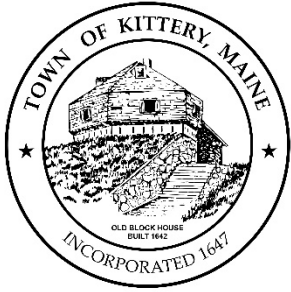




**Town of Kittery**  
**200 Rogers Road, Kittery, ME 03904**

Board of Appeals  
Meeting Agenda, Council Chambers  
Tuesday, June 25, 2019  
Regular Meeting - 6:30 P.M.

1. Call to Order; Introductory; Roll Call
2. Pledge of Allegiance
3. Agenda Amendment and Adoption
4. Executive session (if required)
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.
6. Unfinished Business
  - a. Findings of Fact – Administrative Appeal, 7-9 Stoneridge Way
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
9. Board Member or CEO Issues or Comment
10. Adjournment



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT**

BOA Meeting Date: June 25, 2019

Item #: SE2019-02

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**STAFF REPORT – 5 COVE LANDING – SPECIAL EXCEPTION USE REQUEST /  
MAJOR HOME OCCUPATION**

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**Project Name:** 5 Cove Landing

**Applicant:** John A. Considine II

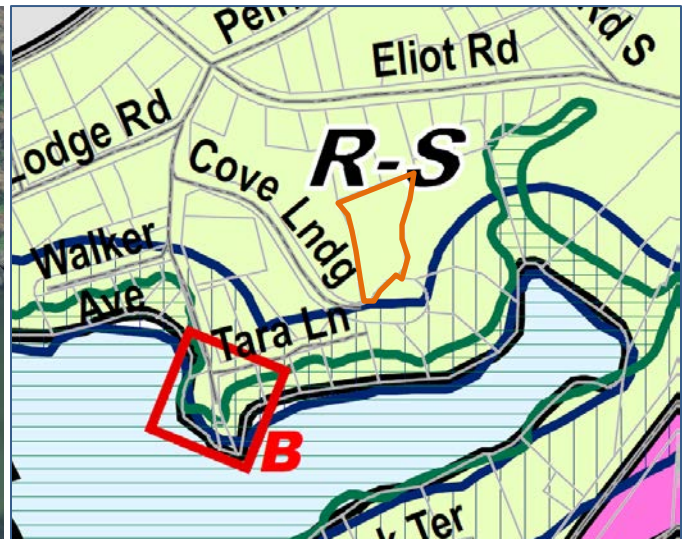
**Owner:** John A. Considine II

**Proposed Development:** Major home occupation: Medical marijuana primary caregiver

**Requests:** Special Exception Use per LUDC Section 16.7.3.2.2C.(7), seeking approval for a major home occupation as a medical marijuana primary caregiver

**Site Addresses:** 5 Cove Landing

**Map & Lot Numbers:** 2-13-8



**Current Zoning:**

Residential – Suburban (R-S) - The purpose of the Residential – Suburban is to provide areas

adjacent to the developed urban areas for future residential growth consistent with the availability of public utilities.

The existing dwelling use is permitted by right in the zone. The following uses are permitted as a Special Exception Use in the R-S Zone: (7) Major home occupations as an accessory use.

**Staff Recommendation:** APPROVAL WITH CONDITIONS of Special Exception Use request.

**District Standards:**

Residential – Kittery Point Village (R-KPV) Zoning District Standards			
Land Area per DU (min. w/ sewer)	30,000 sf	Front Yard Setback (min.)	40 feet
Building Coverage (max.)	20%	Rear Yard Setback (min.)	15 feet
Lot Size (min. w/ sewer)	30,000 sf	Side Yard Setback (min.)	15 feet

**Current Use:** One dwelling unit.

**Surrounding Land Uses:**

West: Residential – Suburban (R-S), dwelling unit

East: Residential – Suburban (R-S), dwelling unit

North: Residential – Suburban (R-S), dwelling unit

South: Residential – Suburban (R-S) and Shoreland Overlay Zone (OZ-SL), dwelling unit

**Future Land Use:**

The subject property is located within a Growth Area in the Future Land Use Map, defined in the Comprehensive Plan as “areas where the Town would like to encourage future development to occur.” Growth Area include parts of Town where 75% or more of future non-residential growth is expected, areas that are or can relatively easily be served by public facilities and services, are accessible by a variety of modes of transportation, promote more compact and denser pattern of development, and where there is existing development.

