



Town of Kittery
200 Rogers Road, Kittery, ME 03904

Board of Appeals Meeting Agenda
Meeting Location: Kittery Community Center
Tuesday, November 10, 2020
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**
 - David Ballou on behalf of Mark Quinn, tenant 134 State Road, requesting a Special Exception to operate a Major Home Occupation as a Medical Marijuana Caregiver in the Business Local (B-L) zone per Town Code Section 16.8.22.3.O(1).
6. **Unfinished Business**
7. **New Business**
8. **Acceptance of Previous Minutes**
 - October 27, 2020
9. **Board Member or CEO Issues or Comment**
10. **Adjournment**

Board of Appeals Application

BOA-20-7

Status: Active

Submitted: Oct 20, 2020

Applicant



Mark Quinn

2077520443

marksorganix@gmail.com

Location

134 STATE ROAD
KITTERY, ME 03904

Property Owner Information

Full Legal Name(s)

Mark Quinn

Mailing Address

134 State Road

State

ME

Phone Number

2077520443

City

Kittery

Zip Code

03904

Email Address

Marksorganix@gmail.com

Applicant if different from Property Owner

Full Legal Name (s)

David J. Ballou, Attorney/Agent for Applicant

Mailing Address

408 US Route 1, Floor 2

State

Maine

Phone Number

207-363-5300

City

York

Zip Code

03909

Email Address

david@balloubedell.com

Property Information

Street Address

134 State Road, Kittery, ME 03904

Tax Map

14

Base Zone(s)

BL

Is the Subject Property located within a Shoreland Overlay or Resource Protection Overlay?

No

Lot size in acreage

.56

Lot Number

117

Overlay Zone(s)

No

Is the Subject Property located in a floodplain?

No

Does the Subject Property have any outstanding code violations?

No

If the Subject Property has an outstanding code violation, will approval for your request by the Board of Appeals provide resolution?

Yes

Application to Appear before the Board of Appeals

I wish to appear before the Board of Appeals to request:

An Administrative Appeal

--

A Variance Request

A Miscellaneous Variation Request

--

A Special Exception Use Request

true

Special Exception Use Request

Title

Chapter and Section

16

16.8.22.2 & 16.8.22.3

Title

Chapter and Section

22 M.R.S.

Section 2425

Special Exception Use Request Affirmations

Please check all boxes to confirm

Use request 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; and, 9. Avoid problems associated with floodplain development and use.

true

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.

true

true

Proposed use may: 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 surrounding real estate; the availability of utilities and transportation; the availability of schools and hospitals; traffic conditions; and any other relevant factors.

true

Proposed use may: 3. Not give rise to any grave concern regarding the expectations as listed above.

true

Proposed use may: 4. Be subject to such additional conditions as the Board deems necessary.

true

I 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 above.

true

I understand that the Board of Appeals 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.

true

I understand that the Board of Appeals 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).

true

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?

true

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.

true

May hear, decide, and approve variations in accordance with the criteria listed in Town Code Title 16, Section 6.6; and may consider other Title 16 standards.

true

Approval may not be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any state law which the municipality is responsible for enforcing.

true

Is only legally authorized to deal with issues arising from the list above; and do not include such matters as constitutionality, civil rights, criminal acts, property disputes, surpluss, etc.

true

Will not even hear my appeal unless I can show that I have "standing" to have my complaint heard.

true

Purpose of establishing by case for "standing" is to limit appeals on an issue to those who are directly involved and/or affected.

true

Will try to decide my case based only on the factual information presented and what is written in the pertinent Town ordinance/regulation, State statute(s)/regulation(s) and the rulings of the State Supreme Judicial Court.

true

Tries to make decisions it believes would be upheld if appealed to the Superior Court.

true

Special Exception Use Request Statements

Describe the general nature of the request:

This application is a request to the Board of Appeals for a special exception for a home occupation (major), per Kittery Code Section 16.8.22.3, namely marijuana medical use by a primary caregiver registered under 22 M.R.S. Section 2425. The proposed use also meets the standards set forth in Kittery Code Section 16.6.6.

A(1). Applicant Residency: The applicant, Mark Quinn, is the sole owner of the Maine limited liability company ("LLC") that holds title to the premises. Mark Quinn has leased the premises from the LLC. See residential lease attached as Exhibit A. The lease authorizes Mark Quinn/applicant to reside in the premises and to operate as a Primary Caregiver. Mark Quinn is a registered marijuana caregiver. See Maine Medical Marijuana Caregiver Card attached as Exhibit B.

A (2). Accessory Use: The principle use of the premises will be applicant's residence. The medical marijuana primary caregiver use is subordinate and accessory to the principal use. The living area of the entire premises is 1522 square feet. The area reserved for caregiver use is 543 square feet or about 36% percent of the total living area. See floor plan attached as Exhibit C. Applicant has made recent improvements to the home upgrading its appearance and function consistent with the primary use of the dwelling as his home. See before and after photographs attached as Exhibit E.

B. Number of Workers: Mark Quinn plans to employ three workers at 134 State Road but may hire others in the future. There will be no more than five persons working on site at one time.

C. Prohibited Uses: Mark Quinn is a primary caregiver registered under 22 M.R.S. Section 2425. (Caregiver license is attached as Exhibit B).

D. Business Hours: The home business will primarily operate as a delivery service, however patients may be served on site, one at a time, by appointment only, between the hours of 7am and 7pm.

E. Nuisances: The neighborhood surrounding 134 State Road is largely commercial and consists of numerous businesses including Litson Villas (across the street), Indico (marijuana caregiver home occupation), Buddha's Closet (retail), the Lions Club, Fabulous Find Thrift Store, and Hoppi's Barber Shop. These businesses are located on a street lying a short distance between the Kittery traffic circle and downtown Portsmouth and generate traffic and noise at a level typical of such commercial locations. The business at 134 State Road would operate primarily as a delivery service with patients only being seen on the premises one at a time, by appointment only, and therefore it is unlikely to generate a noticeable change in traffic or noise. All business operations will take place indoors and will generate no nuisance to the surrounding neighborhood. Mark Quinn currently has no plans to grow marijuana on the property and there is unlikely to be any noticeable odor outside the home from general caregiver operations.

