

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, Barry Fitzpatrick, Suzanne Dwyer-Jones, April Timko, Vern Gardner, Louis Leontakianakos, Charles Denault

Board Members Absent:

Staff Present: Adam Causey, Director of Planning and Development

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

Motion by Vern Gardner to suspend the rules and amend the agenda. Motion died for lack of a second.

Motion by April Timko to amend the agenda to remove Item 5.a., since the applicant has submitted a letter of withdrawal. Second by Louis Leontakianakos. Motion passed 7 to 0 by roll call vote [Aye: Brake, Timko, Gardner, Denault, Fitzpatrick, Dwyer-Jones, Leontakianakos; Nay:].

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- a. John A Considine II, owner/applicant, 5 Cove Landing, requesting a Special Exception Use for a Major Home Occupation to operate as a medical marijuana primary caregiver in the Residential – Suburban (R-S) zone, per Section 16.3.2.2 and Section 16.8.22.3 of the Town Code.**

This item was not heard because the applicant withdrew the application.

6. UNFINISHED BUSINESS

- a. Findings of Fact – Administrative Appeal, 7-9 Stoneridge Way**

Mr. Causey explained that this case was heard previously at the June 11, 2019 Board of Appeals meeting, however the Board did not review findings of fact at that time. Mr. Causey

reminded the Board that at the June 11 meeting, this administrative appeal was denied due to it not receiving four like votes to overturn the CEO.

Motion by Charles Denault approve the following Findings of Fact in the above matter: that the administrative appeal was not upheld due to it not receiving four like votes. Second by Jeff Brake. Motion passed 3-1-3 by roll call vote [Aye: Brake, Denault, Fitzpatrick; Nay: Gardner; Abstain: Timko, Dwyer-Jones, Leontakianakos].

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

- a. September 25, 2018**
- b. November 13, 2018**
- c. January 8, 2019**
- d. February 26, 2019**
- e. March 12, 2019**
- f. April 9, 2019**

Mr. Causey apologized for not having the above minutes for review and said they would be available at a subsequent meeting.

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

Chair Jeff Brake reminded board members to direct all questions or comments regarding matters before the Board of Appeals to the chair.

Charles Denault requested a review of the rules concerning ex-parte communications and prejudicial comments from board members.

Mr. Gardner accused Mr. Brake and Mr. Causey of ex-parte communications. Mr. Brake allowed Mr. Causey to respond. Mr. Causey denied Mr. Gardner's accusation. Mr. Gardner made several motions in a row requesting opinions from the Town attorney. Each motion failed due to lack of a second.

10. ADJOURNMENT

Motion by Louis Leontakianakos to adjourn. Second by Barry Fitzpatrick. Motion passed unanimously.

The Kittery Board of Appeals meeting of June 25, 2019 adjourned at 7:14 p.m.

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>.