**Site Description:**

The subject property consists of approximately 44,431 square feet (1.02 acres) located along the northern right-of-way of Cove Landing, a public road in the Weir Cove subdivision off Gray Lodge Road via Route 103. The property is zoned Residential – Suburban (R-S) and is a conforming lot. The property is not located in the Shoreland Overlay Zone, though their neighbors to the south are. The lot contains one single-family dwelling of approximately 2,216 square feet of living area on the two upper floors, and with a 524-square-foot garage and 566 square feet of unfinished basement area on the bottom floor. The existing home features a paved driveway.

**History of the Property:**

The property contains a single-family dwelling unit constructed in approximately 2000 as part of the Weir Cove subdivision, a nine-lot subdivision approved by the Planning Board in 1998. Tax records show the dwelling consists of approximately 3,324 gross square feet area over three floors. The house is on public sewer. The existing primary structure is conforming as to the required front, side, and rear setbacks.

**Description of the Issue:**

The owner/applicant wishes to operate a licensed medical marijuana caregiver per Maine state law (22 M.R.S. § 2425) out of his home. The owner is proposing to finish 324 square feet of the existing basement for a grow room, work room, and utility area. The applicant states in the application that he will construct new interior walls and install lights for a grow operation. The applicant further states that he has been granted an Individual Caregiver License from the Maine Medical Marijuana Program and provides a copy of the license.

Town Code provides certain standards for a major home occupation in Section 16.8.22.3 of the LUDC. The medical marijuana use is allowed with a registered primary caregiver in a dwelling unit. The Town has not opted in to any other provisions of state law to allow retail sales of marijuana.

**Applicant's Special Exception Use Request:**

Section 16.6.6 requires the Board of Appeals to use the following process when hearing requests:

*§ 16.6.6 Basis for decision.*

*A. Conditions.*

- (1) *In hearing appeals/requests under this section, the Board of Appeals must first establish that it has a basis in law to conduct the hearing and decide the question.*

**LUDC Section 16.6.4.D.(1) allows the Board of Appeals to “hear, decide and may grant an applicant's special exception use request where authorized in Chapter 16.3 for any application excluded from Planning Board review as stated in § 16.10.3.2, if the proposed use meets the criteria set forth in § 16.6.6, Basis for decision.” Since this property is not in the Shoreland Overlay or Resource Protection Overlay Zones, the special exception use request falls to the Board of Appeals.**

**The requested activity is a major home occupation, defined in the code as “a type of home occupation that fails to meet all of the standards for a minor home occupation established in § 16.8.22.2, but is found by the Board of Appeals to satisfy the standards established in § 16.8.22.3 to ensure that a business results in no more than a minor intrusion in the quality of life of residents in the surrounding neighborhood.” Home occupations as an accessory use are allowed only as a Special Exception Use in the Residential – Suburban (R-S) zone.**

- (2) *In hearing appeals/requests under this section, the Board of Appeals must use the following criteria as the basis of a decision, that:*

- (a) *The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;*

**The use can be granted only as an accessory use by the Board of Appeals, and will not prevent the orderly and reasonable use of adjacent properties. All adjacent properties are zoned Residential –**

**Suburban containing the same single dwelling use as the subject property and have the same opportunity to apply for home occupations per the code.**

- (b) *The use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located or of permitted or legally established uses in adjacent use zones;*

**The use will not prevent the orderly and reasonable use of legally established uses in the zone since the use is the same as adjoining properties and there are no use restrictions between adjacent dwelling units in the zone.**

- (c) *The safety, the health and the welfare of the Town will not be adversely affected by the proposed use or its location; and*

**The use will not adversely affect the health and welfare of the Town, as long as conditions are met to ensure safe and legal operations.**

- (d) *The use will be in harmony with and promote the general purposes and intent of this title.*

**The use is in harmony with Title 16 and promotes its general purposes.**

*Factors for consideration. In making such determination, the Board of Appeals must also give consideration, among other things, to:*

