



Town of Kittery
200 Rogers Road, Kittery, ME 03904

Board of Appeals Meeting Agenda
Meeting Location: Kittery Community Center
Tuesday, July 28, 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**
 - Bruce Huntress, Owner, 6 Creek Crossing in the Residential Rural (R-RL) zone, requesting a Miscellaneous Variation to expand a non-conforming structure in accordance with Town of Kittery Code 16.6.4.C(1) and 16.7.3.3.B(1).
- 6. Unfinished Business**
- 7. New Business**
- 8. Acceptance of Previous Minutes**
 - a. March 10, 2020
- 9. Board Member or CEO Issues or Comment**
- 10. Adjournment**

Board of Appeals Application

BOA-20-1

Status: Active

Submitted: Jun 29, 2020

Applicant



Bruce Huntress

207-752-0747

behuntress@aol.com

Location

6 CREEK CROSSING
KITTERY, ME 03904

Property Owner Information

Full Legal Name(s)

Bruce Huntress

Mailing Address

6 Creek Crossing

State

ME

Phone Number

207-752-0747

City

Kittery

Zip Code

03904

Email Address

behuntress@aol.com

Applicant if different from Property Owner

Full Legal Name (s)

--

Mailing Address

--

State

--

Phone Number

--

City

--

Zip Code

--

Email Address

--

Property Information

Street Address

6 Creek Crossing

Tax Map

47

Base Zone(s)

R-RL

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

Yes

Lot size in acreage

1.41

Lot Number

17-2

Overlay Zone(s)

OZ-SL-75

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?

--

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

--

true

A Special Exception Use Request

--

Miscellaneous Variation Request

Nonconformance as prescribed in Chapter 16.7, Article III

Parking, loading and traffic standards contained in Chapter 16.8, Article IX

true

--

Sign violation and appeal standards contained in 16.8.10.3

Accessory dwelling unit standards contained in Chapter 16.8, Article XXV

--

--

Miscellaneous Variation Request Pertinent Town Codes

Title

Chapter and Section

16

7.3.3.B(1)

Title

Chapter and Section

--

--

Title

Chapter and Section

--

--

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.

true

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).

true

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

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

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.

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

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

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

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

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

true

Miscellaneous Variation Request Statement

Describe the general nature of the request:

The request is to build an addition a give elderly parents additional living space. The addition will not be an in-law apartment. Kitchen and bathroom facilities will be shared.

Certification of Application

Applicant's Signature

true

Name of Applicant

--

Date

06/22/2020

Attachments (1)

pdf A detailed plot plan or diagram showing dimensions and shape of the lote, the size and locatoins 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.

