



Town of Kittery
200 Rogers Road, Kittery, ME 03904
Board of Appeals Meeting Agenda
Hybrid Meeting

Public may attend in person in Town Council Chambers or via zoom at:
https://us02web.zoom.us/webinar/register/WN_cl7RDcGvSsGC_njGoNNHAQ

Tuesday, December 13, 2022
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**
 - Laina Chase of Patio & Flame, tenant, 517 US Route 1, requesting a Special Exception to operate a Construction Services business in the Mixed Use (MU) zone per Town Code Section 16.4.23.C.(4) and a Miscellaneous Variation Request per Section 16.2.12.D.(3)(a) to the Parking, Loading and Traffic standards.
 - 6. Unfinished Business**
 - 7. New Business**
 - 8. Acceptance of Previous Minutes**
 - April 12, 2022
 - April 26, 2022
 - 9. Board Member or CEO Issues or Comment**
 - 2023 BOA Calendar
 - Introduction of new Code Officer Kearsten Metz
 - 10. Adjournment**



Kittery, ME

12/05/2022

BOA-22-4

Board of Appeals Application

Status: Active

Date Created: Aug 23, 2022

Applicant

Laina Chase
patioandflame@gmail.com
517 us 1
Kittery , Me 03904
2077032281

Primary Location

517 US ROUTE 1
KITTERY, ME 03904

Owner:

WILSON FIVE SERVICE CO INC
PO BOX 810 KITTERY, ME 03904-0810

Property Owner Information

Full Legal Name(s)

Wilson Five Service Co. Inc.

Mailing Address

PO Box 810

State

ME

Phone Number

2077032281

City

Kittery

Zip Code

038904

Email Address

patioandflame@gmail.com

Applicant if different from Property Owner

Full Legal Name (s)

Laina Chase

Mailing Address

517 us 1

State

Maine

City

Kittery

Zip Code

03904

Phone Number

2077032281

Email Address

Patioandflame@gmail.com

Property Information

Street Address

517 US Route

Lot size in acreage

2

Tax Map

66

Lot Number

26A

Base Zone(s)

MU

Overlay Zone(s)

N/A

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

No

Is the Subject Property located in a floodplain?

No

Does the Subject Property have any outstanding code violations?

Yes

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:

A Miscellaneous Variation Request



A Special Exception Use Request



Special Exception Use Request

Title

16

Chapter and Section

2.12.D.(4)(a)

Title

16

Chapter and Section

4.23.C.(4)

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.



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.



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.



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



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



I understand that the Board of Appeals may hear and decide a special exception use request within the limitations set forth in Title 16.



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.



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).



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, Section 2.12.D(4); and may consider other Title 16 standards.



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.



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, surliness, etc.



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



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



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.



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



Special Exception Use Request Statements

Describe the general nature of the request:

Request the addition of an equipment rental business under the Construction Services Special Exception Use category

Miscellaneous Variation Request

Parking, loading and traffic standards contained in Chapter 16.5



Miscellaneous Variation Request Pertinent Town Codes

Title	Chapter and Section
16	7.11.(4)(d)

Miscellaneous Variation Request Affirmations

I understand that the Board of Appeals:

May hear and decide on a miscellaneous variation request within the limitations set forth in Title 16 with the sections identified above.



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 Nove (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 the 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, Section 6.6; and may consider other Title 16 standards.



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.



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, surliness, etc.



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



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



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.



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



Miscellaneous Variation Request Statement

Describe the general nature of the request:

Request the reduction in the required amount of parking for the retail business as well as the equipment rental business if approved.