- (1) *The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;*

**The use involved is legally permitted in the zone, per review by Board of Appeals.**

- (2) *The conservation of property values and the encouragement of the most appropriate uses of land;*

**The proposed home occupation will occur within the existing dwelling unit, which is an appropriate and compatible use of the land.**

- (3) *The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;*

**There is no proposed change in the underlying use of the property nor increase in density of the existing dwelling unit. The applicant will presumably accept clients arriving via cars. Client vehicular traffic should conform to the hours of operation restrictions in the code or imposed by the Board. Off-street parking**

**for the home occupation shall be provided in the driveway.**

- (4) *The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use;*

**The property is connected to adequate sewer systems.**

- (5) *Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;*

**The proposed use has the potential for odors and the applicant has proposed the installation of a Can-fan filter to abate any odors.**

- (6) *Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;*

**The use causes no disturbing emission of electrical discharges, dust, light, vibration or noise.**

- (7) *Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;*

**No undue interference should result from this use.**

- (8) *The necessity for paved off-street parking;*

**The property has suitable existing space for paved off-street parking.**

- (9) *Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of persons upon such plot;*

**The applicant proposes to install lights in a grow room, which could put significant strain on the typical residential electrical system. The applicant must verify the electrical system can handle the additional load from such lights. Any fire hazards can be mitigated with proper construction and inspection.**

- (10) *Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population or unsightly storage of equipment, vehicles or other materials;*

**No overcrowding should result from this use.**

- (11) *Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;*

**The existing lot is a legal, conforming lot of record.**

- (12) *Whether the proposed use will be adequately screened and buffered from contiguous properties;*

**Adequate existing vegetation exists.**

- (13) *The assurance of adequate landscaping, grading and provision for natural drainage;*

**No changes are proposed to the land, which already includes adequate drainage.**

- (14) *Whether the proposed use will provide for adequate pedestrian circulation;*

**No existing pedestrian facilities existing along this cul-de-sac road.**

- (15) *Whether the proposed use anticipates and eliminates potential nuisances created by its location; and*

**The applicant must take care to avoid any public nuisances, abate any odors emanating from the use, and abide by restrictions on hours of operation.**

- (16) *The satisfactory compliance with all applicable performance standard criteria contained in Chapters 16.8 and 16.9.*

**Other than the request applied by the applicant here, the property conforms to Title 16.8 and 16.9 in its existing state. The applicant must abide by specific conditions outlined in section 16.8.22.3 and any conditions placed on the use by the Board of Appeals.**

*16.6.6.C. Additional special exception conditions. Special exception approvals may be subject to additional conditions as determined by the BOA, including the following:*

- (1) *Front, side or rear yards in excess of minimum requirements*
- (2) *Modifications of the exterior features of buildings or other structures;*
- (3) *Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements;*
- (4) *Regulation of design of access drives, sidewalks and other traffic features;*
- (5) *Off-street parking and loading spaces in excess of the minimum requirements; or*
- (6) *Restrictions on hours of operation.*

Using the standards and criteria found in the LUDC, Staff recommends **APPROVAL WITH CONDITIONS** of the Special Exception Use request for a major home occupation as a medical marijuana licensed primary caregiver in an existing dwelling unit located in the R-S zone, with the following conditions:

1. The owner must abide by all provisions of Maine State Law on medical marijuana licensed caregivers, 22 M.R.S. § 2425.
2. The applicant must be a resident of the dwelling on the premises where the home occupation will occur. An applicant who is not the owner of the property, but is residing on the premises, must submit written permission of the property owner for the proposed home occupation.
3. The maximum total amount of square footage attributed to the home occupation use must not exceed 350 square feet.
4. There must be no more than three adults, inclusive of residents of the premises, working in the home occupation at the site at any one time.
5. No other major home occupations may be conducted on the premises while operating as a licensed medical marijuana caregiver.
6. One (1) sign no greater than eight (8) square feet is allowed for the home occupation.
7. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of 7:00 p.m. and 7:00 a.m. The applicant must submit a plan that provides safe and sufficient off-street parking to meet the needs of the business and prevent parking from overflowing off the site.
8. All outdoor storage of equipment, vehicles or items associated with the home occupation must be screened from view of abutting properties and from all streets except for one (1) vehicle used in conjunction with the home occupation and vehicles owned by residents of the premises with valid license plates.
9. All business activities on the site must take place within an enclosed building.
10. All refuse and recyclables must be stored in containers that are screened from view of abutting properties and from streets.
11. Prior to the installation of any lighting systems for the home occupation, an electrical load test of the dwelling's electrical system must be performed by a licensed electrician. The results of the load test must be shared with the Code Enforcement Officer.
12. A suitable ventilation system must be installed to abate any odors, subject to the



review and inspection by the Code Enforcement Officer.