F . Parking: The home at 134 State Road currently has a single garage stall and room to park one car directly behind it. (Residential use) Mark Quinn has designed and landscaped a gravel driveway and parking area behind the building, with five parking spaces. (See attached parking plan) The parking area is screened from neighboring properties by several large trees which were recently installed for this purpose, as well as a pre-existing fence. The lot will be designated for employees, patients, and a single delivery vehicle. Patients are seen one at a time on site and most business will be conducted via delivery. Overflow parking is unlikely to be an issue, however there is room to create additional parking if necessary. See parking plan and photos attached as Exhibit D.

G. Outdoor Storage: There will be one delivery vehicle parked in the sufficiently screened parking area behind the building. There will be no other outside storage for home business activities.

H. Business Conduct: All caregiver activities will take place inside the home business.

I. Refuse & Recyclables: The home occupation will generate no more refuse and recyclables than an average home of that size.

J. Traffic: State Road is heavily traveled due Maine's tourism, commerce, and commuters. Most business transactions will take place via delivery, thus generating minimal patient traffic at the premises. On location operations are unlikely to generate a noticeable increase in traffic on State Road.

K. Retail Sales: Retail sales will primarily take place via delivery service. Other retail sales will take place on site by appointment only. Signage will make this policy clear.

L. Health & Safety: The accessory use of the home for providing medical marijuana caregiving services and products as described in this application will not create a health or safety hazard.

M. Neighborhood Compatibility: The property at 134 State Road is located in the B-L zone, in an area where other commercial activities are permitted and encouraged. Numerous retail businesses exist on State Road including several caregiver home businesses. State Road is a heavily trafficked road and this home business will have minimal impact on traffic or the quality of life in the surrounding area.

N. Large Lots: Not applicable.

O. Annual Renewal: Subject to Code Enforcement review/approval.

Certification of Application

Applicant's Signature

true

Name of Applicant

Mark Quinn

Date

10/20/2020

Attachments (12)



Photo 1
Sep 15, 2020



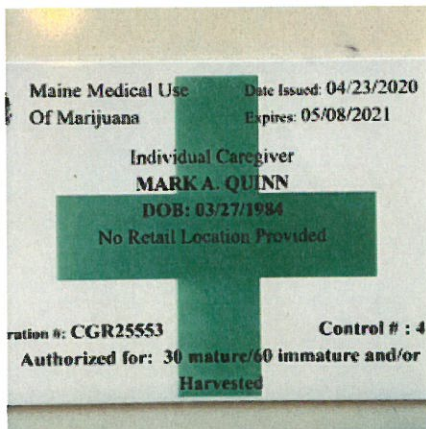
Photo 2
Sep 15, 2020



Photo 3
Sep 15, 2020



Photo 4
Sep 15, 2020



Additional Documentation
Sep 15, 2020



screening from neighbors 1.jpg
Oct 20, 2020



screening from neighbors 2.jpg
Oct 20, 2020



parking lot 42x45.jpg
Oct 20, 2020



parking lot 42x45 2.jpg
Oct 20, 2020



two front parking spots 1.jpg
Oct 20, 2020

pdf **A detailed plot plan or diagram showing dimensions and shape of the lote, the size and locatoin of existing buildings, the location and dimensions of proposed buildings or alterations, and natural or topographic features (wetlands, streams, etc.) of the lot in question. This plot plan should also include the distances to the nearest structures on abutting properties and show the detail of any rights-of-way, easements, or other encumbrances.**

Sep 15, 2020

pdf **Deed, title, contract or other document demonstrating legal ownership and authority to initiative appeal or request.**

Oct 15, 2020

Timeline

Payment

Status: Paid October 21st 2020, 8:19 am

Application Completeness Review

Status: Completed October 26th 2020, 10:21 am

Assignee: Craig Alfis

Craig Alfis October 21st 2020, 3:39:56 pm

10/29/2020

Hi Mark,

Your request will be heard at the 11/10/2020 meeting at 6:30 pm at the Kittery Community Center. If for any reason the meeting needs to be held in a format other than in person I will let you know.

Craig

BOA Decision Sent to Applicant

Status: In Progress

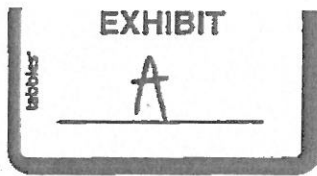
Assignee: Craig Alfis

Craig Alfis October 26th 2020, 10:31:45 am

Hi Mark,

I'm reviewing your application and I'm a little confused. Your site plan is showing that the property has been split into two parcels. Does your lease include the use of both parcels or just the front one? If its just the front property, does your parking lot extend onto the second lot? I'll need a little clarification before I can finish writing the staff report.

Craig



RESIDENTIAL LEASE

LEASE made this 20th day of October 2020, by and between 134 State Road LLC, a Maine limited liability company ("Landlord") and Mark A. Quinn ("Tenant").

WITNESSETH:

1. PREMISES LEASED. Landlord does hereby lease to Tenant, and Tenant does hereby lease from Landlord, the real property located at 134 State Road, Kittery, Maine (the "Premises"). The Premises may be used for single-family dwelling and, as an accessory use only, a portion of the Premises for the operation of a medical marijuana primary caregiver business under 22 M.R.S. Section 2425. Tenant may determine the portion of the Premises dedicated to the caregiver business, provided the area comports with Town of Kittery major home occupation standards Section 16.8.22.3.
2. TERM. The term of this Lease shall be for five (5) years commencing on November 1, 2020.
3. RENT. Tenant covenants and agrees to pay rent equal to the municipal real estate and property taxes, utilities, insurance, maintenance and all other costs of operating the leased premises as Landlord shall determine in its sole discretion, said obligations are hereinafter referred to as the "Annual Rent". The Annual Rent shall be estimated by Landlord, divided by twelve and paid by Tenant in consecutive monthly payments on or before the first day of each month or in such other periodic installments as Landlord shall, in its sole discretion direct and adjusted between the parties if necessary within the first quarter of the following year.
4. RENEWAL. Provided Tenant is not in default under this Lease at the time exercised, Tenant shall have the option to renew this Lease for five terms of five years each under the same terms and conditions as set forth in this Lease. Unless Tenant notifies Landlord in writing 120 days or more before a renewal term commences that Tenant elects not to exercise the renewal option, Tenant shall be deemed to have exercised said right and shall be responsible for its obligations relating to that renewal period.
5. SUBORDINATION. This Lease shall be subordinate to all mortgages securing the loans described in paragraph 1, as they exist or as may be amended, modified or refinanced from time to time. Tenant agrees to subordinate and attorn this lease to refinance of said mortgages upon Landlord request.
6. REAL ESTATE TAXES. Tenant shall pay when due all real estate taxes, betterments and assessments of every kind and description assessed or levied against the Premises.
7. UTILITIES. Tenant shall pay for all utilities including propane, electricity, heat, water, sewer, internet, cable and telephone, used or supplied upon or in connection to the Premises.
8. MAINTENANCE AND REPAIR. Tenant shall at all times maintain the Premises (including, without limitation, the exterior walls, the structure and the roof) in the same order and repair as they are in at the commencement of the term, reasonable use and wear and damage by fire or other casualty only excepted. Tenant shall keep all fixtures and equipment in the Premises, including, without limitation, all heating, air conditioning, plumbing, electrical and mechanical fixtures and equipment in the same operating condition as they are at the commencement of the term, reasonable use and wear and damage by fire or casualty only excepted; and Tenant agrees to make all repairs and do all other work necessary for the foregoing purposes. At the expiration of the term including any renewal terms, Tenant shall surrender the Premises to Landlord in the same condition as they were in at the commencement of the term, reasonable use and wear and damage by fire or other casualty only excepted. Tenant shall remove all of its trade fixtures, and personal property, as provided below, before surrendering the Premises and shall repair any damage to the Premises caused by such removal.

9. SIGNS, AWNINGS, CANOPIES, FIXTURES, ALTERATIONS.

- a. Tenant shall not make or cause to be made any alterations, additions or improvements or make any changes to the Premises, except for a sign advertising the business of Tenant upon the Premises, without first obtaining Landlord's written approval and consent, which will not be unreasonably withheld. Tenant shall present to the Landlord plans and specifications for such work at the time approval is sought.
- b. All decorations, signs, awnings, canopies and similar improvements made by Tenant (except all heating, plumbing, electric, and gas and other fixtures permanently affixed to the Premises by Tenant, which shall automatically become part of the Premises without payment therefor by Landlord) shall remain the property of Tenant for the term of this Lease. Upon expiration of the term, Tenant shall remove all such decorations, signs, awnings, canopies, and non-permanent fixtures, additions and improvements and restore the Premises as provided in Paragraph 8 above. If Tenant fails to remove such decorations, signs, awnings, canopies, fixtures, additions and improvements and to restore the Premises, then upon the expiration of this Lease, or any extension thereof, and upon Tenant's departure from the Premises, all of said decorations, signs, awnings, canopies and non-permanent fixtures, additions and improvements shall become the property of Landlord.

10. INSURANCE.

- a. Tenant shall maintain a policy of fire and extended coverage insurance on the Premises, in such amounts and with such companies as shall be satisfactory to Landlord. Said policy shall name Landlord as an insured, and, at Landlord's request, any mortgagee of the Premises.
- b. Tenant shall maintain a policy of public liability insurance insuring Landlord and Tenant, said policy to be in such amounts and with such companies as shall be satisfactory to Landlord.
- c. In addition to the insurance required under subparagraphs (a) and (b) of this Paragraph 10, Tenant shall maintain insurance against such other hazards as Landlord may from time to time reasonably require.

11. INDEMNIFICATION. Tenant hereby agrees to indemnify and hold Landlord harmless from and against any and all claims for injury to persons or damage to property in or about the Premises or arising in any way from the use or condition of the Premises, and against any costs or damages which Landlord may incur by reason of the assertion of any such claims, including Landlord's reasonable attorney's fees and costs.

12. ASSIGNMENT AND SUBLETTING. Tenant shall not assign this Lease or sublet the Premises or any part thereof without the prior written consent of Landlord.

13. DAMAGE OR DESTRUCTION BY FIRE, EMINENT DOMAIN OR CASUALTY. In the event that the Premises or any part thereof shall be taken by eminent domain or shall be so damaged or destroyed by fire or unavoidable casualty, that the premises are thereby rendered untenable, then either Landlord or Tenant may terminate this Lease upon written notice to the other and the rent shall be prorated as of the date of such termination.

14. TENANT'S PROPERTY. All merchandise, furniture, fixtures, business equipment and property of every kind, nature or description of Tenant and of all persons claiming through or under Tenant which may be on the Premises during the term or any occupancy by Tenant thereof, shall be located there at the sole risk and hazard of Tenant, and if the whole or any part of the Premises shall be destroyed or damaged by fire, water, or by the leakage

or bursting of water pipes, steam pipes or other pipes, by theft or from any other cause not attributable to the gross negligence of Landlord, said loss or damage is to be borne exclusively by Tenant.

15. DEFAULT. If Tenant shall default in the performance of any of its obligations hereunder, or if an assignment shall be made by Tenant for the benefit of creditors, or if Tenant's leasehold interest hereunder shall be taken on execution, then in any of such cases Landlord may lawfully, immediately and at any time thereafter, and without further notice or demand, and without prejudice to any other remedies, enter into and upon the Premises or any part thereof, in the name of the whole, or mail a notice of termination addressed to Tenant at the Premises, and upon such entry or mailing this Lease shall terminate. If a petition is filed by Tenant for adjudication as a bankrupt, or for reorganization or arrangement under any provision of the Bankruptcy Act as then in force and effect, or any involuntary petition under any provision of the Bankruptcy Act is filed against Tenant and is not dismissed within thirty (30) days thereafter, then in either of such cases this Lease shall automatically terminate without the necessity of any action on the part of Landlord.

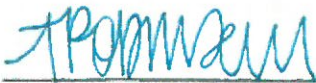
16. SUCCESSORS AND ASSIGNS. Subject to the terms of Section 12 above, the provisions of this Lease shall be binding upon and inure to the benefit of the respective successors and assigns of Landlord and Tenant. In the event of any transfer of Landlord's interest in the Premises, the Landlord or any subsequent transferor shall cease to be liable and shall be released from all liability for the performance or observation of any agreements or conditions on the part of the Landlord to be performed or observed subsequent to the time of said transfer, it being understood and agreed that from and after said transfer, the transferee shall be liable.