Certification of Application

Applicant's Signature

Laina Chase
08/24/2022

Name of Applicant

laina chase

Date

08/23/2022

Attachments



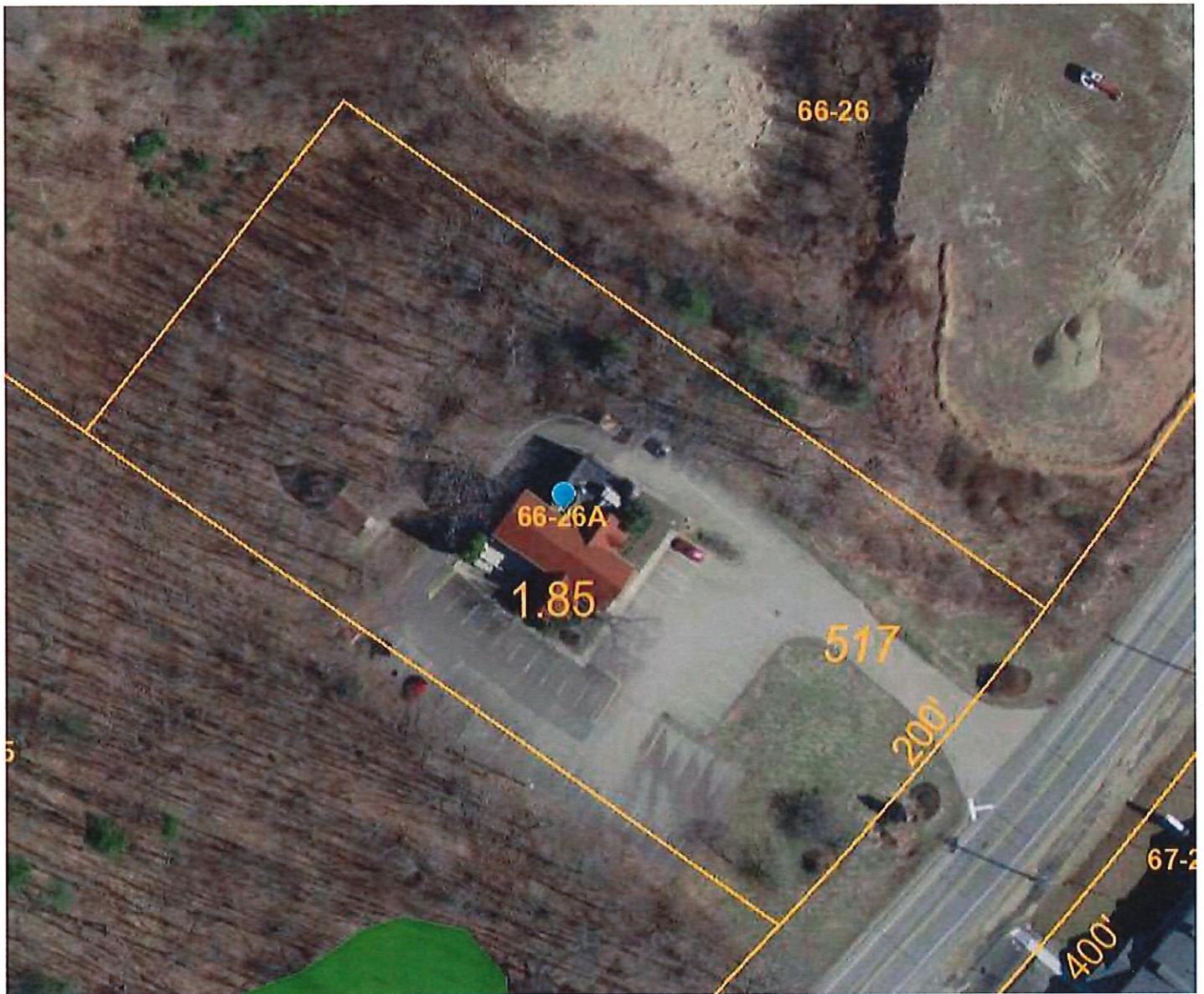
Screenshot 2022-08-24 175029.jpg

Uploaded by Craig Alfis on Aug 24, 2022 at 5:51 pm



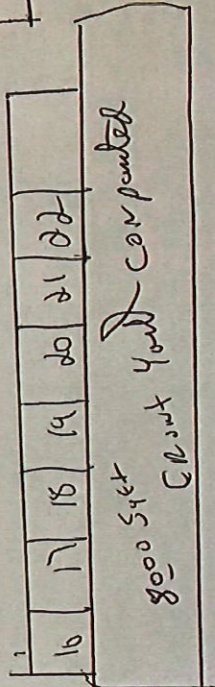
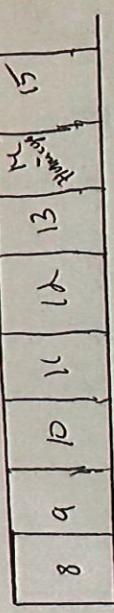
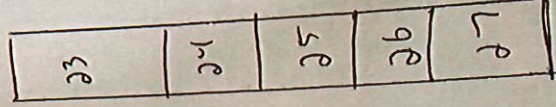
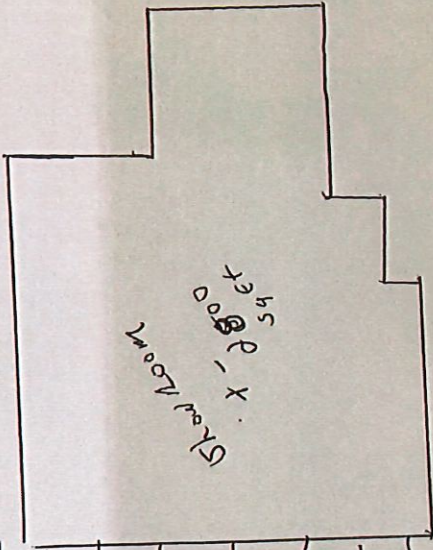
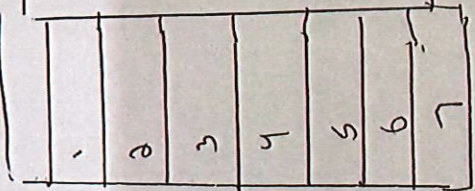
5E2E9F12-D4C9-4761-B97C-79C56A5BB8F6_Tue_Aug_17_2021_12-23-01.jpeg

Uploaded by Craig Alfis on Aug 24, 2022 at 5:49 pm



Retail
 12,000 sq ft
 out door
 display
 summer

patio and lounge



10' ex back street

Proposing
 to
 et
 Customer
 Retail
 word
 back up



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BOA Meeting Date: December 13, 2022

Item #: SE2022-02

**STAFF REPORT – 517 US ROUTE 1 – SPECIAL EXCEPTION USE REQUEST /
MISCELLANEOUS VARIATION REQUEST**

Project Name: 517 US Route 1

Applicant: Laina Chase, Patio & Flame

Owner: Wilson Five Service Co Inc

Proposed Development: Indoor/outdoor retail, Construction equipment rental

Requests: Special Exception Use request per Section 16.4.23.C.(4) to operate a construction services business.
Miscellaneous Variation Request per Section 16.2.12.D.(3)(a) to the parking, loading and traffic standards.

Site Addresses: 517 US Route 1

Map & Lot Numbers: Map 66 Lot 26-A



Current Zoning:

Mixed Use (MU) – To provide opportunities for a mix of office, service, and limited residential and retail uses, to alter the pattern of commercial activity on Route 1, to serve Kittery's needs, and to minimize traffic congestion. A mix of uses on a site is desired and, in some cases, required; a continuation of strip development is not encouraged in this zone. The Mixed-Use Zone is intended to accommodate growth.

The existing retail use is permitted by right in the zone with adequate parking. The following uses are permitted as a Special Exception Use in the MU Zone: (4) Construction Services.

Staff Recommendation: APPROVAL WITH CONDITIONS of the Special Exception Use but recommend DENIAL of the Miscellaneous Variation Request to the parking, loading and traffic standards.