13. **The proposed home occupation will not be allowed to operate until all proposed interior improvements for the grow room and work area have been completed and inspected to the satisfaction of the Code Enforcement Officer, the Fire Chief, and the Police Chief.**
14. **Upon approval of a major home occupation by the Board of Appeals and compliance with the above conditions, the Code Enforcement Officer is authorized to issue a certificate of occupancy permit for not more than a one-year time period. Such permit may be renewed annually upon application to the Code Enforcement Officer. The annual permit may be renewed only if the Code Enforcement Officer finds the major home occupation complies with all applicable standards of this Code and any conditions required by the Board of Appeals in the original approval.**



**TOWN OF KITTEERY**  
**CODE ENFORCEMENT OFFICE**  
 200 ROGERS ROAD, KITTEERY, MAINE 03904  
 PHONE: (207) 475-1305  
 FAX: (207) 439-6806

DATE SUBMITTED	6/3/19
MAP & LOT	2-13-8
ASA FEE	
DATE PAID	
DATE COMPLETE	
HEARING DATE	

*Application to the*  
**BOARD OF APPEALS**

**SPECIAL EXCEPTION USE REQUEST**

I have reviewed Town Code Title 16, Board of Appeals By-Laws, and the Ordinance(s) pertinent to this application. My request is based on the following:

TITLE	16	CHAPTER	3	SECTION	2	2			PAGE	163:6
TITLE	16	CHAPTER	8	SECTION	22	3			PAGE	

**Special exception** means a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in Chapter 16.3.

**IN ORDER FOR AN APPLICATION TO BE DETERMINED COMPLETE AND SCHEDULED FOR A PUBLIC HEARING: APPLICATIONS FORMS MUST BE COMPLETE; 10 SETS OF DOCUMENTATION PROVIDED; & ALL FEE(S) PAID**

**PROPERTY INFORMATION**

ADDRESS	5 COVE LANDING KITTEERY, ME 03904				
MAP	2	LOT #	13-8	LOT SIZE	1.02
BASE ZONE(S):	R-S		OVERLAY ZONE(S):		

**The subject property:**  
 [ is / is not ] in a Shoreland overlay or Resource Protection zone; [ is / is not ] in a floodplain; AND  
 [ does / does not ] have outstanding code violations; and, if so, granting this appeal provides resolution .

**PROPERTY OWNER: I have right, title or interest in the affected property, or issue, as shown by:**

NAME(S)	JOHN A CONSIDINE II				
MAILING ADDRESS	5 COVE LANDING				
CITY	KITTEERY	STATE	ME	ZIP CODE	03904
PHONE No.	(617) 513-0996		e-MAIL:	JACII@THECONSIDINEFAMILY.COM	

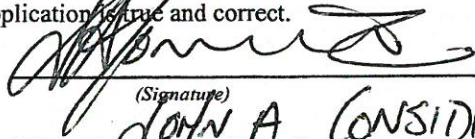
*NOTE: You may have an attorney represent you, but such representation is not necessary. You may also be represented by a designated agent (e.g. family member, neighbor, engineer, contractor) as you so desire.*

**APPLICANT (if different) I am an agent of the applicant with standing, as shown by:**

NAME(S)	SAME →				
MAILING ADDRESS	SAME →				
CITY		STATE		ZIP CODE	
PHONE No.			e-MAIL:		

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date: 6/3/19

By:   
 (Signature)  
JOHN A CONSIDINE II  
 (Print Name)



**AFFIRMATIONS***(Please read and check all the boxes to confirm)***I understand that the:** Use requested must:

- 1. Not have an unreasonably adverse effect on the health, safety or general welfare of the residents of the area or the general public.
- 2. Not significantly devalue abutting property or property across a public or private way.
- 3. Not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones.
- 4. Not have an adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitats.
- 5. Be in harmony with and promote the general purposes and intent of this Code.
- 6. Adequately provide for the disposal of all wastewater.
- 7. Conserve shore cover and visual, as well as actual, points of access to inland waters.
- 8. Protect archaeological and historic resources as designated in the Comprehensive Plan.
- 9. Avoid problems associated with floodplain development and use.