17. LANDLORD AND TENANT DEFINED; USE OF PRONOUN. The words "Landlord" and "Tenant" shall be deemed and taken to mean each and every person or party mentioned as a Landlord or Tenant herein, be the same one or more; and if there shall be more than one Landlord or Tenant, any notice required or permitted by the terms of this Lease may be given by or to any one thereof, and shall have the same force and effect as if given by or to all thereof. The use of the neuter singular pronoun to refer to Landlord or Tenant shall be deemed a proper reference even though Landlord or Tenant may be an individual, a partnership, a corporation, or a group of two or more individuals or corporations. The necessary grammatical changes required to make provisions of this Lease apply in the plural sense where there is more than one Landlord or Tenant and to either corporations, associations, partnerships, or individuals, males or females, shall in all instances be assumed as though in each case fully expressed.

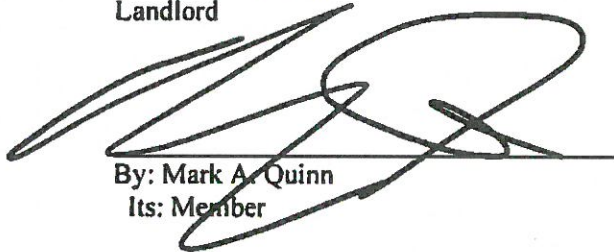
IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease as of the date first above written.

WITNESS:

134 State Road LLC
Landlord



Name:

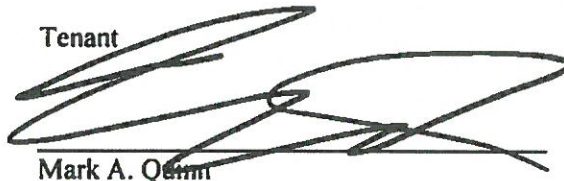


By: Mark A. Quinn
Its: Member

Tenant



Name:



Mark A. Quinn

BOOK 27 OF THE RECORDS, PAGES 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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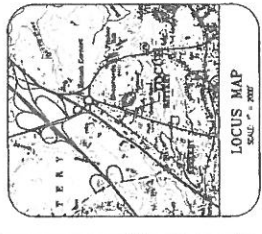
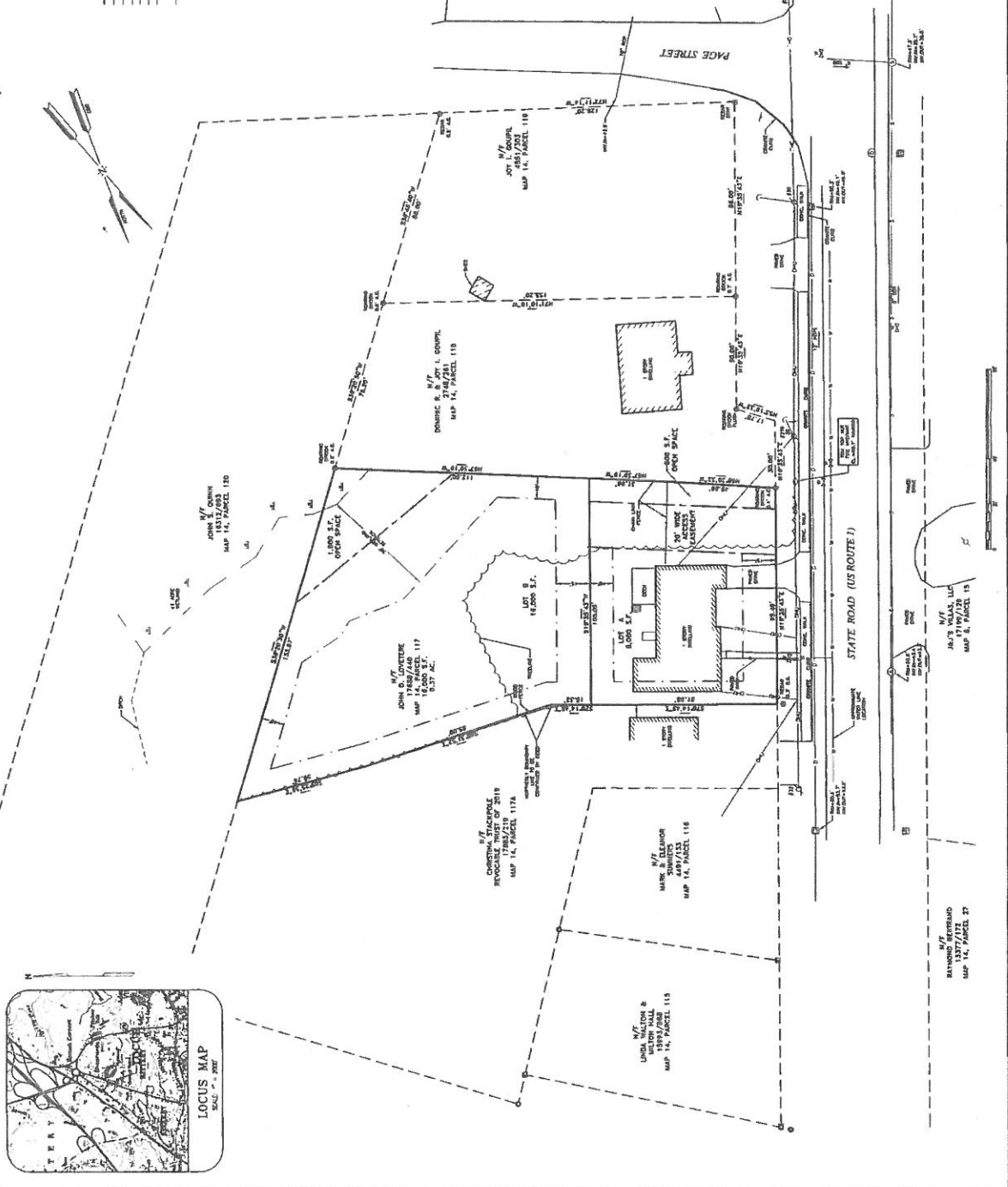
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- 2. ADJACENT PARCELS
- 3. OPEN SPACE
- 4. BUILDING FOOTPRINT
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NOTES

1. THE NAME OF BEARING FOR THIS SURVEY IS GARD NORTH.
2. DEED AND PLAT BOOK REFERENCES ARE TO THE YORK COUNTY RECORDS.
3. RECORDS OF THE PARCEL SURVEYS CAN BE FOUND IN THE RECORDS OF YORK COUNTY.
4. THIS SURVEY IS BEING MADE TO CORRECT AN ERROR MADE IN BOOK 27 OF THE RECORDS, PAGE 118.
5. THE PARCEL SURVEY IS BEING MADE TO CORRECT AN ERROR MADE IN BOOK 27 OF THE RECORDS, PAGE 118.
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06/22/10

WORK IN PROGRESS TO BE COMPLETED BY 10/15/10. RECORDS IN BOOK 27, PAGE 118.