Jun 22, 2020

Timeline

Payment

7/21/2020

Status: Paid July 6th 2020, 4:16 pm

Application Completeness Review

Status: Completed July 7th 2020, 5:35 pm

Assignee: Craig Alfis

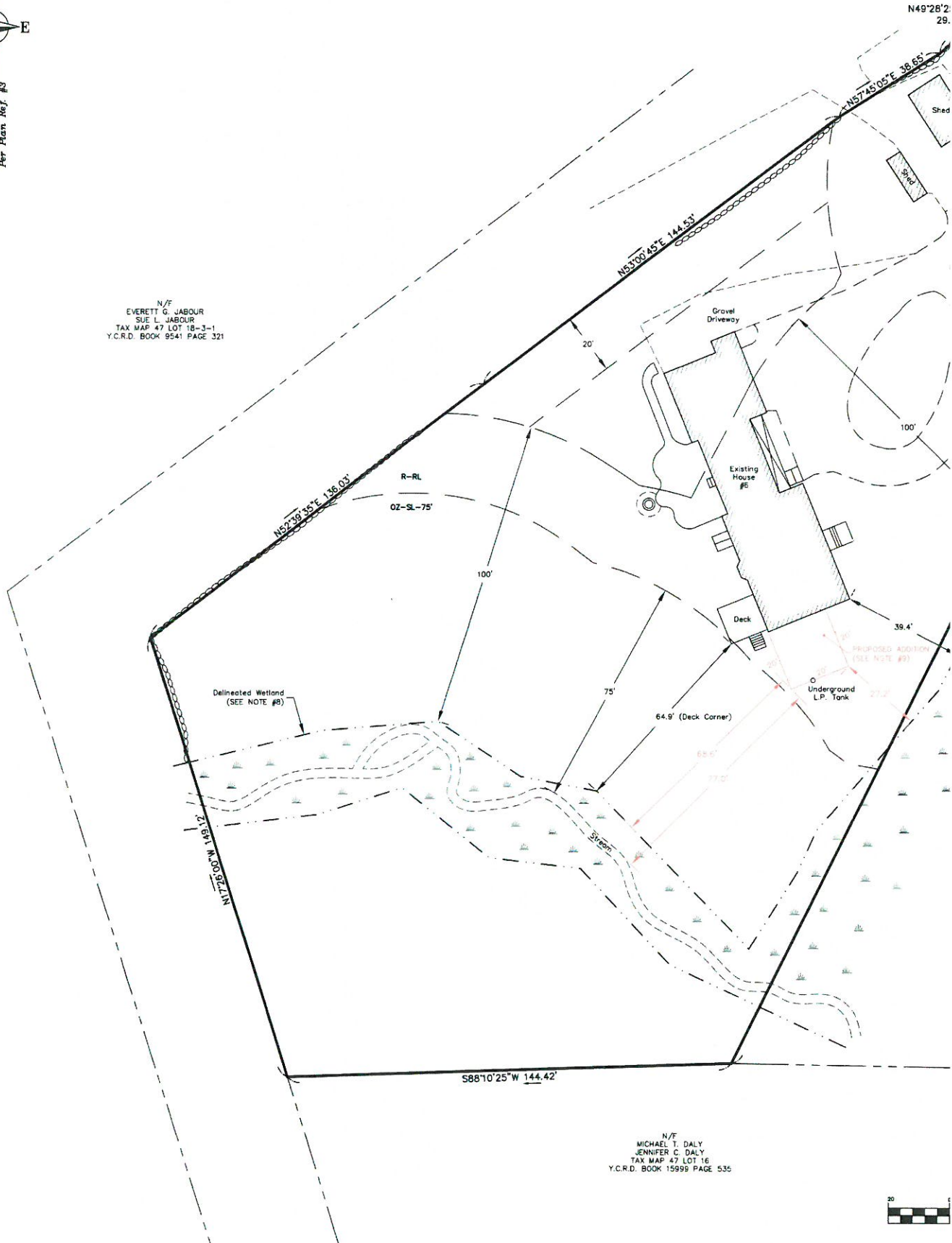
BOA Decision Sent to Applicant

Status: In Progress

Assignee: Craig Alfis



N/F
EVERETT G. JABOUR
SUE L. JABOUR
TAX MAP 47 LOT 18-3-1
Y.C.R.D. BOOK 9541 PAGE 321



N/F
MICHAEL T. DALY
JENNIFER C. DALY
TAX MAP 47 LOT 16
Y.C.R.D. BOOK 15999 PAGE 535





PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT

BOA Meeting Date: July 28, 2020

Item #: MVR2020-03

STAFF REPORT – 6 CREEK CROSSING – MISCELLANEOUS VARIATION
REQUEST

Project Name: 6 Creek Crossing

Applicant: Bruce Huntress

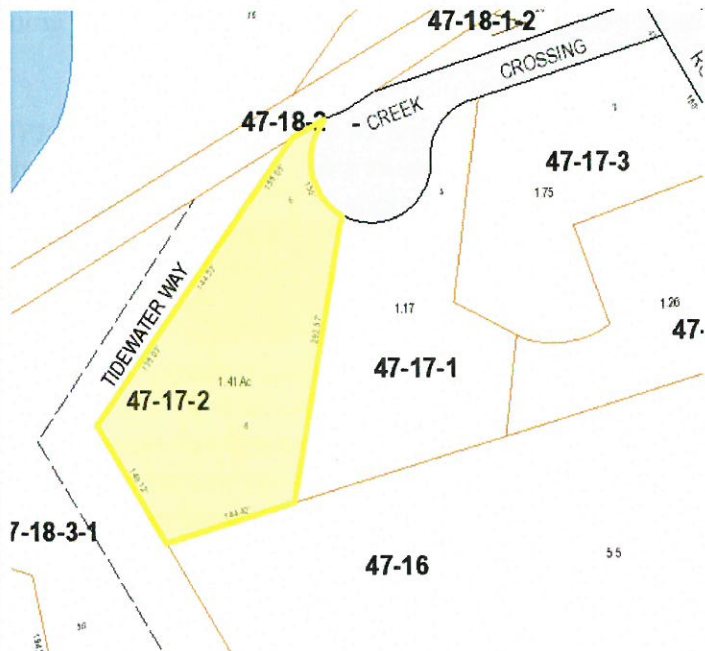
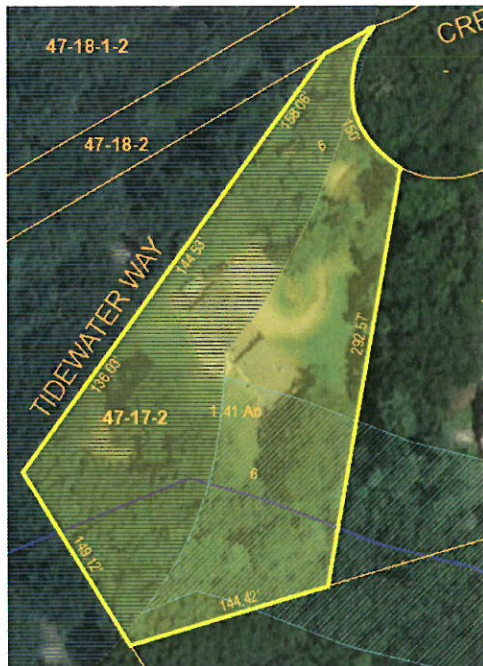
Owner: Bruce Huntress

Proposed Development: Addition to a non-conforming structure

Requests: Miscellaneous Variation Request to expand a non-conforming structure at 6 Creek Crossing in the Residential - Rural (R-RL) zone per Section 16.6.4.C(1) and 16.7.3.3.B(1) of the Town Code.

Site Addresses: 6 Creek Crossing

Map & Lot Numbers: M 47 L 17-2



Current Zoning:

Residential – Rural (R-RL). The purpose of the Residential – Rural R-RL zone is to protect the prevailing rural character of the Town and its natural rural quality from development sprawl by prescribing the most appropriate uses and standards.

The following uses are permitted in the Residential – Rural (R-RL) Zone: (1) Dwellings or modular homes, exclusive of mobile homes. The proposed use is permitted by right.

Staff Recommendation: *DENIAL* of miscellaneous variation request.

District Standards:

Residential Rural (R-RL) Zoning District Standards			
Minimum Road Frontage	150 feet	Front Yard Setback (min.)	40 feet
Lot Size (min.)	40,000 sf	Rear Yard Setback (min.)	20 feet
Side Yard Setback (min.)	20 feet	Maximum Building Coverage	15%

Current Use: Single Family Dwelling Unit

Surrounding Land Uses:

North: Residential Rural (R-RL), Shoreland Overlay Zone (OZ-SL-250). Residential
South: Residential Rural (R-RL), Shoreland Overlay Zone (OZ-SL-75). Residential
East: Residential Rural (R-RL), Shoreland Overlay Zone (OZ-SL-250). Residential
West: Residential Rural (R-RL), Shoreland Overlay Zone (OZ-SL-75). Residential

Future Land Use:

The subject property is located within the “Limited Growth” area on the future land use map which is defined as areas that could accommodate a minimal amount of growth.