 Board may establish additional conditions, including, but not limited to, the following:

- 1. Front, side or rear yards in excess of minimum requirements;
- 2. Modifications of the exterior features of buildings or other structures;
- 3. Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements;
- 4. Regulation of design of access drives, sidewalks and other traffic features;
- 5. Off-street parking and loading spaces in excess of the minimum requirements; or
- 6. Restrictions on hours of operation.

 Proposed use may:

- 1. Not have an adverse effect. In making this determination, the Board shall take into consideration the potential effect of the development on the environment from air, water or soil pollution; noise; traffic congestion; soil erosion; the burden on sewage disposal or water supply systems or other municipal facilities, services or public ways; and any other relevant factors.
- 2. Not significantly devalue abutting properties. In making its determination, the Board shall take into consideration the type of structure proposed; the topography of the area; the market value of the surrounding real estate; the availability of utilities and transportation; the availability of schools and hospitals; traffic conditions; and any other relevant factors.
- 3. Not give rise to any grave concern regarding the expectations as listed above.
- 4. Be subject to such additional conditions as the Board deems necessary.

**I also understand that the Board of Appeals:**

- May hear and decide a special exception use request within the limitations set forth in Title 16 Section(s) identified on Page 1.
- Appears to have jurisdiction to hear this request; hearing must be held within 30 days of this request filing; application must be complete; and, public and abutter notice must be made no less than seven days prior to the scheduled hearing.
- Will conduct this hearing De Novo (meaning the Board acts if it were considering the question for the first time, affording no deference to the preceding agency decisions; may receive new evidence and testimony consistent with this Town Code Title 16 and the Board rules; and, conduct additional hearings and receive additional evidence and testimony).
- Will determine my Burden of Proof:
  - 1) What does the ordinance/statute require the applicant to prove?
  - 2) Does the ordinance/statute prohibit or limit the type of use being proposed?
  - 3) What factors must be considered under ordinance/statutes to decide whether to grant the request?
  - 4) Is the evidence presented substantial? Is it credible? Is it outweighed by conflicting evidence?
- Requires substantial evidence as the Standard of Review for this request, meaning:

*"More than a mere scintilla". It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The preponderance of evidence standard is met if the proposition is more likely to be true than not true. The standard is satisfied if there is greater than fifty percent chance that the proposition is true.*
- May hear, decide, and approve variations in accordance with the criteria listed in Town Code Title 16, Sections 6.6.1, Factors, and 6.6.2, Considerations; and may consider other Title 16 standards.





**Maine Medical Use of Marijuana  
Program  
INDIVIDUAL CAREGIVER**



*Department of Health  
and Human Services*  
*Maine People Living  
Safe, Healthy and Productive Lives*

*Paul P. LePage, Governor    Kieran Conboy, Acting Commissioner*

Caregiver Registration Card in the Name of:  
**JOHN A. CONSIDINE, II**  
5 COVE LNDG  
KITTERY, ME 03904-1574  
Registration #: CG1022715 Control #: 0495048  
Issued: 2/5/2019 Expires: 2/4/2020 DOB: 8/23/1965

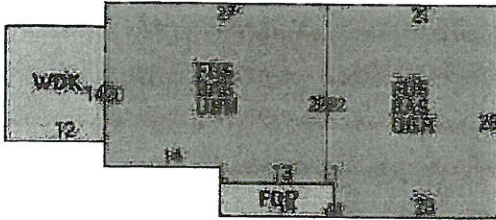
**Extra Features**

Code	Description	Units
FPL	FIREPLACE	1 UNITS

**Outbuildings**

Code	Description	Units
No Outbuildings		

**Building Sketch**



**Subarea Summary**

Code	Description	Gross Area	Living Area
BAS	First Floor	1108	1108
FOP	Porch, Open, Finished	56	0
FUS	Upper Story, Finished	1108	1108
UBM	Basement, Unfinished	566	0
UGR	Garage, Under	542	0
WDK	Deck, Wood	168	0









## OBITUARIES

### George Adrian St. Laurent II

PORTSMOUTH — George Adrian St. Laurent II, of Portsmouth, N.H., went home to be with the lord on Sunday,

A. St. Laurent and Margaret E. St. Laurent. George is survived by his son David St. Laurent, two grandsons, two

veto it, sign it or let it go into law. She hasn't said what she'll do.