Prepared for:
John D. Lorere
Greenland, ME 04040

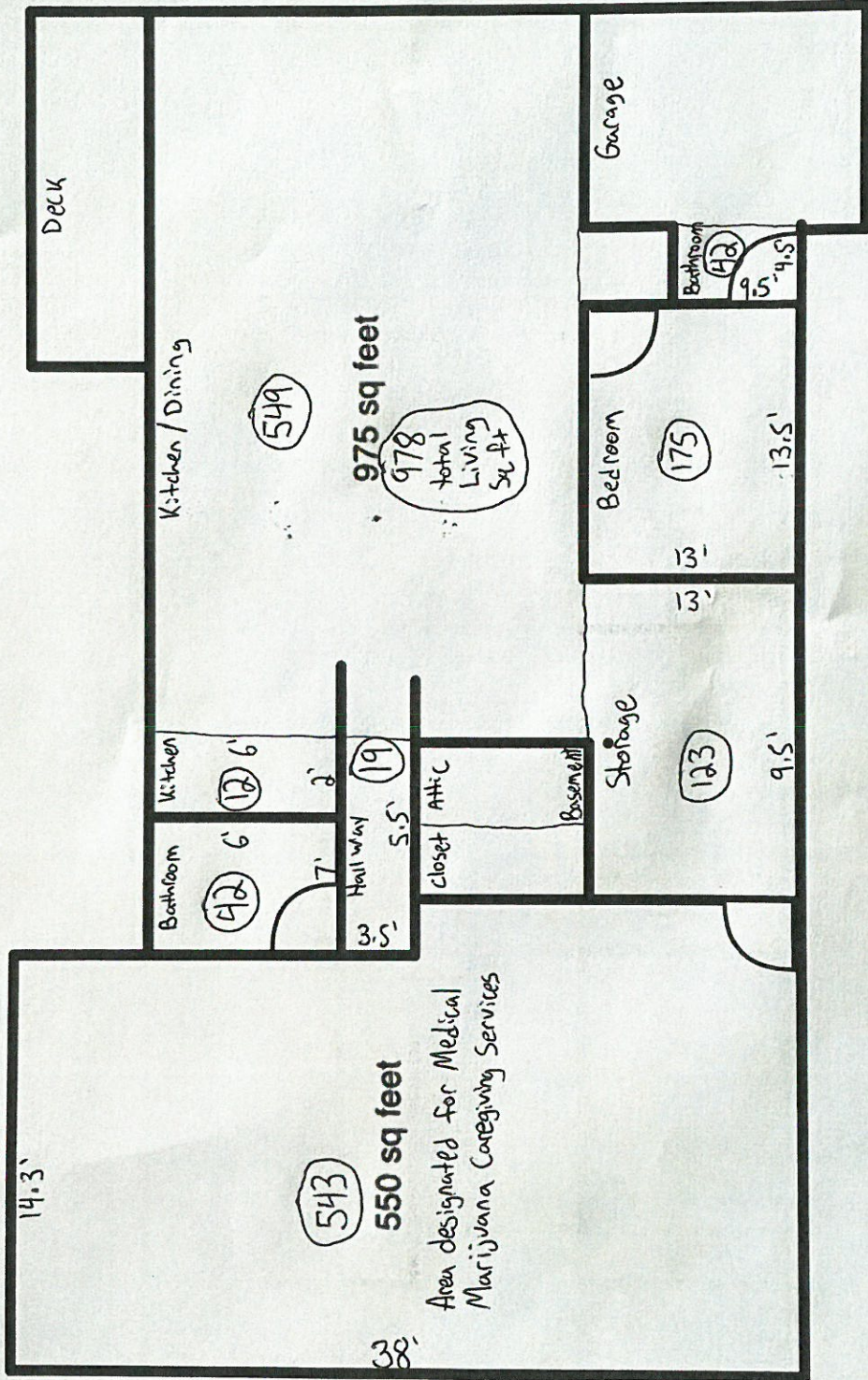
KIMBALL

Division of Land
134 State Road
Kittery, Maine
Map 14, Parcel 117

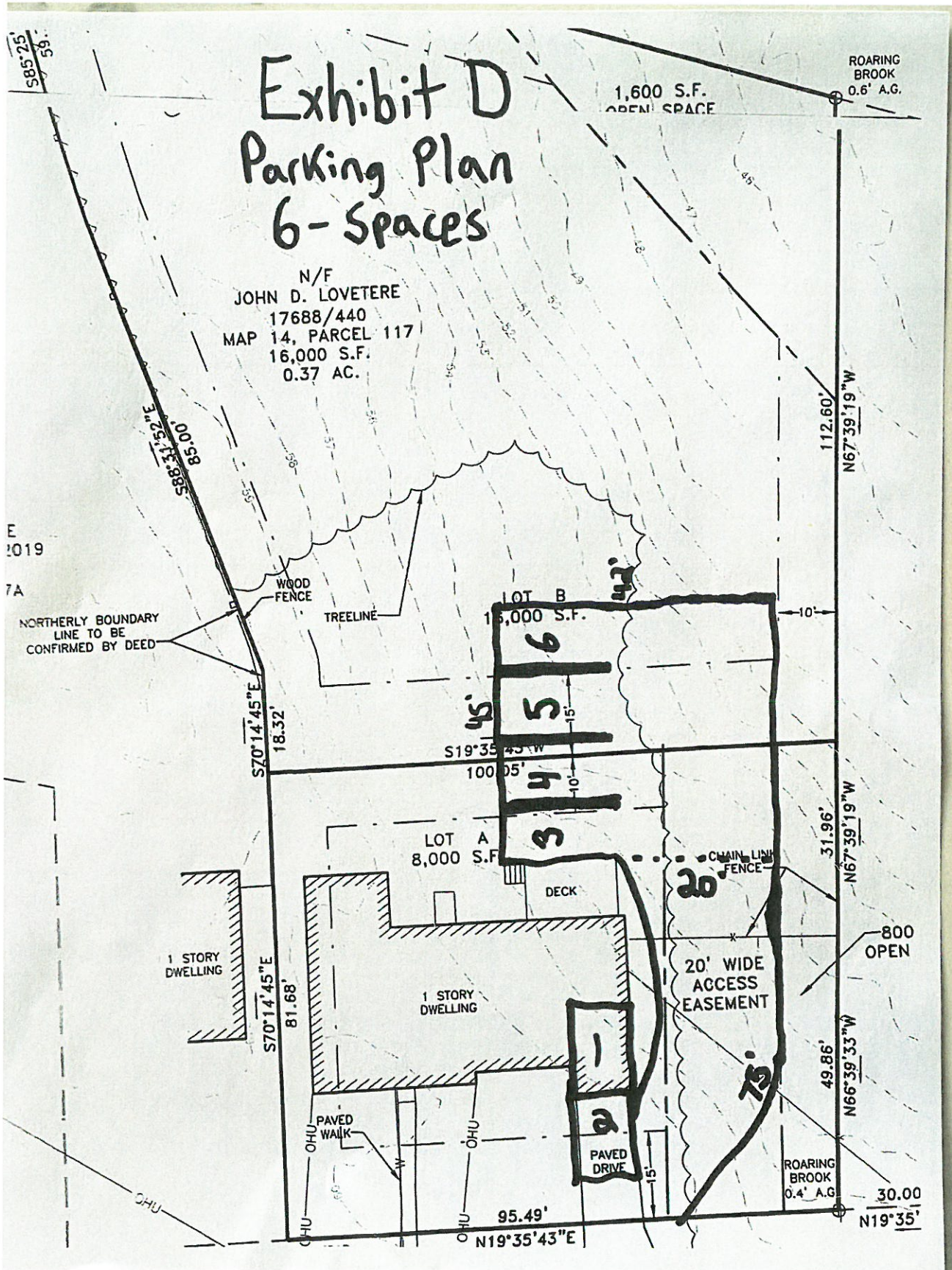
DATE: JUNE 22, 2010
SCALE: 1" = 200'
PROJECT NO: 1001
JOB NO: 1001
JOB TITLE: PARCEL 117

MAP 14, PARCEL 117
PARCEL 117

Exhibit C Floor Plan



For illustration purposes only. Not to scale. - Drawplan









**Maine Medical Use
Of Marijuana**

Date Issued: 04/23/2020
Expires: 05/08/2021

Individual Caregiver

MARK A. QUINN

DOB: 03/27/1984

No Retail Location Provided

Registration #: CGR25553

Control # : 473295

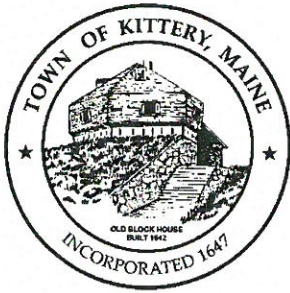
Authorized for: 30 mature/60 immature and/or

Harvested









**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BOA Meeting Date: November 10, 2020

Item #: SE2020-04

**STAFF REPORT – 134 STATE ROAD – SPECIAL EXCEPTION USE REQUEST /
MAJOR HOME OCCUPATION**

Project Name: 134 State Road

Applicant: David J. Ballou

Tenant/Owner: Mark Quinn

Proposed Development: Major home occupation: Medical marijuana primary caregiver

Requests: Special Exception Use per LUDC Section 16.8.22.3, seeking approval for a major home occupation as a medical marijuana primary caregiver

Site Addresses: 134 State Road

Map & Lot Numbers: 14-117



Current Zoning:

Business – Local (B-L) – The purpose of the Business – Local B-L Zone is to provide local sales, services and business space within the Town.

The existing dwelling use is permitted by right in the zone. The following use is permitted in the B-L Zone: (4) Major home occupations as an accessory use, but Major Home Occupations require Board of Appeals approval prior to permitting.

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

District Standards:

Business – Local (B-L) Zoning District Standards			
Land Area per DU	20,000 sf	Front Yard Setback (min.)	15 feet
Building Coverage (max.)	None	Rear Yard Setback (min.)	10 feet
Lot Size	None	Side Yard Setback (min.)	10 feet

Current Use: Single dwelling unit.

Surrounding Land Uses:

- West: Residential – Urban (R-U); Dwelling Unit
