bpt8Q) 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 Chair closed the public comments.

38

39 **OLD BUSINESS –**

40 3:25

41 **ITEM 1 – 181 State Road – Marijuana Business Site Plan – Sketch Review**

42 Action: Accept application as complete, advise applicant on conceptual plans, continue  
43 review to November meeting. Pursuant to 16.4 *Land Use Regulations*, 16.4.21 *Special*  
44 *Exception Use Request*, 16.5.32 *Marijuana Business*, and 16.7 *Site Plan Review* of the  
45 Town of Kittery Land Use and Development Code, applicant IDC 5, LLC and agent Lew  
46 Chamberlain of Attar Engineering request approval for special exception use to  
47 construct a 2,000-sf Marijuana Business on the property of 181 State Road (Tax Map  
48 22, Lot 4) located in the Commercial (C-3) Zone and Business Local (BL) Zone.

49

50 Chair Dunkelberger updated the Board on the history of the application, stating the  
51 sketch plan has been accepted by the Town.

52 Lew Chamberlain, Attar Engineering, presented the project and reviewed the updated  
53 plans briefly.

54 Discussion continued briefly on exit from the site, snow storage, landscaping, ledge  
55 detail on plan, driveway loading area, traffic counts, one-way entrance and on-site  
56 traffic, DOT high crash status, PSNY traffic, and site walk requirements.

57 Application is continued until November.

58

59 19:20

60 **ITEM 2 – 23 Bond Road – Shoreland Development Plan Review**

61 Action: Approve or deny plan: Pursuant to §16.9.3 Shoreland Development Review of  
62 the Town of Kittery Land Use and Development Code, Ryan McCarthy of Tidewater  
63 Engineering & Surveying Inc, on behalf of Touchdown Capital LLC, requests approval  
64 for the demolition and reconstruction of a house and garage/guest house, new septic  
65 system, and associated walkways/driveways on the property of 23 Bond Road, Tax Map  
66 25, Lot 9, in the Residential-Kittery Point Village (R-KPV), Shoreland Overlay Zone (OZ-  
67 SL-250'), and Resource Protection Zone (OZ-RP). This is the continuation of a plan that  
68 last appeared to planning board on June 22<sup>nd</sup>, 2023.

69

70 Ryan McCarthy, Tidewater Engineering & Surveying, Inc. presented the project and  
71 addressed prior concerns of the Board.

72 Mr. Zakian summarized the Town's legal opinion and read the opinion to the Board.

73 Mr. McCarthy reported that a note can be added to the plan as staff have suggested.

74

75 **Mr. White moved to conditionally approve the application as presented, with**  
76 **stated conditions. Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

77

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

80

81 **NEW BUSINESS –**

82

83 38:35

84 **ITEM 3 – 120 US Route 1 – Site Plan – Preliminary Review**

85 Action: accept site plan as complete. Schedule site walk/public hearing. Nicole

86 Duquette, on behalf of owner/applicant Kittery Circle LLC, is proposing to re-develop the  
87 site of a former gas station into a hotel with 102 rooms and associated parking and  
88 utilities. The proposed hotel is located on the properties of 112 & 120 US Route 1  
89 Bypass and 139 Old Post Road, Map 14 Lots 10, 12, & 12A, in the C-3 (Bypass/Old  
90 Post Road Commercial) Zone.

91

92 Nicole Duquette, GPI, presented the project to the Board. She reviewed the plans and  
93 renderings.

94 The Board discussed the proposed waivers briefly.

95 Ms. Duquette continued to discuss the plans with the Board.

96 Discussion continued briefly on the overhead wire, underground detention system,  
97 underground fuel tank removal, landscaping in the parking lot, snow storage/removal,  
98 kitchen area, definition of extended stay hotel, and 6" fire service.

99 Jeffrey Dirk, Vanasse & Associates, Inc. presented the transportation analysis.

100 Discussion ensued briefly on Shipyard traffic, and Old Post Road entrance.

101

102 **Mr. White moved to accept the application as complete. Seconded by Mr. Doyle.**

103 Mr. Bensley asked the applicant to consider the abutter's property. Ms. Wells noted the  
104 plant guarantee needs to be replaced in perpetuity.