District Standards:

Residential – Suburban Zoning District Standards			
	40,000 sf	Front Yard Setback (min.)	30 feet
Building Coverage (max.)	20%	Rear Yard Setback (min.)	30 feet
Lot Size (min)	200,000 sf	Side Yard Setback (min.)	30 feet

Current Use: Retail

Surrounding Land Uses:

West: Residential, Mobile Home Park – Mixed Use (MU), Shoreland Overlay, dwelling unit
East: Commercial/Residential – Mixed Use (MU), Restaurant/Dwellings/Offices/Daycare
North: Commercial – Mixed Use (MU), Restaurant
South: Vacant Lane, Mixed Use (MU)

Future Land Use:

The subject property is located within a Growth Area in the Future Land Use Map, which is defined as areas where the Town would like to encourage future development to occur.

Site Description:

The subject property consists of approximately 80,586 square feet (1.85 acres) located along the Northern right of way of Route 1. The property is zoned Mixed Use (MU) and is legally non-conforming due to lot size. The property is not located in the Shoreland Overlay Zone. The lot contains one conforming commercial building of approximately 2,869 square feet which currently contains an outdoor furniture retail store. The furniture store also maintains an outdoor retail area that fluctuates from 3000-8000 square feet. Additionally, there is a large pile of firewood for sale.

History of the Property:

Prior to the current business, the building housed a dog training business.

Description of the Issue:

Code Enforcement acted against the current business, Patio & Flame, for establishment of a new business without proper permitting and the property was brought into compliance in 2021. At the time there was close to 12,000 square feet of retail area, requiring 69 parking spaces. The current parking area contains 53 spaces. Unfortunately, not all 53 are available as there is a large firewood pile covering some and other assorted material and equipment covering others. Based on inspections there were 27 available. The property owner was required to slim down the retail area to fit the available parking and complied. Over the summer of 2022, a new business was established without permitting. This new use is a construction equipment rental business that must be approved by special exception and should be considered when determining parking requirements. The outdoor retail area also grew out of compliance due to its size and required parking. The business was issued a letter by Code Enforcement, as well as a Notice of Violation. As parking requirements can be amended by Miscellaneous Variation Request and construction service business can be approved by Special Exception, the applicant was given the opportunity to apply to the Board of Appeals.

Applicant's Special Exception Use Request:

Section 16.2.12.F requires the Board of Appeals to use the following process when hearing requests:

§ 16.2.12.F 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 16.4 for any application excluded from Planning Board review as stated in §16.7.2B, if the proposed use meets the criteria set forth in § 16.2.12.F, 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.

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

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

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 proposed use should not alter the character of the existing uses and the grouping of multiple uses on the site falls within the intent of the Mixed Use Zone.

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

The proposed use should not negatively affect property values and the grouping of multiple uses on the site falls within the intent of the Mixed Use Zone.

- (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;*

The proposed use has the potential to cause traffic and parking issues should the uses be approved without consideration of adequate parking and site circulation.

- (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 currently connected to the Town sewer system.

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

The proposed use should not produce any obnoxious gases, odors, smoke or soot.

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

The use should not cause any 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;*

The proposed uses should not cause undue interference with public parking or recreational facilities.

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

The site contains paved parking for 53 vehicles.

- (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;*

No hazards should arise from the use. Access of the site by emergency apparatus may be impeded if adequate parking is not provided.

- (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 plot area may be insufficient for the scale and number of proposed uses and their associated parking. Scaling down of the outdoor retail area may be required to ensure adequate area is available.

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

The mixed-use zone requires that all storage of material be to the side or rear of the building. The firewood pile should be removed from the front of the building and moved to the side or rear.

- (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 are present in this area.

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

Potential nuisances caused by inadequate parking should be considered prior to the Board's decision.

(16) *The satisfactory compliance with all applicable performance standard criteria contained in Chapter 16.5.*

The applicant must abide by specific conditions placed on the use by the Board of Appeals.

Using the standards and criteria found in the LUDC, Staff recommends APPROVAL WITH CONDITIONS of the Special Exception Use request for a construction equipment rental business at 517 US Route 1 in the Mixed Use zone with the following conditions:

- 1. The applicant must remove material or equipment from the site to provide for an adequate number of parking spaces for all uses contained on the site as determined by the Board.**
- 2. The outdoor retail area must be shrunk to ensure that there is adequate parking for all uses on the site.**
- 3. The applicant must provide for adequate space for delivery of rental equipment without the need to use any part of the public right of way for loading or unloading. Adequate space must be provided for vehicles to turn around to prevent them from backing onto Route 1.**
- 4. No equipment may be placed in the 30-foot landscape area/front yard setback.**
- 5. The firewood pile must be moved to the side or rear of the building.**

Using the standards and criteria found in the LUDC, Staff recommends DENIAL of the Miscellaneous Variation request for a reduction of the required parking at 517 US Route 1 in the Mixed Use zone.



~ Classifieds & News ~

Local Students Take Part in Macy's Thanksgiving Day Parade



WHS photo above left: Left to right - Wells Guard Programs Director Bailey Smith, dancer Sienna Graham, clarinetist Sam Coleman, "flag" Nafata Blaisdell, banner Elana Vennard, chaperone Jessica Bacon. MHS photo above right: Left to right - Banner Carrier Katelyn Whitman, also sax Helen Willoughby, tenor sax Kaydence Wilder, tenor sax Kezia Mawikere, bass drummer Charlotte Daniels, Band Director David Graichen.

YORK COUNTY -

Following a lengthy audition process, Wells High School and Marshwood High School students were selected to be members of the Macy's Great American Marching Band, and performed in the 2022 Macy's Thanksgiving Day Parade in New York City.

The Macy's Great American Marching Band is an all-

star band composed of approximately 225 high school musicians, "flags," and dancers from all over the United States. Each year, the students must pass a rigorous audition process to be accepted into the national band.

"It is an immense honor to be chosen, but to have students accepted from the same school is an even bigger honor," commented Wells Guard Programs Director, Bailey Smith.