- East: Business – Local (B-L)/Residential – Urban (R-U); Commercial Apartments
- North: Business – Local (B-L); Dwelling Unit
- South: Business – Local (B-L); 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 two lots; one approximately 8,000 square feet (.18 acres) and the other approximately 16,000 square feet (.36 acres) located along the Western right-of-way of State Road, a numbered state road off of the traffic circle. The property was originally a single lot addressed as 134 State Road and shown on the tax maps at Map 14 Lot 117. The lot has been split, with the front lot remaining 134 State Road. The rear has not been assigned an address yet nor has the Town’s tax map been updated. Both properties are zoned Business - Local (B-L) and are legally conforming lots. The first lot contains one non-conforming single-family dwelling with a garage of approximately 1,522 square feet of living area. The second lot is undeveloped and will be partially used for parking. The applicant is proposing 6 parking spaces on site, including 1 space in the garage.

Description of the Issue:

The tenant wishes to operate a licensed medical marijuana caregiver per Maine state law (22 M.R.S. § 2425) out of the home. The tenant is the sole owner of the Limited Liability Corporation that owns both lots and has leased the premises from the LLC. The lease, which is attached as part of the application, authorizes the tenant to operate a home occupation as a Medical Marijuana Licensed Care Giver. The tenant is proposing to use 543 square feet or 36% of the existing home for business use. The tenant further states that he has been granted an Individual Caregiver License from the Maine Medical Marijuana Program and provides a copy of the license which expires on 05/08/2021. The application states that the home occupation will primarily operate as a delivery service, however patrons may be served on site on at a time, by appointment only. The applicant is proposing to operate between the hours of 7 am and 7 pm. There will be three employees associated with the business. The applicant has stated that he has no plans to grow marijuana on the property.

