

MEETING MINUTES

1. CALL TO ORDER; INTRODUCTORY; ROLL CALL

Chair Timko called the meeting to order at 6:30 p.m.

Board Members Present: Douglas Basnett, Charles Denault III, Bob Gray, Rick Nohmer, April Timko

Board Members Absent: Roland Scott, Amelia Burke

Staff Present: Craig Alfis, Code Enforcement Officer

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- **Melissa Harrington, tenant, 21 Litchfield Road, requesting a Special Exception Use per Town Code Section 16.2.12.D(4) to operate a catering and event hosting business as a Major Home Occupation in the Residential Rural Zone.**
- Mr. Alfis relayed to the Board that Ms. Harrington had a family emergency and requested that her request be heard on a different night. Mr. Alfis recommended that the Board hold the public hearing as scheduled, then continue the item to the next meeting to allow Ms. Harrington to address the Board. Chair Timko agreed. Mr. Alfis presented the staff report. Chair Timko confirmed that the Board has the authority to hear the request per Code Section 16.2.12.D(4). Chair Timko opened the public hearing at 6:39. No members of the public spoke. The public hearing was closed at 6:40.

Motion by Chair Timko continue this item and vote to the next meeting. Second by Mr. Denault. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray Nohmer, Timko; No: --; Abstain: --]

- **Dean Gallant, on behalf of the Kittery Art Association, 8 Coleman Ave, requesting a Miscellaneous Variation per Town Code Section 16.2.12.D(3) to convert an existing art gallery to residential use.**
- Mr. Alfis relayed to the Board that as the Town is involved with the Kittery Art Association in a real estate transaction, the staff report for this request was prepared and will be presented by Mr. Bill Straub of CMA Engineers. Mr. Straub presented the staff report. Mr. Dean

Gallant was invited to speak on behalf of the Kittery Art Association. The Board had several questions for both Mr. Straub, Mr. Alfis, and Mr. Gallant. Chair Timko opened the public hearing at 6:50. One resident had questions on the request. Chair Timko read one letter in support of the request into the public record. The public hearing was closed at 6:53. The Board entered discussion.

Motion by Mr. Denault to grant the miscellaneous variation request for 8 Coleman Ave under 16.2.12.D(3). Second by Mr. Gray. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray Nohmer, Timko; No: --; Abstain: --]

Chair Timko notified the Board of their right to reconsider and the public of their right to appeal.

Chair Timko read the following Findings of Fact and Conclusions of Law into the record:

Findings of Fact:

1. The Board considered the miscellaneous variation request Dean Gallant, on behalf of the Kittery Art Association, 8 Coleman Ave, to approve an existing non-conforming structure on a non-conforming lot to a single-family residence.
2. The change to the single-family residence would be more consistent with uses in the surrounding area and in the zone.
3. The Board considered the factors set forth in Section 16.2.12.F as the basis for their decision.

Motion to accept the Findings of Fact made by Mr. Denault. Seconded by Mr. Gray. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray, Nohmer, Timko; No: --; Abstain: --]

Conclusions of Law:

1. The Board had the authority to hear the miscellaneous variation request per Code Section 16.2.12.D(3).
2. The Board made their decision in accordance with Section 16.2.12.F and determined that the non-conformities are covered in section 16.1.8.

Motion to accept the Conclusions of Law made by Mr. Denault. Seconded by Mr. Basnett. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray, Nohmer, Timko; No: --; Abstain: --]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

- March 22, 2022

Motion by Chair Timko to accept the meeting minutes. Second by Mr. Basnett. Motion passed 4-0-1 by roll call vote [Yes: Basnett, Gray, Nohmer, Timko; No: --; Abstain: Denault]

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Mr. Nohmer relayed that there were some issues with the remote portion of the meeting.
- Mr. Alfis will reach out to the applicant for 21 Litchfield Road to determine which upcoming meeting she would like to be scheduled for.

10. ADJOURNMENT

Motion by Chair Timko to adjourn. Second by Mr. Gray. Motion passed 4-1-0 by voice vote [Yes: Basnett, Gray, Nohmer, Timko; No: Denault; Abstain: --]

The Kittery Board of Appeals meeting of April 12, 2022 adjourned at 7:02 p.m.

Submitted by Craig Alfis, Code Enforcement Officer

Disclaimer: The preceding minutes constitute the author's understanding of the meeting. While every effort has been made to ensure the accuracy of the information, the minutes are not intended to be a verbatim transcript of comments at the meeting but only 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>.