"These kids are the cream of the crop, and are selected through an audition process. I have had the pleasure of working with the ensemble since 2014, and I love being able to bring some of my students each

year," says Smith.

"The experience of being a member of the Macy's Great American Marching Band is like no other. Students from all over the country come together for one week and create

a top-notch performance, to be viewed by millions both live and on national television. The hard work, dedication, and talent put forth by the kids is always an honor to witness, and I am always immensely proud

of our students selected to represent our local community as well as our state," Smith further states.

For more information contact Bailey Smith at atlanticharmoniestudio@gmail.com.

ITEMS FOR SALE

BOOK FOR SALE

"Life on the Piscataqua 1630s" A novella about my Piscataqua ancestors, by Lewis Brackett <https://1630snovellas.com>

LEGAL & PUBLIC NOTICES

NOTICE FINDING OF NO SIGNIFICANT IMPACT NOTICE TO ALL INTERESTED PERSONS

TO: All Interested Persons DATE ISSUED: March 9, 2022

The State of Maine Department of Health and Human Services (DHHS), pursuant to Rules Relating to Drinking Water State Revolving Loan Fund (SRF), Chapter 230, Section 6 has prepared an environmental assessment for the Berwick Water Department.

The Maine DHHS has reviewed a submitted environmental information document of the proposed project to receive funds from the Drinking Water State Revolving Loan Fund, DWSRF. From this review it has been determined, pending procurement of all required permitting, the project will have no significant adverse effects and will improve the human environment of the Berwick area. Therefore, an environmental impact statement will not be prepared.

The proposed action involves: construction of a small building to house new process equipment for treatment of Total Organic Carbon (TOC) and manganese, to be located directly adjacent to the existing treatment plant at 150 Rochester Street, raising the elevation of the existing water intake in the Salmon Falls River 1 to 2 ft, replacing the existing Geotube® Dewatering Container with a system of three (3) lagoons located behind the plant for backwash settling and recycling, and general facility updates within the existing plant (chemical storage tank replacement, pump replacement, control and software upgrades).

A review of the proposed action by the DHHS has indicated that there will be no significant environmental impact.

Further records to this project are on file and are available for review at the offices of the Berwick Water Department at 11 Sullivan Street, Berwick, Maine 03901 and at the Department of Health and Human Services, Drinking Water Program, 286 Water Street, Key Plaza, Augusta, Maine 04333.

Town of Kittery - Board of Appeals NOTICE OF PUBLIC HEARING

In-Person, Council Chambers - Public can attend in person or at https://us02web.zoom.us/join/register/WN_c17RDcGv5sGC_njGoNNHAQ

Tuesday, December 13, 2022 - 6:30 p.m.

Laina Chase of Patio & Flame, tenant, 517 US Route 1, requesting a Special Exception to operate a Construction Services business in the Mixed Use (MU) zone per Town Code Section 16.4.23.C.(4) and a Miscellaneous Variation Request per Section 16.2.12.D.(3)(a) to the Parking, Loading and Traffic standards.



Application information is available for public inspection by appointment only between 8:00 a.m. to 6:00 p.m., Monday through Thursday, at the Development Department located in Kittery Town Hall. To request a reasonable accommodation for this meeting please contact staff.

... CBTS from page 30

being in Ogunquit during Christmas by the Sea, and may be stopping by to visit folks at the fire house, at the Beachmere Inn and at other locations throughout town - and he is most definitely

confirmed for the parade! Be sure to check for final details on the Big Man's schedule. Saturday's festivities conclude with a barbershop choir concert, Seacoast Men of Harmony, at the Ogunquit Baptist Church at 7 p.m.

On Sunday, festivities move a bit north of town as Ogunquit celebrates at the Wells Christmas Parade at 2 p.m. Back in town, there will be holiday celebrations and music at Ogunquit restaurants.

Area businesses are also celebrating the weekend with open houses, outdoor hot chocolate bars, book signings, holiday music and performances, children's crafts and story time, scavenger hunts, and more.

"This is such a joyful event in the town of Ogunquit. Guests return year after year, and compliment us on the warm welcome and community spirit they feel when they celebrate the holidays here. We believe that's why Ogunquit was recently rated #2 on Travel + Leisure's list of the 25 Best Christmas Towns in the U.S.!" commented Alice Pearce, executive director of the Ogunquit Chamber of Commerce.

The Ogunquit Chamber would like to thank the 2022 sponsors of Christmas by the Sea, who make the event possible: The Front Porch Piano Bar & Restaurant; the Gorges Grant Hotel, Raspberri's Restaurant and Juniper Hill Inn; Harvest & Plate Catering; InnSeason Resorts - The Falls at Ogunquit and Anchorage by the Sea; Village Food Market; Old Village Inn; Aland Realty; Ogunquit Rental Properties; Terrace by the Sea; Cornerstone Artisanal Pizza & Craft Beer.

The Ogunquit Chamber of Commerce fosters and promotes business, enhances economic and community development, and serves as a catalyst for improving the overall quality of life in the Ogunquit area. More than 300 businesses in the region are members of the Ogunquit Chamber.

A full schedule of events is available for download at www.ogunquit.org, or for pick up at the Chamber office, 36 Main Street, and at participating businesses throughout Ogunquit.