Town Code provides certain standards for a major home occupation in Section 16.8.22.3 of the LUDC. The medical marijuana care giver use is allowed with a registered primary caregiver in a dwelling unit. The Town has not opted into 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 Major Home Occupation 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.”

- (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 Business – Local 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 similar to adjoining properties.

- (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 accept clients arriving via cars one at a time, by appointment only. 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.

- (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 applicant will not be growing any marijuana on the site. No obnoxious gases, odors, smoke or soot should be created by the operation of the home occupation.

- (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 site contains a gravel driveway, garage attached gravel parking lot measuring 45' x 42'. The applicant proposes to use these to create a total of 6 spaces. Two spaces are required for the dwelling, three spaces for employees of the home occupation and one spot for patrons, who will be scheduled one at a time by appointment only. Based on the size of the parking lot to the rear of the building, additional parking could be created if necessary.

- (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;*

There should be no hazard to life, limb or property created.

- (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 lots are legal, conforming lots of record.

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

The property to the North is screened with a privacy fence. The property to the South is adequately screened by trees.

- (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;*

There is a sidewalk in front of the property and adequate area for walking from the parking areas.

- (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 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** of the Special Exception Use request for a major home occupation as a medical marijuana licensed primary caregiver in an existing dwelling unit located at 134 State Road in the B-L 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.
3. The maximum total amount of square footage attributed to the home occupation use must not exceed 760 square feet.
4. There must be no more than five 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. 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.
7. 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.
8. All business activities on the site must take place within an enclosed building.
9. All refuse and recyclables must be stored in containers that are screened from view of abutting properties and from streets.
10. 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.

- 11. The property shown on the attached site plan labeled Map 14 Parcel 117 must not be transferred or developed for any other use prior to the removal of any parking areas on the property used for the Major Home Occupation at 134 State Road. A revised parking plan must be submitted to and approved by Code Enforcement showing the required number of parking spaces relocated onto 134 State Road prior to the proposed transferal or development.**

EXHIBIT A

Property: 134 State Road, Kittery, Maine

A certain lot or parcel of land with the buildings and any improvements thereon situated in the Town of Kittery, County of York and State of Maine, on the southeasterly side of U.S. Highway No. 1, also known as State Road, bounded and described as follows:

BEGINNING on said Highway at land now or formerly of Peter Stabrow and at the westerly corner of the lot herein conveyed;

THENCE running North 38° East by said Highway ninety-five and forty-nine hundredths (95.49) feet, more or less, to other land now or formerly of said Merrill;

THENCE South 53° 20' 57" East one hundred (100) feet, more or less, to an iron pin;

THENCE South 71° 57' 15" East one hundred forty-four and thirty-six hundredths (144.36) feet, more or less, to land now or formerly of Joseph Page;

THENCE southwesterly by land now or formerly of said Page one hundred fifty-three and sixty-five (153.65) feet, more or less, to a hub;

THENCE northwesterly by land now or formerly of said Stabrow one hundred ninety-five and five tenths (195.5) feet, more or less, to said Highway and the POINT OF BEGINNING.

Also conveying and/or excepting those portions of the land, if any, affected by the Boundary Line Agreement between John O. Armitage and Christina Stackpole dated March 30, 2018 and recorded at the York County Registry of Deeds in Book 17688, Page 438; and as shown on the plan entitled "Existing Condition" Plan, Map 14, Parcel 117, for John D. Lovetere 134 State Road, Kittery, Maine" by Kimball Survey & Design, Inc. dated March 22, 2018.

Subject also to Notice of Layout and Taking by the State of Maine Department of Transportation as recorded at the York County Registry of Deeds on March 17, 2008 in Book 15372, Page 444-453 as same may affect said property.

Being the same premises conveyed by John O. Armitage to John D. Lovetere by deed dated March 30, 2018 and recorded at the York County Registry of Deeds in Book 17688, Page 440.

DLN: 1002040109203

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18364 PG 778
Instr # 2020043099
09/02/2020 02:16:24 PM
Pages 2 YORK CO

WARRANTY DEED

Know all by these presents that I, JOHN D. LOVETERE, of Greenland, New Hampshire, for consideration paid, grant to 134 STATE ROAD LLC, a Maine limited liability company with a mailing address of 111 Scotland Bridge Road, York, Maine 03909, with WARRANTY COVENANTS, the real property situated in the Town of Kittery, County of York and State of Maine, described as follows:

See Exhibit A Attached Hereto

The current property address is 134 State Road, Kittery Tax Map 14, Lot 117.

Witness my hand and seal this 18th day of September 2020.

Michelle Haskell
Witness

[Signature]
JOHN D. LOVETERE

Maine R.E. Transfer Tax Paid

STATE OF MAINE

York, ss.

September 18th, 2020

Then personally appeared the above named John D. Lovetere and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Michelle Haskell
~~Attorney at Law~~ Notary Public
Print Name:
Commission Expires:





Town of Kittery Board of Appeals
NOTICE OF PUBLIC HEARING
Tuesday, November 10, 2020 - 6:30PM
Kittery Community Center, 120 Rogers Road

David Ballou on behalf of Mark Quinn, tenant, 134 State Road, requesting a Special Exception to operate a Major Home Occupation as a Medical Marijuana Caregiver in the Business Local (B-L) zone per Town Code Section 16.8.22.3.Q(1).

Application information is available for public inspection by appointment only between 8:00 am to 6:00 pm Monday thru Thursday at the Planning and Development Department located in Town Hall. To request a reasonable accommodation for this meeting, please contact staff at (207) 475-1323.

