

CALL TO ORDER

ROLL CALL

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

Absent:

Staff: Max Zakian, Town Planner

Advisory:

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Chair Dunkelberger asked with the Board's concurrence to move Item 7 to the beginning of the agenda.

Mr. Zakian informed the Board that Item 6 is struck from the agenda. Items 3 and 4 requested to be swapped in order.

PUBLIC COMMENTS

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. Please note: every effort will be made to make this run smoothly; however, some technical difficulties may occur. To register via Zoom visit

https://us02web.zoom.us/webinar/register/WN_qycXEoK5SLm6FOA1FJDjYq or <https://www.kitteryme.gov/planning-board>.

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

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

BOARD MEMBER ITEMS-

6:10

ITEM 1— Planning Board Officer Elections

Mr. White nominated Mr. Dunkelberger for Chair. Vice Chair Kalmar seconded. Mr. Bellantone nominated Mr. Bensley for Chair. Seconded by Mr. Doyle. Mr. Bensley declined the nomination.

The motion for Mr. Dunkelberger as Chair passed 6-0-1, with Chair Dunkelberger abstaining.

Vice Chair Kalmar nominated Mr. Bensley for Vice Chair. Seconded by Mr. White. The motion for Mr. Bensley for Vice Chair passed 6-0-1, with Mr. Bensley abstaining.

Chair Dunkelberger nominated Mr. Bellantone for Secretary. Seconded by Ms. Kalmar.

The motion for Mr. Bellantone as Secretary passed 6-0-1, with Mr. Bellantone abstaining.

NEW BUSINESS –

12:30

ITEM 7 – 0 Appledore Island– Shoreland Development Plan Review

Action: Accept. Approve plan or continue review: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Jennifer Miksis-Olds and team, acting on behalf of the University of New Hampshire, requests approval for the installation of a manhole and shallow trench along an existing gravel located on the shore of Appledore Island, Tax Map 70. Lot 17, in the Residential-Rural Conservation, Shoreland Overlay, and Resource Protection Overlay Zones.

Ms. Theresa Ridgeway gave a brief summary of the project.

The Board asked several questions.

Ms. Kalmar moved to accept the application. Seconded by Mr. White. The motion passed 7-0-0.

Mr. White moved to approve the application. Seconded by Ms. Kalmar. The motion passed 7-0-0.

Vice Chair Bensley read the findings of fact into record. The Board moved to approve the findings, 7-0-0. The Board moved to approve by roll call vote, 7-0-0.

OLD BUSINESS –

25:07

ITEM 2—181 State Road—Marijuana Business Plan — Preliminary Review

Action: accept site plan as complete. Schedule site walk/public hearing. Mike Sudak, on behalf of owner/applicant IDC5 LLC, is proposing to replace an existing restaurant and condominium 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.

Mr. Sudak presented the project to the Board.
The traffic analysis was reviewed by Jeffrey Dirk.
The Board asked several questions.
Mr. Sudak continued the overview of the project.

Mr. White moved to accept the application as complete. Seconded by Ms. Kalmar. The motion passed 6-0-1, with Ms. Wells abstaining.

Ms. Kalmar moved to schedule a site walk on January 8, 2024 at 3:30 PM. Seconded by Mr. White. The motion passed 7-0-0.

Mr. White moved to schedule a public hearing on January 11, 2024 at 6 PM. Seconded by Vice Chair Bensley. The motion passed 7-0-0.

1:14:30

ITEM 4—27 & 29 Wentworth—Major Site Plan — Final Review

Action: Approve plan or continue review. Eric Weinrieb, on behalf of applicant Madbury Real Estate Ventures, is proposing to convert an existing bed and breakfast into two independent inns with a total of 24 rental units and 2 innkeeper's suites. The proposed development is located on the properties of 27 & 29 Wentworth Street, Map 9 Lots 37, 38, in the Kittery Foreside (MU-KF) Zone.

Mr. Weinrieb presented the project to the Board and reviewed changes.

Ms. Kalmar moved to approve the application. Seconded by Mr. White. Mr. Holben reviewed the architecture of the buildings. The motion passed 7-0-0.