Site Description:

The subject property consists of a 61,420 square foot lot (1.41 acres), located along off of Haley Road. The property is a conforming lot of record containing a single-family dwelling unit. The existing building is non-conforming as it encroaches on both the 75’ Stream Protection Overlay Zone and a wetland setback.

Description of the Issue:

The applicant currently has aging family members living with his family in the single-family dwelling unit. He is requesting to construct a 400 square foot addition to provide these family members with additional living space per the attached survey. The addition will not be an in-law apartment as both kitchen and bathroom facilities will be shared. The applicant is requesting to build the addition on the Southern side of the existing house, within the 100-foot setback required by Table 16.9 for a wetland greater than one acre in size. The existing house sits 39.4 feet from the same wetland, with the proposed addition being more non-conforming, sitting 27.2 feet from the wetland edge. Also on the property is an aging 500-gallon buried propane tank, roughly 30 feet from the wetland, which the applicant proposes to remove if allowed to proceed with the

addition. The propane tank poses a significant potential risk to the wetland should it leak. The Code and Planning Department has evaluated multiple other locations for the addition which have been determined as less desirable to the applicant. Other than the previously discussed wetland setback, the proposed addition is conforming to all other dimensional requirements.

Applicant's Miscellaneous Variation 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.C.(1) allows the Board of Appeals to decide variations for nonconformities covered in Section 16.7.3. Further, Section 16.7.3.5.A.(1) states, "Nonconforming lots. In any district, notwithstanding limitations imposed by other sections of this title, single noncontiguous lots legally created when recorded may be built upon consistent with the uses in the particular zone. These provisions apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the zone, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot conform to the regulation for the zone in which such lot is located. Relaxation of yard and other requirements not involving area or width may be obtained only through miscellaneous variation request 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;*

Staff believes the use will not prevent the orderly and reasonable use of adjacent properties since the use is not changing and the community has voted to approve the expansion.

- (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;*

Staff believes the use will not prevent the orderly and reasonable use of legally established uses in the zone since the use is not changing and the community has voted to approve the expansion.

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

Staff believes the use will not adversely affect the health and welfare of the Town.

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

Staff believes 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 proposed use involved is allowed in the zone by right.

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

Staff believes that the proposed addition will not negatively affect property values.

- (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 increase in density that would result in additional vehicular traffic.

- (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 an adequate private subsurface wastewater disposal system.

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

The proposed use produces no obnoxious gases, odors, smoke or soot.

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

The proposed 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 addition will not result in any increased parking requirements.

- (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 result from this use.

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

No overcrowding should result from this use.

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

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

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

The project includes landscaping which staff believes will adequately screen the property.

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

Staff believes that the proposed addition will not negatively affect drainage.

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

No sidewalks are required for residential properties.

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

its location; and

No new nuisances are expected from the continuation of the dwelling use.

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

Unfortunately, the proposed expansion violates a wetland setback. All other aspects of the proposed use and site plan appear to conform to Title 16.8 and 16.9.

Using the standards and criteria found in 16.6.6 of the LUDC, Staff recommends **DENIAL** of the miscellaneous variation request to reduce the dimensional standards as proposed.

OBITUARIES/NEWS

House leaders 'alarmed' federal officers policing protests

The Associated Press

PORTLAND, Ore. — Top leaders in the U.S. House said Sunday they were "alarmed" by the Trump administration's tactics against protesters in Portland, Oregon, and other cities, including Washington, D.C., and called on federal inspectors general investigate.

"This is a matter of utmost urgency," wrote House Judiciary Committee Chairman Jerrold Nadler, D-New York, Homeland Security Committee Chairman Bennie G. Thompson, D-Mississippi, and Oversight and Reform Committee Chairwoman Carolyn B. Maloney, D-New York, in a letter to the inspectors general of Department of Justice and Department of Homeland Security.