An Associated Press review of state campaign finance reports shows that self-identified lobbyists gave at least \$25,000 to legislative candidates and legislator-run political action committees last year. Maine's biggest lobbying firms gave over \$47,000.

Currently, lawmakers can accept contributions from lobbyists or their employers only when the Legislature is not in session.

Supporters of the bill who want to restrict money in politics say Maine's existing law leads to a situation in which

Chenette's original bill, introduced in January, would have banned all contributions from lobbyists or their employers year-round.

But the bill received pushback from the Democratic attorney general's office, which warned lawmakers the original bill could infringe on lobbyists' freedom of political association.

Attorney General Aaron Frey said year-round bans on all lobbyist contributions have been struck down in at least two states, Connecticut and Kentucky. Frey said it's unclear whether such a year-round ban would stand up to potential litigation in Maine.

# Trump blames Iran for tanker attacks

goal of nuclear disarmament. "exposed." He did not say sanctions aimed at compelling Patriot air defense systems.

## Dems ramp up election security push after Trump comments

By Mary Clare Jalonick and Lisa Mascaro  
The Associated Press

WASHINGTON — Alarmed by President Donald Trump's willingness to accept foreign dirt on a political opponent, House Democrats are accelerating their efforts to strengthen election security ahead of the 2020 campaign.

Lawmakers had already been compiling a fresh package of bills in the aftermath of special counsel Robert Mueller's findings in the Trump-Russia probe. But House Speaker Nancy Pelosi said Democrats are now pushing ahead with votes because it's part of "what the American people elected us to do."

It remains to be seen if passage of bills through the House will break the stalemate in Congress over what to do about election security. While Russia interfered in the presidential election more than two years ago, lawmakers have yet to act on legislation — and there is no shortage of proposals.

Democrats sped up their efforts after Trump suggested Wednesday in an interview with ABC News that he was open to accepting a foreign power's help in his 2020 campaign. He appeared to walk those comments back Friday, telling Fox News that "of course" he would go to the FBI or the attorney general if a



Speaker of the House Nancy Pelosi, D-Calif., speaks during a news conference Thursday on Capitol Hill in Washington. (J. SCOTT APPLEWHITE/THE ASSOCIATED PRESS)

foreign power offered him dirt about an opponent.

Still, the controversy gave fresh energy to an issue that Democrats have prioritized since they took the House majority in January. Even though the nation's intelligence agencies said from early 2017 that it was clear Russia tried to influence the 2016 election in favor of Trump, Republicans who led both chambers did not move comprehensive legislation to address the issue. Senate Majority Leader Mitch McConnell has declined to hold a vote on a Senate election security bill that has bipartisan support.

The House bills seek to secure state election systems, put stricter limits on foreign election interference and

report, which extensively detailed the Russian interference, flashed a "neon sign" that Russia was "coming again."

Congress has struggled to improve election security in the aftermath of the 2016 election, tangled by partisan fighting and the intricacies of state-run election systems. The bipartisan Senate effort ahead of the 2018 midterm election was blocked by resistance from GOP leadership, taking cues from a White House neutral to the effort. At the start of the new Congress this year, House Democrats passed a sweeping package of election and ethics reforms, but Senate Republicans rejected much of the package as overreach.

"What is it about Mitch McConnell and the Republicans in Congress that they do not want to respond to what is so popular across the board in our country?" Pelosi said this week.

Republican Sen. James Lankford of Oklahoma said last month that talks had resumed on bipartisan Senate legislation that stalled last year. The White House and some Republicans said at the time that the bill, which would encourage backup paper ballots and bolstered election audits, could exert too much federal control over the states. McConnell declined to bring it for a vote last fall, and there are no signs he has changed his mind.