Vice Chair Bensley read the findings of fact into record. The Board moved to approve each finding, 7-0-0, except findings: 6, 15 and 16, 6-0-1 with Ms. Wells abstaining.

The Board moved to approve by roll call vote, 6-0-1 with Ms. Wells abstaining.

The Board took a five-minute recess.

1:34:23

ITEM 3—3 Walker Street—Major Site Plan — Preliminary Review

Action: accept site plan as complete. Schedule site walk/public hearing. Eric Weinrieb, on behalf of owner/applicant 3 Walker Street LLC, is proposing to redevelop an existing structure into a 1,500 sq ft. mixed-use building consisting of two floors of office space and a third floor with a residential unit located on the property of 3 Walker Street, Map 4 Lot 99, in the Mixed-Use Kittery Foreside Zone.

Lane Cheney, owner representative, introduced himself to the Board.

Mr. Weinrieb presented the project to the Board. He briefly reviewed potential requested waivers.

The Board asked several questions.

Mr. Holben reviewed the architecture.

The Board asked questions, and discussion ensued briefly.

Mr. White moved to accept the application as complete. Seconded by Ms. Kalmar. The motion passed 7-0-0.

Vice Chair Bensley moved to schedule a site walk on January 8, 2024 at 4:15 PM. Seconded by Mr. White. The motion passed 7-0-0.

Mr. White moved to schedule a public hearing on January 25, 2024 at 6 PM. Seconded by Ms. Kalmar. The motion passed 7-0-0.

2:07:37

ITEM 5—17 and 25 US Route 236—Major Site Plan — Final Review

Action: Approve plan or continue review. Geoff Aleva, on behalf of owner/applicant 25 & 17 Route 236 LLC, is proposing to develop a 35-unit rooming house and associated parking shared with an existing 7-unit apartment on the properties of 25 and 17 Route 236, Tax Map 21 Lot 20 & Map 20 Lot 12, in the Route 236 Commercial (C-2) Zone.

Neil Rapoza, presented the project to the Board.

Mr. Bellantone moved to approve the application with conditions. Seconded by Mr. White. The motion passed 6-0-1 with Ms. Wells abstaining.

Ms. Kalmar read the findings of fact into record. The Board moved to approve the findings 7-0-0, except finding 5, 6-0-1 with Ms. Wells abstaining.

The Board moved to approve by roll call vote, 6-0-1 with Ms. Wells abstaining.

ITEM 6—9 & 11-13 Water Street—Shoreland Development and Major Site Plan — Preliminary Review

Action: accept site plan as complete or continue review. Schedule site walk/public hearing. John Chagnon, on behalf of owner/applicant WLH Management Corporation, is proposing to replace an existing restaurant, working waterfront use, and 2 residential dwellings with an 8-unit condo development and 1,200 square foot lobster pound utilizing an existing deck. The proposal is located on the properties of 9 & 11-13 Water Street, Map 1, Lots 45 and 46, in the Mixed-use Kittery Foreside, Shoreland Overlay, Resource Protection Overlay, and Commercial Fisheries Overlay Zones.

Postponed per applicant.

2:23:38

APPROVAL OF MINUTES

ITEM 8 – 11/16/23 Meeting Minutes

Line 131, 148: add “preliminary” in front of “plan”.

Ms. Kalmar moved to approve the minutes as amended. Seconded by Ms. Wells. The motion passed 5-0-2, with Mr. White and Vice Chair Bensley abstaining.

The Board discussed paper packets and electronic files.

2:39:48

STAFF ITEMS-

ITEM 9 – Planning board 2024 priorities and goals

Chair Dunkelberger suggested addressing this in January.

Discussion on the outcome of the hydrologic study ensued briefly.

2:44:35

Adjournment

Mr. White moved to adjourn. Seconded by Mr. Bellantone. The motion passed 7-0-0.

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

**APPROVED
DECEMBER 14, 2023**

The Kittery Planning Board meeting of December 14, 2023 adjourned at 8:44 p.m.

Submitted by Carrie Varao, Development Staff Clerk on December 20, 2023.

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>.