

**MEETING MINUTES**

**1. CALL TO ORDER; INTRODUCTORY; ROLL CALL**

Chair Timko called the meeting to order at 6:31 p.m.

**Board Members Present:** Roland Scott, Douglas Basnett, Charles Denault III, Bob Gray, Amelia Burke, Rick Nohmer, April Timko

**Board Members Absent:** None

**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.**
- The public hearing for this request was opened at the April 12<sup>th</sup> meeting and continued to this meeting due to an emergency on the part of the applicant. Secretary Burke confirmed that the Board has the authority to hear this request. Mr. Alfis presented the staff report. The applicant, Melissa Harrington, presented the project to the Board. The Board had several questions of both the applicant and the Code Enforcement Officer. The public hearing was closed, and the Board entered discussion.

Motion by Mr. Denault to grant the Special Exception Use request under Town Code Section 16.2.12.D(4) to operate a catering and event hosting business in the Residential Rural Zone with the conditions set out in the staff report including the modification of the business hours to 8 pm and a suitable subsurface wastewater system. Second by Mr. Gray. Motion passed 7-0-0 by roll call vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer, Timko; No: --; Abstain: --]

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

Secretary Burke read the following Findings of Fact and Conclusions of Law into the record:

Findings of Fact:

1. Request is to operate a catering business out of the applicant's barn;
2. The Board is reviewing this request because there will be events of less than 25 people;
3. The applicant is the tenant of the house but has a purchase and sale agreement with the owner to be fulfilled in two years;
4. The property consists of 165,548 square feet or 3.8 acres and a total 4,336 square feet of residential area;
5. The applicant is able to meet parking requirements with help from the abutting church;
6. The applicant plans to install a new septic;
7. The applicant requested that the Board modify the event hour restrictions from 7pm to 8pm;
8. The staff report recommends approval with conditions; and
9. The Board considered the Basis for Decision and the Factors for Consideration in Section 16.6.6.

Motion to accept the Findings of Fact made by Mr. Basnett. Seconded by Mr. Scott.  
Motion passed 7-0-0 by roll call vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer, Timko; No: --; Abstain: --]

Conclusions of Law:

1. The Board determined that they had the authority to hear the request under 16.6.4.D;
2. The Board considered the Basis for Decision and the Factors for Consideration in Section 16.6.6;
3. The applicant can meet the requirements of Major Home Occupation as set forth in Section 16.5.12; and
4. The request was approved with conditions.

Motion to accept the Conclusions of Law made by Mr. Gray. Seconded by Mr. Scott.  
Motion passed 7-0-0 by roll call vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer, Timko; No: --; Abstain: --]

**6. UNFINISHED BUSINESS**

**7. NEW BUSINESS**

**8. ACCEPTANCE OF PREVIOUS MINUTES**

**9. BOARD MEMBER OR CEO ISSUES OR COMMENT**

- Mr. Alfis relayed to the Board that there are no requests on the agenda for the next meeting.
- Mr. Basnett asked if decisions made by the Board to amend certain provisions set a precedent for the next applicant.
  - Chair Timko responded that each request is decided on its own merits so no precedent is set, but that in order to be fair similar requests should be treated the same.

**10. ADJOURNMENT**

Motion by Chair Timko to adjourn. Motion passed 7-0-0 by voice vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer, Timko; No: --; Abstain: --]

The Kittery Board of Appeals meeting of April 26, 2022 adjourned at 6:59 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>.*