

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, Vern Gardner, Barry Fitzpatrick, Charles Denault

Board Members Absent: April Timko, Louis Leontakianakos, Suzanne Dwyer-Jones

Staff Present: Adam Causey, Director of Planning & Development

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

7. NEW BUSINESS

a. Michael Alessi, owner, 70 Remicks Lane, Rural Residential (R-L) zone, requesting an Administrative Appeal to a building permit issued to 7-9 Stoneridge Way in accordance with Town of Kittery Code 16.6.3.

Chair Brake asked the applicant if he was okay with this item proceeding due to the presence of only four board members. Michael Alessi rose from the audience and addressed the Board from the podium. Mr. Alessi stated that postponing this item would be best. Mr. Fitzpatrick asked why this item was before the Board if it was a Planning Board item in two days. Mr. Causey responded that even though the pending Right-of-Way Plan item in front of the Planning Board concerned the same property, tonight's item is an administrative appeal of a CEO action. Mr. Alessi rose again to the podium and indicated he would like to have the item heard. Mr. Gardner advised Mr. Alessi against having the case heard. Mr. Denault stated that he would rather wait until the full Board was present.

Motion by Mr. Fitzpatrick to not hear this item. Second by Vern Gardner. The motion passed unanimously by voice vote.

8. ACCEPTANCE OF PREVIOUS MINUTES

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

Mr. Causey gave an update on staffing in the Code Enforcement Office.

Mr. Denault stated that he was uncomfortable with Mr. Gardner's comment to applicant earlier. Mr. Brake explained that the applicant first stated he did not want to present. Mr. Alessi rose again to state that he would present his case. Mr. Brake directed Mr. Alessi to the podium to present. Mr. Causey reminded the Board that they had voted to not hear the appeal. Mr. Brake asked Mr. Fitzpatrick if he would like to rescind his earlier motion, and Mr. Fitzpatrick initially declined.

Motion by Barry Fitzpatrick to rescind his previous motion to not hear the appeal for 7-9 Stoneridge Way. Second by Mr. Brake. Motion passes 3-1 [Aye: Fitzpatrick, Brake, Denault; Nay: Gardner].

Mr. Alessi, the applicant, presented his case that the CEO erred when issuing a building permit for 7-9 Stoneridge Way. Mr. Alessi contends that the permit issued to the duplex dwelling unit was one more unit than allowed on the private Stoneridge Way, per a previous Planning Board approved plan.

Mr. Causey presented the case stated that the appeal may have been filed past the deadline due to a glitch in the Town's permitting software that changed the date of building permit issuance, even though the permit was unchanged. Mr. Causey stated that the first date on the building permit should control and, since the appeal application was submitted after the 30-day appeal period, the Board should not render a decision on this case. Mr. Alessi disagreed and stated that the Town's software notified him of an updated permit date after notes were entered into the permitting software.

Motion by Charles Denault to approve the applicant's administrative appeal. Second by Barry Fitzpatrick. Motion failed 2-2. [Aye: Gardner, Fitzpatrick; Nay: Brake, Denault]

10. ADJOURNMENT

Motion by Jeff Brake to adjourn. Second by Charles Denault. Motion passed unanimously.

The Kittery Board of Appeals meeting of June 11, 2019 adjourned at 7:35 p.m.

Submitted by Adam Causey, Director of Planning & Development.

**TOWN OF KITTERY, MAINE
BOARD OF APPEALS
Council Chambers – 6:30PM**

APPROVED
June 11, 2019

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>.