ITEMS WANTED

WANTED: VINTAGE CLOTHING! Downsizing? Need help with a cleanout? Just have a bunch of OLD clothes? We buy men's and women's vintage clothing from 1900-1990! We pay cash. Condition does not matter - we launder and repair! Call today for a consultation: 207-245-8700

WANTED TO BUY Antiques * Silver * Gold * Coins **CHRIS LORD ANTIQUES** One item or Entire Estate. Cash paid for all antiques. Antique jewelry, coins, silver, gold, paintings, clocks, lamps, telephones, radios, photographs, nautical items, weatherstones, dolls & toys, pottery, photography, military items, swords, advertising signs, fountain pens, bottles, tools, books & much much more! Buying antiques for over 20 years. Barn and Attic Clean-Out Also. (207) 233-5814 • ME & NH

FIREWOOD & PELLETS

SEASONED FIREWOOD Cut, Split & Delivered Call Eric Hobson 207-467-0621

GREEN FIREWOOD Cut, Split & Delivered Clean & Guaranteed Full Cord North Berwick 207-409-6567

SEASONED FIREWOOD \$300 per Cord 603-817-0808

Wood Pellets Call for Pricing! **Eliot Agway** 207-439-4015

AUTOS WANTED

CASH FOR YOUR CAR OR TRUCK

KEY AUTO GROUP SELLS THOUSANDS OF VEHICLES A MONTH **LATE MODEL VEHICLES NEEDED NOW** PAID OFF OR NOT - INSTANT MONEY ON THE SPOT All Makes & Models

DON'T GET RIPPED OFF - CONTACT ME LAST: MARIE FORBES AT 207-363-2483 or email mforbes@keyauto.com • Key Auto Group, 422 Route 1, York

WE NEED LATE MODEL CARS, TRUCKS, SUV'S. PAYING CASH! PAYOFFS NO PROBLEM!



TOP \$\$\$ CHECK WITH US BEFORE YOU TRADE

Call Dan: (207) 251-2221 or Email: villagemotors@comcast.net



150 foot Abutters List Report

Kittery, ME
November 29, 2022

Subject Property:

Parcel Number: 66-26A
CAMA Number: 66-26A
Property Address: 517 US ROUTE 1

Mailing Address: WILSON FIVE SERVICE CO INC WILSON
FIVE SERVICE CO INC
PO BOX 810
KITTERY, ME 03904-0810

Abutters:

Parcel Number: 66-25
CAMA Number: 66-25
Property Address: 511 US ROUTE 1

Mailing Address: YANKEE SETTLEMENT MHP LP YANKEE
SETTLEMENT MHP LP
1571 BELLVUE AVENUE, SUITE 210
WEST VANCOUVER, BC V7V1A6

Parcel Number: 66-26
CAMA Number: 66-26
Property Address: 523 US ROUTE 1

Mailing Address: LYNCH, CHARLES S LYNCH, CHARLES
S
13 POCAHONTAS ROAD
KITTERY POINT, ME 03905-5300

Parcel Number: 67-2
CAMA Number: 67-2
Property Address: 518 US ROUTE 1

Mailing Address: LANDMARK HILL, LLC LANDMARK HILL,
LLC
79 CONGRESS STREET
PORTSMOUTH, NH 03801

Parcel Number: 67-2
CAMA Number: 67-2-1-1
Property Address: 518 US ROUTE 1 #1

Mailing Address: HAYWARD, JAMES A HAYWARD, JAMES
A
416 BEECH ROAD
ELIOT, ME 03903

Parcel Number: 67-2
CAMA Number: 67-2-1-1
Property Address: 518 US ROUTE 1 #1A

Mailing Address: KIKI TIDWELL FAMILY TRUST KIKI
TIDWELL FAMILY TRUST
17 INTERVALE ROAD
YORK, ME 03909

Parcel Number: 67-2
CAMA Number: 67-2-1-1
Property Address: 518 US ROUTE 1 #1

Mailing Address: HAYWARD, JAMES A HAYWARD, JAMES
A
416 BEECH ROAD
ELIOT, ME 03903

