

**MEETING MINUTES**

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

Chair Timko called the meeting to order at 6:31 p.m. and asked that the roll be called.

**Board Members Present:** Vern Gardner, Charles Denault III, Jeff Brake, Barry Fitzpatrick, Suzanne Jones, Louis Leontakianakos, 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**

- **Bruce Huntress, Owner, 6 Creek Crossing in the Residential Rural (R-RL) zone, requesting a Miscellaneous Variation to expand a non-conforming structure in accordance with Town of Kittery Code 16.6.4.C(1) and 16.7.3.3.B(1).**
- Chair Timko stated that the public hearing was noticed on Wednesday July 20, 2020 and confirmed the Board has the authority to hear the request. Mr. Alfis presented the staff report. Mr. Bruce Huntress, applicant, made a presentation on their proposed development. The Board had several questions for Mr. Huntress. No members of the public attended. Chair Timko closed the public hearing at 6:55 PM. The Board entered discussion.

Motion by Vice Chair Leontakianakos to approve the Miscellaneous Variation Request with the condition that the new addition be no more non-conforming than the existing propane tank at its closest point to the wetland and that the propane tank will be removed. Seconded by Ms. Jones. Motion passed 7-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Fitzpatrick, Jones, Leontakianakos, Timko; No: --; Abstain: --]

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

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

Findings of Fact: (1) The property consists of a 61,420 square foot lot located off Haley Road. (2) The property is a conforming lot of record containing a single-family dwelling unit. (3) The existing building is non-conforming as it encroaches on both the 75-foot Stream Protection Overlay zone and a wetland setback. (4) We found that the applicant is seeking to build a 400 square foot addition on the Southern side of the existing house within the 100-foot setback required for a wetland greater than 1 acre in size. (5) The existing house sits 39.4 feet from the same wetland. (6) We also found that on that same property there is an aging 500-gallon propane tank, roughly 30 feet from the wetland and found that the propane tank is considered to be a structure. (7) As the propane tank is closer to the wetland than the existing structure, we found that the addition would be no more non-conforming than the propane tank given the condition in the motion. (8) We have found that the applicant would remove the propane tank as part of the project. (9) All of the 16 points in the staff report were met.

Motion to accept the Findings of Fact made by Ms. Jones. Seconded by Mr. Denault. Motion passed 7-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Fitzpatrick, Jones, Leontakianakos, Timko; No: --; Abstain: --]

Conclusions of Law: (1) The meeting was properly noticed in the Portsmouth Herald. (2) The Board had the authority to hear the request. (3) The Basis of Decision set forth in Section 16.6.6 was considered. (4) The approval of the request with the conditions would make the property no more non-conforming than it currently is.

Motion to accept the Conclusions of Law made by Vice Chair Leontakianakos. Seconded by Ms. Jones. Motion passed 7-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Fitzpatrick, Jones, Leontakianakos, Timko; No: --; Abstain: --]

## **6. UNFINISHED BUSINESS**

## **7. NEW BUSINESS**

- Mr. Fitzpatrick requested that the Town place an American flag in the Star Theater for future meetings.

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

- March 10, 2020

- The Board chose to postpone the acceptance of the minutes to the next meeting.

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

- Mr. Alfis relayed to the Board that the application has been transferred to the Viewpoint system to allow for applicants to apply without having to come to the Town offices.
- Ms. Timko discussed the various options that the Board has for holding meetings during the COVID-19 pandemic. The Board unanimously agreed that they were comfortable with holding future meetings at the Kittery Community Center.
- Mr. Fitzpatrick voiced concern over adapting of Town Codes to enable the development of projects along Dennett Road and behind the Water District and relayed that he has had residents approach him with similar concerns.

## **10. ADJOURNMENT**

Motion by Mr. Gardner to adjourn. Second by Ms. Jones. Motion passed 7-0-0 by voice vote [Aye: Gardner, Denault, Brake, Fitzpatrick, Jones, Leontakianakos, Timko; Nay: --; Abstain: --]

The Kittery Board of Appeals meeting of March 10, 2020 adjourned at 7:27 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>.*