

MEETING MINUTES

1. CALL TO ORDER; INTRODUCTORY; ROLL CALL

Chair Timko called the meeting to order at 6:33 p.m. and asked that the roll be called.

Board Members Present: Vern Gardner, Charles Denault III, Jeff Brake, Suzanne Jones, Rick Nohmer, April Timko

Board Members Absent:

Staff Present: Craig Alfis, Code Enforcement Officer

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- **David Ballou on behalf of Mark Quinn, tenant 134 State Road, requesting a Special Exception to operate a Major Home Occupation as a Medical Marijuana Caregiver in the Business Local (B-L) zone per Town Code Section 16.8.22.3.O(1).**
- Both Mr. Gardner and Mr. Nohmer informed the Board that they have had professional interactions with Mr. Ballou. Neither felt that their interactions would have an adverse effect on their ability to be impartial. Ms. Jones confirmed the Board has the authority to hear the appeal. Mr. Alfis presented the staff report. Mr. Mark Quinn and Mr. David Ballou presented the details of the appeal. The Board had several questions for Mr. Quinn, Mr. Ballou and Mr. Alfis. Mr. Dominic Goupil, 132 State Road and Mr. John Quinn, 5 Page Street spoke in opposition of the request. Ms. Nichole Bockman, 129 State Road, had questions for the applicant. Mr. Quinn was given and took the opportunity to rebut. Chair Timko closed the public hearing at 7:09 PM. The Board entered discussion.

Motion by Mr. Gardner to grant the Special Exception Use request for a Major Home Occupation as a medical marijuana licensed primary caregiver in an existing dwelling unit located at 134 State Road in the B-L zone with the conditions set forth in the Staff Report, numbers 1-11 and with the additional condition that the applicant will take reasonable steps to adequately screen from light and other nuisances. Seconded by Ms. Jones. Motion

passed 6-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Jones, Nohmer, Timko; No: --; Abstain: --]

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

Ms. Jones read the following Findings of Fact and Conclusions of Law into the record:

Findings of Fact: (1) Applicant Mark Quinn and his attorney David Ballou are seeking a Special Exception Use to operate a Major Home Occupation as a medical marijuana licensed primary caregiver per Code Section 16.8.22.3.O(1). (2) Mr. Quinn's Limited Liability Company bought the property located at 134 State Road. (3) Mr. Quinn is the sole owner and has leased the property from the LLC. (4) The Board found that the applicant has been granted a Medical Marijuana Primary Caregiver's license by the State of Maine which expires on 5/8/2021. (5) The Board found that he will operate primarily as a delivery service with no more than 3 patients on the premises between the hours of 7am and 7pm. (6) There will be 3 employees associated with the business. (7) There will be no marijuana grown on the property. (8) The Board found that he satisfied all the requirements set forth in Section 16.6.6. (9) The applicant provided a deed confirming that he is the owner of the property. (10) There were abutters that attended the meeting that expressed concern over lighting and other issues which this Board took into consideration when it approved this request with conditions.

Motion to accept the Findings of Fact made by Mr. Nohmer. Seconded by Mr. Brake.
Motion passed 6-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Nohmer, Jones, Timko; No: --; Abstain: --]

Conclusions of Law: (1) The Board approved the applicants Special Exception Use request for a Major Home Occupation as a medical marijuana licensed primary caregiver. (2) The Town Code provides standards for Major Home Occupations and the Board found that the applicant met those standards covered in Section 16.8.22.3. (3) The Board considered the Basis for Decision and Factors for Consideration set out in Section 16.6.6.

Motion to accept the Conclusions of Law made by Mr. Nohmer. Seconded by Ms. Jones.
Motion passed 6-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Jones, Nohmer, Timko; No: --; Abstain: --]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

- October 27, 2020

Motion to accept the meeting minutes made by Mr. Gardner. Seconded by Mr. Denault.
Motion passed 4-0-2 by roll call vote [Yes: Gardner, Denault, Brake, Timko; No: --;
Abstain: Jones, Nohmer]

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Chair Timko welcomed the Board's newest member, Mr. Rick Nohmer and noted that there will be another new Board member appointed in the near future.
- Chair Timko encourage the Town officials to review the medical marijuana caregiver rule of only being allowed to operate as a Major Home Occupation.
- Mr. Alfis relayed that the Town administration is strongly encouraging the Board to begin meeting virtually. After some discussion the Board agreed to hold the next meeting virtually.

10. ADJOURNMENT

Motion by Chair Timko to adjourn. Second by Ms. Jones. Motion passed 6-0-0 by voice vote
[Aye: Gardner, Denault, Brake, Fitzpatrick, Leontakianakos, Timko; Nay: --; Abstain: --]

The Kittery Board of Appeals meeting of November 10, 2020 adjourned at 7:49 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>.