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



HOPPY'S BARBER SHOP & SAL
 144 STATE ROAD
 KITTERY, ME 03904

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



MORRIS, BRUCE K
 6 LAUREL AVENUE
 KITTERY, ME 03904-1410

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



QUINN, JOHN S
 26 SARGENTS LN
 YORK, ME 03909

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



HALL, REBECCA M
 140 STATE ROAD
 KITTERY, ME 03904

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



BASCOM, MARSHA H
 4 LAUREL AVENUE
 KITTERY, ME 03904-1410

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



BRACKETT TRUSTEE, ALLEN R
 BRACKETT TRUSTEE, MARGUER
 200 STETSON ROAD
 APT #515
 AUBURN, ME 04210

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



J&J'S VILLAS, LLC
 402 THE HILL, DEER STREET
 PORTSMOUTH, NH 03801

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



GOUPIL, DOMINIC R
 GOUPIL, JOY L
 132 STATE ROAD
 KITTERY, ME 03904-1540

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



CHRISTINA STACKPOLE REV T
 STACKPOLE, TR, CHRISTINA
 136 STATE ROAD
 KITTERY, ME 03904

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



RAYMOND, BERTRAND R.
 BOCKMAN, NICOLE
 129 STATE ROAD
 KITTERY, ME 03904

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



SUMMERS, MARK B
 SUMMERS, ELEANOR BONSANT
 136 STATE ROAD
 KITTERY, ME 03904

TOWN OF KITTERY
 Planning & Development Dept
 200 Rogers Road
 Kittery, ME 03904



SMITH, DONNA G
 8 LAUREL AVENUE
 KITTERY, ME 03904-1410

OBITUARIES & NEWS

Nansi Boutwell Craig



PORTSMOUTH - Nansi Boutwell Craig, 73, of Portsmouth, N.H. passed away on Tuesday, Oct. 27, 2020, at Regional Hospital. Born Sept. 25, 1947 in Portsmouth to Herbert and Mildred (Eagleton) Boutwell, Nansi lived most of her life in her beloved hometown of Portsmouth. After marrying John and Scott in 1980, Nansi and John moved to San Francisco where she worked in the Department. Said property is shown on Assessor Map 122 as Lot 1 and lies within the General Residence A (GRA) and Historic Districts. You are required to register to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Registration information will be provided on the meeting agenda when it is posted to the web page. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or phone (603) 610-7216.

Those interested in submitting written comments should email planning@cityofportsmouth.com or mail to the Planning Department, City Hall, 1 Junktins Ave, Portsmouth, NH 03801. Comments for any public hearings that are received by 4:30 pm the day of the meeting will be incorporated into the record of the meeting.

Juliet Walker,
Planning Director

Gloria L. Oppici



YORK, Maine - Gloria L. Oppici, 94, formerly of West Boylston, Mass. and most recently York, Maine, passed away on Thursday, Oct. 29, 2020 at York Hospital and had an active social life with her new friends in York and Durgin Pines in Kittery, Maine.

She leaves two sons, Dana Oppici of Westport, N.H., as well as the staff at Durgin Pines.

LEGAL NOTICE

Kittery Water District will hold an election on December 8, 2020 to elect a Trustee. All persons interested in running for office should file Declaration of Candidacy papers with the Kittery Water District no later than November 6, 2020 at 4:00 p.m. To be eligible, you must reside in the Original District in Kittery. Voting by ballot will occur on December 8, 2020 between the hours of 7:30 a.m. and 4:00 p.m. at its 17 State Road, Kittery, Maine business office.

Maine adds virus restrictions; Cases spike in NH

Staff and wire reports

AUGUSTA, Maine (AP) - Maine is reinstating restrictions meant to curb the spread of COVID-19 amid a resurgence of the virus, Gov. Janet Mills said Sunday.

Maine has been one of the most successful states at controlling the virus, but it's dealing with a wave of new infections. The rolling Department of Health and Human Services on Sunday announced 122 new positive cases, more than Manchester and Nashua (16), Grafton (12), Merrimack (12), Coos (11), and other towns.

"If we do not control this virus, we will have a much more serious, the data shows that community transmission is increasing, and we expect cases to rise," Sununu said. "We must all remain vigilant in our daily lives. As we enter these winter months, it will be more important than ever to wear your mask, practice social distancing, and maintain proper hand hygiene."

The New Hampshire Department of Health and Human Services on Sunday announced 122 new positive cases, more than Manchester and Nashua (16), Grafton (12), Merrimack (12), Coos (11), and other towns.

"If we do not control this virus, we will have a much more serious, the data shows that community transmission is increasing, and we expect cases to rise," Sununu said. "We must all remain vigilant in our daily lives. As we enter these winter months, it will be more important than ever to wear your mask, practice social distancing, and maintain proper hand hygiene."

Legal Notice

NOTICE OF PUBLIC HEARING

TOWN OF KITTERY - BOARD OF APPEALS

Meeting Location: Kittery Community Center, 120 Rogers Road, Kittery Tuesday, November 10, 2020 - 6:30 p.m.

David Ballou on behalf of Mark Quinn, tenant 134 State Road, requesting a Special Exception to operate a Major Home Occupation as a Medical Marijuana Caregiver in the Business Local (B-L) zone per Town Code Section 16.8.22.3.Q(1).

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

PH-0009612

MEETING MINUTES

1. CALL TO ORDER; INTRODUCTORY; ROLL CALL

Chair Timko called the meeting to order at 6:30 p.m. and asked that the roll be called.

Board Members Present: Vern Gardner, Charles Denault III, Jeff Brake, Louis Leontakianakos, April Timko

Board Members Absent: Suzanne Jones

Staff Present: Adam Causey, Director of Planning and Development
Craig Alfis, Code Enforcement Officer
Bart McDonough, Town Planner

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

- September 22, 2020

Motion to accept the minutes made by Mr. Gardner. Second by Mr. Brake. Motion passed 4-0-1 by voice vote [Aye: Gardner, Denault, Brake, Timko; Nay: --; Abstain: Leontakianakos]

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Mr. Causey and Mr. McDonough gave an update on the Title 16 Recodification effort. The Board had several questions and comments for Mr. Causey and Mr. McDonough.

- Chair Timko announced that Mr. Fitzpatrick has resigned from the Board of Appeals and thanked him for his long-standing service to the Town.
- Chair Timko announced that tonight is Vice Chair Leontakianakos' last meeting and thanked him for his service to the Town.
- Chair Timko asked for a volunteer to represent the Board on the Kittery Land Issues Committee. No volunteers stepped forward at this time.
- Mr. Alfis relayed to the Board that there one request on the agenda for the meeting of November 10, so there will be a meeting held.

10. ADJOURNMENT

Motion by Mr. Gardner to adjourn. Second by Mr. Denault. Motion passed 5-0-0 by voice vote [Aye: Gardner, Denault, Brake, Leontakianakos, Timko; Nay: --; Abstain: --]

The Kittery Board of Appeals meeting of October 27, 2020 adjourned at 7:09 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>.