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

106 **Mr. White moved to schedule a site walk on September 11, 2023 at 4:30 PM.**

107 **Seconded by Mr. Bensley. The motion passed 7-0-0.**

108 **Mr. White moved to schedule the public hearing on September 14, 2023 at 6 PM.**

109 **Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

110

111 The Board took a five-minute break and returned at 7:52 PM.

112

113 1:52:04

114 **ITEM 4 – 77 Bartlett Road – Conservation Subdivision Plan – Preliminary Review**

115 Action: accept plan as complete or continue review. Schedule site walk/public hearing.

116 Michael Tadema-Wielandt, on behalf of owner/applicant Geoff Bowley, is proposing to

117 divide a 19.11-acre parcel into a conservation subdivision of 9 single-family residential  
118 building lots, a private street system, and an open space plot around identified  
119 wetlands, vernal pools, and a pre-existing cemetery. The proposed subdivision is  
120 located on the property of 77 Bartlett Road, Map 62 Lot 26, in the Residential-Rural (R-  
121 RL) and Resource Protection Overlay (OZ-RP) Zones.

122 Michael Tadema-Wielandt presented the project to the Board and addressed the staff  
123 comments regarding calculations and wetland setbacks.

124 The Board asked several questions and discussion ensued on proposed structure  
125 location, lot size, community water, conservation plaques, no cut/no disturb note, trails  
126 & walkway, sidewalk waiver, rock walls, stormwater, shared driveway, and signage.

127

128 **Mr. Bensley moved to accept the application as complete. Seconded by Mr.**  
129 **White. The motion passed 7-0-0.**

130 **Mr. White moved to schedule a site walk on September 21, 2023 at 4:30 PM.**  
131 **Seconded by Vice Chair Kalmar. The motion passed 7-0-0.**

132 **Mr. White moved to schedule a public hearing on September 28, 2023 at 6 PM.**  
133 **Seconded by Mr. Doyle. The motion passed 7-0-0.**

134

135 2:29:50

136 **ITEM 5 – 35 Badgers Island West – Site Plan – Final Review**

137 Action: approve/deny final plan, postpone action, or continue review: Owner Steve  
138 Wilson and agent John Chagnon with Ambit Engineering/ Haley Ward request approval  
139 to expand a legally non-conforming office building to provide 10 residential units on a  
140 legally conforming lot located on real property with the address of 35 Badgers Island  
141 West, Tax Map 1, Lot 34, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland  
142 Overlay Zone (OZ-SL-250'), Resource Protection Overlay Zone (OZ-RP) and the  
143 Commercial Fisheries/Maritime Use (OZ-CFMU).

144

145 John Chagnon, Ambit Engineering/Haley Ward, presented the project. He reviewed the  
146 changes to the plans, and addressed the staff memo.

147 Discussion ensued briefly snow storage/removal, landscaping, and generators.

148

149 **Vice Chair Kalmar moved to approve the final plan. Seconded by Mr. White. The**  
150 **motion passed 6-0-1, with Mr. Bensley abstaining.**

151

152 **Mr. Bensley read the findings of fact into record. The Board moved to approve all**  
153 **findings 7-0-0, except finding Section §16.9.3-F (e), 5-2-0 with Chair Dunkleberger**  
154 **and Mr. Bensley voting in the negative. The Board moved to approve by roll call**  
155 **vote 7-0-0.**

156

157 2:55:55

158 **APPROVAL OF MINUTES**

159

160 **ITEM 6 – August 10, 2023 Meeting Minutes**

161 **Vice Chair Kalmar moved to approve the minutes as written. Seconded by Ms.**  
162 **Wells. The motion passed 6-0-1, with Chair Dunkelberger abstaining.**

163

164 2:56:41

165 **BOARD MEMBER ITEMS-**

166

167 **Subcommittee reports**

168

169 2:56:51

170 **STAFF MEMBER ITEMS-**

171 Mr. Zakian gave the Board the anticipated workload of the next meeting.

172

173 2:57:16

174 **Adjournment**

175

176 **Vice Chair Kalmar moved to adjourn. Seconded by Mr. White. The motion passed**  
177 **7-0-0.**

178

179 The Kittery Planning Board meeting of August 24, 2023 adjourned at 8:57 p.m.

180

181 Submitted by Carrie Varao, Development Staff Clerk on September 7, 2023.

182

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

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

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

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

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

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