Parcel Number: 67-2
CAMA Number: 67-2-1-1
Property Address: 518 US ROUTE 1 #1A

Mailing Address: KIKI TIDWELL FAMILY TRUST KIKI
TIDWELL FAMILY TRUST
17 INTERVALE ROAD
YORK, ME 03909

Parcel Number: 67-2
CAMA Number: 67-2-1-2
Property Address: 518 US ROUTE 1 #2A

Mailing Address: ESTANO HOLDINGS LLC ESTANO
HOLDINGS LLC
12 LANDMARK HILL LANE
KITTERY, ME 03904

Parcel Number: 67-2
CAMA Number: 67-2-1-2
Property Address: 518 US ROUTE 1 #2

Mailing Address: WINTERBROOK MANAGEMENT LLC
WINTERBROOK MANAGEMENT LLC
5 WINTERBROOK COURT
YORK, ME 03909

Parcel Number: 67-2
CAMA Number: 67-2-1-2
Property Address: 518 US ROUTE 1 #2A

Mailing Address: ESTANO HOLDINGS LLC ESTANO
HOLDINGS LLC
12 LANDMARK HILL LANE
KITTERY, ME 03904



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

11/29/2022

Page 1 of 3



150 foot Abutters List Report

Kittery, ME
November 29, 2022

Parcel Number: 67-2 CAMA Number: 67-2-1-2 Property Address: 518 US ROUTE 1 #2	Mailing Address: WINTERBROOK MANAGEMENT LLC WINTERBROOK MANAGEMENT LLC 5 WINTERBROOK COURT YORK, ME 03909
Parcel Number: 67-2 CAMA Number: 67-2-1-3 Property Address: 518 US ROUTE 1 #3	Mailing Address: DGW PROPERTIES LLC DGW PROPERTIES LLC 155 CHASES POND RD YORK, ME 03909
Parcel Number: 67-2 CAMA Number: 67-2-1-4 Property Address: 518 US ROUTE 1 #4	Mailing Address: AVIVA LLC AVIVA LLC 10 STONERIDGE WAY KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-1-5 Property Address: 518 US ROUTE 1 #5	Mailing Address: CONNELLY LANDMARK HILL LLC CONNELLY LANDMARK HILL LLC PO BOX 257 WELLS, ME 04090
Parcel Number: 67-2 CAMA Number: 67-2-1-6 Property Address: 518 US ROUTE 1 #6	Mailing Address: KIKI TIDWELL FAMILY TRUST KIKI TIDWELL FAMILY TRUST 17 INTERVALE ROAD YORK, ME 03909
Parcel Number: 67-2 CAMA Number: 67-2-1-7 Property Address: 518 US ROUTE 1 #7	Mailing Address: CONNECTIONS FOR KIDS CONNECTIONS FOR KIDS 100 GANNETT DR STE A SOUTH PORTLAND, ME 04106
Parcel Number: 67-2 CAMA Number: 67-2-2-1 Property Address: 10 LANDMARK HILL LANE	Mailing Address: YORK STREET VENTURES LLC YORK STREET VENTURES LLC PO BOX 569 YORK, ME 03909
Parcel Number: 67-2 CAMA Number: 67-2-2-2 Property Address: 14 LANDMARK HILL LANE	Mailing Address: 1416 LANDMARK HILL PROPERTIES, LLC 1416 LANDMARK HILL PROPERTIES, LLC 23 MILL RIDGE FARM LANE YORK, ME 03909
Parcel Number: 67-2 CAMA Number: 67-2-2-3 Property Address: 16 LANDMARK HILL LANE	Mailing Address: 1416 LANDMARK HILL PROPERTIES, LLC 1416 LANDMARK HILL PROPERTIES, LLC 23 MILL RIDGE FARM LANE YORK, ME 03909
Parcel Number: 67-2 CAMA Number: 67-2-2-4 Property Address: 20 LANDMARK HILL LANE	Mailing Address: 518 US ROUTE 1 LLC 518 US ROUTE 1 LLC 518 US ROUTE 1 #4 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-2-5 Property Address: 12 LANDMARK HILL LANE	Mailing Address: ESTANO, CHRISTOPHER ESTANO, CHRISTOPHER 12 LANDMARK HILL LANE KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-2-6 Property Address: 18 LANDMARK HILL LANE	Mailing Address: THOMAS, CHARLES W. II THOMAS, CHARLES W. II 18 LANDMARK HILL LANE KITTERY, ME 03904



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



150 foot Abutters List Report

Kittery, ME
November 29, 2022

Parcel Number: 67-2 CAMA Number: 67-2-3-1 Property Address: 24 LANDMARK HILL LANE	Mailing Address: CORGAN FAMILY REV TRUST OF 2021 CORGAN FAMILY REV TRUST OF 2021 24 LANDMARK HILL LANE UNIT 1 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-10 Property Address: 64 LANDMARK HILL LANE	Mailing Address: COUTTS, MATTHEW COUTTS, MATTHEW 64 LANDMARK HILL LANE UNIT 10 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-11 Property Address: 68 LANDMARK HILL LANE	Mailing Address: JAMES, JOHN M JAMES, JOHN M 68 LANDMARK HILL LANE, UNIT 2 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-2 Property Address: 28 LANDMARK HILL LANE	Mailing Address: MEANS LIV. TRUST MEANS LIV. TRUST 100 PINEHURST ROAD PORTSMOUTH, NH 03801
Parcel Number: 67-2 CAMA Number: 67-2-3-3 Property Address: 32 LANDMARK HILL LANE	Mailing Address: RAYMOND, CLAUDETTE RAYMOND, CLAUDETTE 32 LANDMARK HILL LANE #2 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-4 Property Address: 36 LANDMARK HILL LANE	Mailing Address: SANBORN, ALLANA J. SANBORN, ALLANA J. 36 LANDMARK HILL LANE UNIT 2 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-5 Property Address: 40 LANDMARK HILL LANE	Mailing Address: CAMPBELL, STEPHEN H. CAMPBELL, STEPHEN H. 40 LANDMARK HILL, UNIT 2 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-6 Property Address: 44 LANDMARK HILL LANE	Mailing Address: STAMM, KERRI LAVERTU STAMM, KERRI LAVERTU 44 LANDMARK HILL LANE KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-7 Property Address: 52 LANDMARK HILL LANE	Mailing Address: GRAVES, HEATHER GRAVES, HEATHER 52 LANDMARK HILL LANE KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-8 Property Address: 56 LANDMARK HILL LANE	Mailing Address: WEAVER, CODY D WEAVER, CODY D 56 LANDMARK HILL LANE UNIT 8 KITTERY, ME 03904
Parcel Number: 67-2 CAMA Number: 67-2-3-9 Property Address: 60 LANDMARK HILL LANE	Mailing Address: SWEET, JACQUELINE K SWEET, JACQUELINE K 60 LANDMARK HILL LANE UNIT 2 KITTERY, ME 03904
Parcel Number: 67-3 CAMA Number: 67-3 Property Address: 510 US ROUTE 1	Mailing Address: CRAWFORD TR, BETTY L CRAWFORD TR, BETTY L 510 US ROUTE 1 KITTERY, ME 03904-5507



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

11/29/2022

Page 3 of 3

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

LYNCH CHARLES E
17 PROCLAIMER ROAD
KITTERY POINT, ME 03904-0000

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

COFFEY MATTHEW
COFFEY MATTHEW
23 LANDEMARK HILL LANE UNIT 9
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

CONROY JAMES R
CONROY JAMES R
23 LANDEMARK HILL LANE UNIT 1
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

MCNEIL LYNN TRIST
100 PROCLAIMER ROAD
PORTLAND, ME 04106

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

WYMAN COOP G
WYMAN COOP G
17 PROCLAIMER ROAD
KITTERY POINT, ME 03904

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

SANDSON ALAN A
SANDSON ALAN A
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

BARONIS GILBERT
BARONIS GILBERT
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

LANDEMARK HILL LLC
LANDEMARK HILL LLC
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

DOOR INDUSTRIES LLC
DOOR INDUSTRIES LLC
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

CHAMBERLIN TRIST
CHAMBERLIN TRIST
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

WATTSWOOD MANAGEMENT LLC
WATTSWOOD MANAGEMENT LLC
3 WATTSWOOD COURT
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

