

MEETING MINUTES

1. CALL TO ORDER; INTRODUCTORY; ROLL CALL

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

Board Members Present: Jeff Brake, Louis Leontakianakos, April Timko, Vern Gardner, Barry Fitzpatrick, Suzanne Dwyer-Jones

Board Member Absent: Charles Denault

Staff Present: Adam Causey, Planning & Development Department Director

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- a. **Thomas Battcock-Emerson, applicant for James & Anita Alden, owners, 11 Mill Pond Road, Residential-Urban & Shoreland overlay zones, requesting Miscellaneous Variation Request to the terms of 16.3.2.4.D.2.d, 16.6.4.C, 16.7.3.1.A.B & 16.7.3.3.B.3.A, to construct a 4' x 8' canopy over front stoop entry.**

Mr. Gardner contended that this application could not be heard by the Board of Appeals due to lack of jurisdiction. Mrs. Timko disagreed.

Motion by April Timko to hear the Miscellaneous Variation Request. Motion carried 5-0. [Aye: Jeff Brake, April Timko, Louis Leontakianakos, Suzanne Dwyer-Jones, Barry Fitzpatrick Nay: Vern Gardner]

Mr. Causey read from the prepared staff report regarding the application. The staff report recommended approval of the miscellaneous variation request.

Thomas Battcock-Emerson presented the request for the property owners.

Motion by Barry Fitzpatrick to approve the miscellaneous variation request with staff condition. Second by Suzanne Dwyer-Jones. April Timko read the Basis of Law and Findings of Fact into the record. Motion carried 5-0-1 via roll call vote. [Aye: Jeff Brake, April Timko, Barry Fitzpatrick, Suzanne Dwyer-Jones; Nay: Abstain: Vern Gardner]

- b. Evan Appleton, 592 Haley Road, Residential-Kittery Point Village & Shoreland overlay zones, requesting Miscellaneous Variation Request to the terms of 16.3.2.3.D.2.d, to construct a 7' x 38' 6" covered porch & 4' x 10' deck.**

Mr. Gardner stated his view that the Board does not have jurisdiction. Mrs. Timko stated her view that the Board does have jurisdiction to hear the request, though the code may limit the actions the Board can take. Mr. Brake asked Mr. Causey to begin his presentation. Mr. Causey read the staff report into the record. Staff recommends approval of the request. Evan Appleton, the property owner, presented his project to the Board. The Board asked Mr. Appleton questions about his property and his proposed improvements.

Motion by April Timko to approve the miscellaneous variation request with staff conditions. Second by Louis Leontakianakos. Motion passed 5-0-1 via roll call vote. [Aye: Jeff Brake, April Timko, Barry Fitzpatrick, Suzanne Dwyer-Jones; Nay: Abstain: Vern Gardner]

April Timko read the Basis of Law, Conclusions of Law, and Findings of Fact into the record.

Motion by April Timko to approve the findings of fact and conclusions of law as presented. Second by Suzanne Dwyer-Jones. Motion passed 5-0-1 via roll call vote. [Aye: Jeff Brake, April Timko, Barry Fitzpatrick, Suzanne Dwyer-Jones; Nay: Abstain: Vern Gardner]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

Motion by April Timko to approve the minutes of September 25, 2018 as presented. Second by Barry Fitzpatrick. Motion carries 4-0-2. [Aye: Jeff Brake, April Timko, Louis Leontakianakos, Barry Fitzpatrick; Nay: ; Abstain: Gardner, Dwyer-Jones]

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

Mr. Gardner offered to share materials from a recent training he attended with the Maine Municipal Association.

10. ADJOURNMENT

Motion by April Timko to adjourn the meeting. Second by Suzanne Dwyer-Jones. The motion carried 7-0.

The Kittery Board of Appeals meeting of April 9, 2019 adjourned at 7:59PM.

Submitted by Adam Causey, Director of Planning & Development.

Disclaimer: The following 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>.