

Town of Kittery
Zoning Board of Appeals
June 24, 2008

Call to Order	7:00 pm
Members present: Vern Gardner, Chairman; Craig Brown, Brett Costa, Herb Kingsbury, Niles Pinkham, Thomas Battcock-Emerson.	
Members absent: Bob Kaszynski	
Staff: Sandra Mowery, Town Planner (for Heather Ross, CEO); Jan Fisk, Recorder	
Pledge to the Flag	
Minutes: No minutes available to review/approve	
PUBLIC HEARING	
Kittery Donuts LLC requesting a Miscellaneous Appeal to the terms of Title 16 Section 12, Subsection 130E9 (Page 256L) of the Kittery Land Use and Development Code Zoning Ordinance in order to {a} install an awning on building no closer to property lines than already exists, {b} install an awning on building, 24” closer to property line, but outside both CMP 50’ and Town 60’ setbacks. Located at 400 U.S. Route 1, Kittery, Map 50 Lot 13A, in the Mixed Use Zone. 50-13A-08-16	ITEM 1
Craig Wilson and Niles Pinkham noted that they have, in the past, worked for applicant, but have no involvement in the current application before the Board. Chairman Gardner requested Board and public input. There being no objection to member review, item proceeded for Board consideration.	
Richard Johnson , representing Kittery Donuts LLC, presented application request to Board. Chairman Gardner requested public input either in support or opposition of the application. There being no public comment, Sandra Mowery read staff notes prepared by Heather Ross, noting that there does not appear to be an issue with the request. Board members concurred that the “not closer than” rule could be applied to this application.	
Craig Brown motioned that Kittery Donuts LLC be granted a Miscellaneous Appeal to the terms of Title 16 Section 12, Subsection 130E9 (Page 256L) of the Kittery Land Use and Development Code Zoning Ordinance in order to {a} install an awning on building no closer to property lines than already exists, {b} install an awning on building, 24” closer to property line, but outside both CMP 50’ and Town 60’ setbacks Seconded by Brett Costa Board discussion Motion carries unanimously.	Motion Vote
Chairman Gardner reminded the applicant to obtain a building permit from the Code Enforcement Office. Chairman Gardner instructed Recorder in preparation of the Findings of Fact. Craig Wilson requested that ordinance sections 16-24-060A, 1-4 and 16-28-130A be included in the findings for the record.	
Gregory Jutras requesting a Miscellaneous Appeal to the terms of Title 16 Section 12, Subsection 060D (Page 238-5) of the Kittery Land Use and Development Code	ITEM 2