ESTRADA ROSEMARIE LLC
ESTRADA ROSEMARIE LLC
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

CONNELLY LANDEMARK HILL LLC
CONNELLY LANDEMARK HILL LLC
23 LANDEMARK HILL LANE
WELLIS, ME 04090

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

DELOITTE MARY TRIST
DELOITTE MARY TRIST
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

CONNECTIONS FOR KIDS
CONNECTIONS FOR KIDS
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

JAMES JOHN M
JAMES JOHN M
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

VANET SETTLEMENT TRUST LP
VANET SETTLEMENT TRUST LP
230 WEST WINDYBROOK BLVD
WEST WINDYBROOK, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

ESTRADA ROSEMARIE LLC
ESTRADA ROSEMARIE LLC
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

ANWALLIC
ANWALLIC
10 PROCLAIMER ROAD
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

CAMMELL STEPHEN H
CAMMELL STEPHEN H
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

OWENS JUSTIN R
OWENS JUSTIN R
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

HARWARD JAMES A
HARWARD JAMES A
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

YORK STREET VENTURES LLC
YORK STREET VENTURES LLC
PO BOX 230
YORK, ME 03904

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

118 LANDEMARK HILL PROPER
118 LANDEMARK HILL PROPER
23 LANDEMARK HILL LANE
YORK, ME 03904

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

THOMAS CHARLES W III
THOMAS CHARLES W III
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

ESTRADA CHRISTOPHER
ESTRADA CHRISTOPHER
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

SMITH ROBERT L
SMITH ROBERT L
23 LANDEMARK HILL LANE UNIT 2
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

STANAK KENNETH LAWRENCE
STANAK KENNETH LAWRENCE
23 LANDEMARK HILL LANE
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

518 US ROUTE 1 LLC
518 US ROUTE 1 LLC
518 US ROUTE 1
KITTERY, ME 03944

TOWN OF KITTERY
Planning & Development Dept
200 Regent Road
Kittery, ME 03944

US POSTAGE
Permit No. 1000
\$ 000.57*
NOV 27 2022

118 LANDEMARK HILL PROPER
118 LANDEMARK HILL PROPER
23 LANDEMARK HILL LANE
YORK, ME 03904



MEETING MINUTES

1. CALL TO ORDER; INTRODUCTORY; ROLL CALL

Chair Timko called the meeting to order at 6:30 p.m.

Board Members Present: Douglas Basnett, Charles Denault III, Bob Gray, Rick Nohmer, April Timko

Board Members Absent: Roland Scott, Amelia Burke

Staff Present: Craig Alfis, Code Enforcement Officer

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- **Melissa Harrington, tenant, 21 Litchfield Road, requesting a Special Exception Use per Town Code Section 16.2.12.D(4) to operate a catering and event hosting business as a Major Home Occupation in the Residential Rural Zone.**
- Mr. Alfis relayed to the Board that Ms. Harrington had a family emergency and requested that her request be heard on a different night. Mr. Alfis recommended that the Board hold the public hearing as scheduled, then continue the item to the next meeting to allow Ms. Harrington to address the Board. Chair Timko agreed. Mr. Alfis presented the staff report. Chair Timko confirmed that the Board has the authority to hear the request per Code Section 16.2.12.D(4). Chair Timko opened the public hearing at 6:39. No members of the public spoke. The public hearing was closed at 6:40.

Motion by Chair Timko continue this item and vote to the next meeting. Second by Mr. Denault. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray Nohmer, Timko; No: --; Abstain: --]

- **Dean Gallant, on behalf of the Kittery Art Association, 8 Coleman Ave, requesting a Miscellaneous Variation per Town Code Section 16.2.12.D(3) to convert an existing art gallery to residential use.**
- Mr. Alfis relayed to the Board that as the Town is involved with the Kittery Art Association in a real estate transaction, the staff report for this request was prepared and will be presented by Mr. Bill Straub of CMA Engineers. Mr. Straub presented the staff report. Mr. Dean

Gallant was invited to speak on behalf of the Kittery Art Association. The Board had several questions for both Mr. Straub, Mr. Alfis, and Mr. Gallant. Chair Timko opened the public hearing at 6:50. One resident had questions on the request. Chair Timko read one letter in support of the request into the public record. The public hearing was closed at 6:53. The Board entered discussion.

Motion by Mr. Denault to grant the miscellaneous variation request for 8 Coleman Ave under 16.2.12.D(3). Second by Mr. Gray. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray Nohmer, Timko; No: --; Abstain: --]

Chair Timko notified the Board of their right to reconsider and the public of their right to appeal.

Chair Timko read the following Findings of Fact and Conclusions of Law into the record:

Findings of Fact:

1. The Board considered the miscellaneous variation request Dean Gallant, on behalf of the Kittery Art Association, 8 Coleman Ave, to approve an existing non-conforming structure on a non-conforming lot to a single-family residence.
2. The change to the single-family residence would be more consistent with uses in the surrounding area and in the zone.
3. The Board considered the factors set forth in Section 16.2.12.F as the basis for their decision.

Motion to accept the Findings of Fact made by Mr. Denault. Seconded by Mr. Gray. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray, Nohmer, Timko; No: --; Abstain: --]

Conclusions of Law:

1. The Board had the authority to hear the miscellaneous variation request per Code Section 16.2.12.D(3).
2. The Board made their decision in accordance with Section 16.2.12.F and determined that the non-conformities are covered in section 16.1.8.

Motion to accept the Conclusions of Law made by Mr. Denault. Seconded by Mr. Basnett. Motion passed 5-0-0 by roll call vote [Yes: Basnett, Denault, Gray, Nohmer, Timko; No: --; Abstain: --]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

- March 22, 2022

Motion by Chair Timko to accept the meeting minutes. Second by Mr. Basnett. Motion passed 4-0-1 by roll call vote [Yes: Basnett, Gray, Nohmer, Timko; No: --; Abstain: Denault]

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Mr. Nohmer relayed that there were some issues with the remote portion of the meeting.
- Mr. Alfis will reach out to the applicant for 21 Litchfield Road to determine which upcoming meeting she would like to be scheduled for.