#### LEGAL NOTICE PLANNING BOARD PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Planning Board will hold a public hearing on the following applications on **Thursday, June 27, 2019** starting at 7:00 p.m. in the Eileen Dondero Foley Council Chambers, City Hall, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire. Due to the high volume of applications received by the Planning Department this meeting is a continuance of the June 20, 2019 meeting.

- The application of **The Society for the Protection of Forests, Owner and Altus Engineering, Inc.**, Applicant for property located at **400 Little Harbor Road** requesting a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to demolish the entire existing house along with existing pavement surfaces. Only a portion of the house is in the tidal wetland buffer where there will be an impact of approximately 1,400 sq. ft. Said property is shown on Assessor Map 203 as Lot 8 and lies within the Rural (R) District. LU #19-109.
- The application of **Paul Mullen, Owner and Saviole Nolan Architects, LLC**, Applicant for property located at **97 Eastwood Drive** requesting Conditional Use Permit approval in accordance with Section 10.814 of the Zoning Ordinance for the addition of a 746 sq. ft. Attached Accessory Dwelling Unit to the first floor of an existing home. Said property is shown on Assessor Map 288 as Lot 3-20 and lies within the Single Residence B (SRB) District. LU #19-110.
- The application of **Public Service Company of New Hampshire d/b/a Ever-source Energy, Applicant and the City of Portsmouth and HCA Health Services of NH, Inc., Owners**, for properties located on **Borthwick Ave** requesting a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the replacement of three utility poles adjacent to **Borthwick Ave**. The project proposes a temporary impact of 2,227 sq. ft. in the wetland area and 4,567 sq. ft. in the wetland buffer. Said properties are shown on Assessor Map 234 & 240 as Lots 7-3, 2-1001 & 2-1 and lie within the Natural Resource Protection (NRP) and Office Research (OR) Districts. LU #19-114.
- The application of **Annamarie D'Aversa, Owner and Tara Jenkins, Applicant** for property located at **123 Sparhawk Street** requesting a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to construct a 140 sq. ft. shed, level the rear yard and remove an existing rock wall all within the 100 foot tidal buffer zone. Said property is shown on Assessor Map 159 as Lot 4 and lies within the General Residence A (GRA) District. LU #19-111.
- The application of **Chinburg Development, LLC, Owner, and Brendan Vesey, Applicant** for property located at **110 Brewery Lane** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an Outdoor Dining or Drinking Area as an accessory use. Said property is shown on Assessor Map 155 as Lot 5 and lies within the Character District 4-W (CD4-W) District. LU #19-101.

Juliet T.H. Walker, AICP  
Planning Director

Note: The Agenda for the Planning Board meeting will differ from the Legal Notice. For information on the Agenda call the Planning Department at 610-7217 during the week of June 24, 2019, or check the City's website at [www.cityofportsmouth.com/planportsmouth/planning-board](http://www.cityofportsmouth.com/planportsmouth/planning-board).

Notice to the members of the public who are hearing impaired — if you wish to attend a meeting and need assistance, please contact the Human Resources office at 610-7274 one week prior to the meeting.

#### Legal Notice

#### NOTICE OF PUBLIC HEARING TOWN OF KITTERY - BOARD OF APPEALS 200 Rogers Road, Kittery, Maine 03904 Tuesday, June 25, 2019 — 6:30 p.m.

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.

Application information is available for public inspection between 8:00 am to 6:00 pm, Monday through Thursday, at the Development Department located in Kittery Town Hall.

To request a reasonable accommodation for this meeting please contact staff.

#### LEGAL NOTICE

Kensington, New Hampshire

Pursuant to RSA 677:2, The Kensington Zoning Board of Adjustment will hold a Public Hearing, JULY 2, 2019, at 7:30pm in the Kensington Town Hall to hear the application for a Rehearing Request on the Variance for Stephanie Artigliere of 48 Stumpfield Road; Map 7 Lot 19-1, in accordance with the Town of Kensington Zoning Ordinance Article III Section 3.2.2(A) (1).

Kathleen T Felch, Board of Adjustment Clerk