

**MEETING MINUTES**

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

Chair Jeff Brake called the meeting to order at 6:30 p.m. and asked that the roll be called.

**Board Members Present:** Vern Gardner, Charles Denault III, April Timko, Suzanne Dwyer-Jones, Louis Leontakianakos, Jeff Brake

**Board Members Absent:** Barry Fitzpatrick

**Staff Present:** Craig Alfis, Code Enforcement Officer

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA AMENDMENT AND ADOPTION**

- Chair Brake made a motion to hold the Board elections after Board Member or CEO Issues or Comment. Seconded by Mr. Gardner. Motion passed unanimously by voice vote.

**4. EXECUTIVE SESSION**

**5. PUBLIC HEARINGS**

- Melissa Williamson, on behalf of 74 State Road LLC, requesting a Special Exception Use to convert an existing commercial building into a mixed use building at 74 State Road in the Business – Local (B-L) per Section 16.3.2.8.C(9) and 16.6.4.D of the Town Code.**
- Mr. Alfis presented the staff report. The Board had several questions for Mr. Alfis. The applicant's representative, Monica Keiser, was given the opportunity to state the details of their request. The Board had several questions for Ms. Keiser. The public were invited to comment. The Board entered into discussion.

Motion by Ms. Timko to approve the application by Melissa Williamson, on behalf of owner 74 State Road LLC, requesting a Special Exception Use to convert an existing commercial building into a mixed use building at 74 State Road in the Business – Local (B-L) district. Seconded by Ms. Dwyer-Jones. Motion passed 6-0-0 by roll call vote [Yes: Denault, Gardner, Timko, Dwyer-Jones, Leontakianakos; Brake; No: --; Abstain: --]

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

Findings of Fact: (1) The public hearing was noticed in the Portsmouth Herald on December 4<sup>th</sup>, 2019. (2) A representative for Melissa Williamson, on behalf of 74 State Road LLC made a presentation requesting a Special Exception Use to convert the existing commercial building into a mixed use building at 74 State Road in the Business – Local (B-L) zone per Section 16.3.2.8.C(9). (3) The Board found that the property is located in a future growth area on the Future Land Use Map and has sufficient lot size to accommodate the use and sufficient parking. (4) The Board considered as a basis for decision the conditions set forth in 16.6.6.A and the factors for consideration set forth in 16.6.6.B. (5) The Board approved the request by a vote of six to zero.

Conclusions of Law: (1) The Board had the authority to hear the Special Exception Use Request pursuant to section 16.6.4.D and 16.3.2.8.C(9). (2) The Board found that the proposed use meets the requirements of the code and satisfied the Basis for Decision and Factors for Consideration set forth in 16.6.6.

Motion to accept the Findings of Fact and Conclusions of Law made by Mr. Leontakianakos. Seconded by Mr. Brake. Motion passed 6-0-0 by roll call vote [Yes: Denault, Gardner, Timko, Dwyer-Jones, Leontakianakos, Brake; Nay: --; Abstain:--]

The Board was notified of their right to reconsider and the public was notified of their right to appeal.

**b. Chris Velardi, on behalf of Josephine Robbins, owner, 3 Old Cutts Road requesting a Miscellaneous Variation Request to expand a non-conforming structure in the Residential – Rural (R-RL) zone per Section 16.6.4.C(1).**

- Mr. Alfis presented the staff report. The Board had several questions for Mr. Alfis. Mr. Velardi was invited to the podium to state the details of the request. The Board had several questions for Mr. Velardi.

Motion by Ms. Timko to approve the applicant, Chris Velardi's Miscellaneous Variation Request to expand a non-conforming structure in the Residential – Rural zone per Code Section 16.6.4.C(1). Motion was seconded by Mr. Gardner. Motion passed 6-0-0 [Yes: Gardner, Denault, Timko, Dwyer-Jones, Leontakianakos Brake; No: -- ; Abstain: -- ]

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

Findings of Fact: (1) The Board heard Chris Velardi, on behalf of owner Josephine Robbins of 3 Old Cutts Road requesting a Miscellaneous Variation to expand a non-conforming structure in the Residential – Rural zone per Code Section 16.6.4.C(1). (2) The Board found that this is an existing non-conforming lot and the addition would be

no more non-conforming. (3) In making this decision the Board considered the conditions and factors set out in Section 16.6.6 of the Code and as described in the Staff Report.

Conclusions of Law: (1) The Board found it had authority to hear this Miscellaneous Variation Request pursuant to Code Section 16.6.4.C(1) and 16.7.3.3.B. and in particular subsection (3)(a) regarding a non-conforming structure repair and expansion.

Motion to accept the Findings of Fact and Conclusions of Law made by Mr. Leontakianakos. Seconded by Ms. Dwyer-Jones. Motion passed 6-0-0 by roll call vote [Yes: Denault, Gardner, Timko, Dwyer-Jones, Leontakianakos, Brake; Nay: --; Abstain:--]

The Board was notified of their right to reconsider and the public was notified of their right to appeal.

## **6. UNFINISHED BUSINESS**

## **8. ACCEPTANCE OF PREVIOUS MINUTES**

- October 22, 2019 & November 26, 2019
  - Mr. Gardner had one correction for minutes of October 22
  - Ms. Timko had a general correction for submitted and future minutes

Motion made by Mr. Leontakianakos to accept both minutes as amended. Seconded by Mr. Denault. Motion passed 5-0-1 by roll call vote [Yes: Denault, Timko, Dwyer-Jones, Leontakianakos, Brake; Nay: --; Abstain: Gardner]

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

- Mr. Alfis presented the 2020 meeting calendar to the Board.
- Mr. Leontakianakos confirmed that the next Board meeting is on January 14, 2020.

## **7. NEW BUSINESS**

- Election of Board Officers
  - Secretary

- Ms. Dwyer-Jones nominated by Ms. Timko, seconded by Mr. Leontakianakos.
  - Nomination passed 5-0-0 by roll call vote [Yes: Denault, Gardner, Timko, Leontakianakos, Brake; Nay: --; Abstain: --]
- Vice-Chair
  - Mr. Denault nominated by Mr. Gardner. Mr. Denault respectfully declined.
  - Mr. Leontakianakos by Mr. Brake, seconded by Ms. Dwyer-Jones.
    - Nomination passed 5-0-0 by roll call vote [Yes: Denault, Gardner, Timko, Dwyer-Jones, Brake; Nay: --; Abstain: --]
- Chair
  - Ms. Timko nominated by Mr. Brake, seconded by Mr. Leontakianakos.
    - Nomination passed 5-0-0 by roll call vote [Yes: Denault, Gardner, Dwyer-Jones, Leontakianakos, Brake; Nay: --; Abstain: --]

## **10. ADJOURNMENT**

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

The Kittery Board of Appeals meeting of December 10, 2019 adjourned at 7:11 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>.*