10. ADJOURNMENT

Motion by Chair Timko to adjourn. Second by Mr. Gray. Motion passed 4-1-0 by voice vote [Yes: Basnett, Gray, Nohmer, Timko; No: Denault; Abstain: --]

The Kittery Board of Appeals meeting of April 12, 2022 adjourned at 7:02 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>.

MEETING MINUTES

1. CALL TO ORDER; INTRODUCTORY; ROLL CALL

Chair Timko called the meeting to order at 6:31 p.m.

Board Members Present: Roland Scott, Douglas Basnett, Charles Denault III, Bob Gray, Amelia Burke, Rick Nohmer, April Timko

Board Members Absent: None

Staff Present: Craig Alfis, Code Enforcement Officer

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- **Melissa Harrington, tenant, 21 Litchfield Road, requesting a Special Exception Use per Town Code Section 16.2.12.D(4) to operate a catering and event hosting business as a Major Home Occupation in the Residential Rural Zone.**
- The public hearing for this request was opened at the April 12th meeting and continued to this meeting due to an emergency on the part of the applicant. Secretary Burke confirmed that the Board has the authority to hear this request. Mr. Alfis presented the staff report. The applicant, Melissa Harrington, presented the project to the Board. The Board had several questions of both the applicant and the Code Enforcement Officer. The public hearing was closed, and the Board entered discussion.

Motion by Mr. Denault to grant the Special Exception Use request under Town Code Section 16.2.12.D(4) to operate a catering and event hosting business in the Residential Rural Zone with the conditions set out in the staff report including the modification of the business hours to 8 pm and a suitable subsurface wastewater system. Second by Mr. Gray. Motion passed 7-0-0 by roll call vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer, Timko; No: --; Abstain: --]

Chair Timko notified the Board of their right to reconsider and the public of their right to appeal.

Secretary Burke read the following Findings of Fact and Conclusions of Law into the record:

Findings of Fact:

1. Request is to operate a catering business out of the applicant's barn;
2. The Board is reviewing this request because there will be events of less than 25 people;
3. The applicant is the tenant of the house but has a purchase and sale agreement with the owner to be fulfilled in two years;
4. The property consists of 165,548 square feet or 3.8 acres and a total 4,336 square feet of residential area;
5. The applicant is able to meet parking requirements with help from the abutting church;
6. The applicant plans to install a new septic;
7. The applicant requested that the Board modify the event hour restrictions from 7pm to 8pm;
8. The staff report recommends approval with conditions; and
9. The Board considered the Basis for Decision and the Factors for Consideration in Section 16.6.6.

Motion to accept the Findings of Fact made by Mr. Basnett. Seconded by Mr. Scott.
Motion passed 7-0-0 by roll call vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer,
Timko; No: --; Abstain: --]

Conclusions of Law:

1. The Board determined that they had the authority to hear the request under 16.6.4.D;
2. The Board considered the Basis for Decision and the Factors for Consideration in Section 16.6.6;
3. The applicant can meet the requirements of Major Home Occupation as set forth in Section 16.5.12; and
4. The request was approved with conditions.

Motion to accept the Conclusions of Law made by Mr. Gray. Seconded by Mr. Scott.
Motion passed 7-0-0 by roll call vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer,
Timko; No: --; Abstain: --]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Mr. Alfis relayed to the Board that there are no requests on the agenda for the next meeting.
- Mr. Basnett asked if decisions made by the Board to amend certain provisions set a precedent for the next applicant.
 - Chair Timko responded that each request is decided on its own merits so no precedent is set, but that in order to be fair similar requests should be treated the same.

10. ADJOURNMENT

Motion by Chair Timko to adjourn. Motion passed 7-0-0 by voice vote [Yes: Scott, Gray, Basnett, Denault, Burke, Nohmer, Timko; No: --; Abstain: --]

The Kittery Board of Appeals meeting of April 26, 2022 adjourned at 6:59 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>.

**TOWN OF KITTERY
BOARD OF APPEALS MEETING SCHEDULE & SUBMITTAL DEADLINES**

<u>JANUARY 10, 2023</u> December 20, 2022	<u>FEBRUARY 14, 2023</u> January 24, 2023	<u>MARCH 14, 2023</u> February 21, 2023	<u>APRIL 11, 2023</u> March 21, 2023	<u>MAY 9, 2023</u> April 18, 2023	<u>JUNE 13, 2023</u> May 23, 2023
<u>JANUARY 24, 2023</u> January 3, 2023	<u>FEBRUARY 21, 2023</u> January 31, 2023	<u>MARCH 28, 2023</u> March 7, 2023	<u>APRIL 25, 2023</u> April 4, 2023	<u>MAY 23, 2023</u> May 2, 2023	<u>JUNE 27, 2023</u> June 6, 2023
ALL NEW APPLICATIONS MUST BE SUBMITTED 21 DAYS PRIOR TO THE MEETING DATE FOR IT TO BE PLACED ON THE NEXT MEETING AGENDA.					
<u>JULY 11, 2023</u> June 20, 2023	<u>AUGUST 8, 2023</u> July 18, 2023	<u>SEPTEMBER 12, 2023</u> August 22, 2023	<u>OCTOBER 10, 2023</u> September 19, 2023	<u>NOVEMBER 14, 2023</u> October 24, 2023	<u>DECEMBER 12, 2023</u> November 21, 2023
<u>JULY 25, 2023</u> July 3, 2023	<u>AUGUST 22, 2023</u> August 1, 2023	<u>SEPTEMBER 26, 2023</u> September 5, 2023	<u>OCTOBER 24, 2023</u> October 3, 2023	<u>NOVEMBER 28, 2023</u> November 7, 2023	NO MEETING -CHRISTMAS-