The Democratic lawmakers are seeking an investigation "into the use of federal law enforcement agencies by the Attorney General and the Acting Secretary of Homeland Security to suppress First Amendment protected activities in Washington, D.C., Portland, and other communities across the United States."

The mayor of Oregon's largest city said Sunday the presence of federal agents is exacerbating tensions in Portland, which has seen nearly two months of nightly protests since the killing of George Floyd in Minneapolis. Speaking on CNN's "State of the Union," Democratic Mayor Ted Wheeler said federal officers "are not wanted here. We haven't asked them here in fact, we want them to leave."



Protesters relocate a fence in front of the Justice Center, Saturday during another night of protests in Portland, Ore. (MARK GRAVES/THE OREGONIAN VIA THE ASSOCIATED PRESS)

President Donald Trump has decided the demonstrations, and Homeland Security Secretary Chad Wolf blasted the protesters as "lawless anarchists" in a visit to the city on Thursday.

"We are trying to help Portland, not hurt it," Trump tweeted Sunday. "Their leadership has, for months, lost control of the anarchists and agitators. They are missing in action. We must protect federal property, AND OUR PEOPLE. These were not merely protesters, these are the real deal!"

Late Saturday, protesters broke into a building, set it on fire and started dumpster fires, police said.

The fire at the Portland Police Association building was put out a short time later, Portland police said on Twitter. The department declared the gathering a riot, and began working to clear the area in North Portland.

"As the crowd was dispersed, several people in the crowd were arrested and officers were able to extinguish the fire. Portland Police did not use any CS gas," the bureau said in a statement early Sunday.

Police said protesters had first gathered at the Portland Police Bureau's North Precinct, vandalizing patrol vehicles and taunting officers as they reported for work. Police dispersed the group, which then went to the Portland Police Association building.

Tear gas was deployed against another group of demonstrators near the federal courthouse in downtown Portland on Saturday night, the Oregonian/Oregon Live reported. Fencing that had been placed around the courthouse had also been removed by protesters and made into barricades, police tweeted.

TRUMP

From Page A1

less than complete confidence in the American democracy's electoral process. But for Trump, it comes from his insurgent playbook of four years ago, when in the closing stages of his race against Hillary Clinton, he said he would not commit to honoring the election results if the Democrat won.

Pressed during an October 2010 debate about whether he would abide by the voters' will, Trump responded that he would "keep you in suspense." The president's remarks to Fox are certain to fuel conversation on Capitol Hill, where lawmakers had already been airing concerns in private about a scenario in which Trump disputes the election results.

Trump has seen his presidential popularity erode over his handling of the coronavirus pandemic and in the aftermath of nationwide protests centered on racial injustice that erupted after Floyd's death in Minneapolis nearly two months.

Trump contends that a series of polls that show his popularity eroding and Biden holding an advantage are faulty. He believes Republican voters are underrepresented in such surveys.

"First of all, I'm not losing, because those are fake polls," Trump said in the taped interview, which aired Sunday. "They were fake in 2016 and now they're even more fake. The polls were much worse in



President Donald Trump pauses as he speaks during an event on regulatory reform on the South Lawn of the White House, Thursday in Washington. (EVAN VUCCI/THE ASSOCIATED PRESS)

freedom of speech. And you know, the whole thing with 'cancel culture,' we can't cancel our whole history. We can't forget that the North and the South fought. We have to remember that, otherwise we'll end up fighting again. You can't just cancel all," Trump said.

Wallace challenged Trump on some of his claims and called out the president at times, such as when Trump falsely asserted that "Biden wants to defund the police." The former vice president has not joined with activists rallying behind that banner. He has proposed more money for police, conditioned to improvements in their practices.

Trump continues to insist that Biden "signed a charter" with one of his primary rivals on the left, Sen. Bernie Sanders of Vermont. At one point in the interview, Trump calls on aides to bring him documentation to support his assertion. Trump, however, is unable to point to language from a Biden-Sanders task force policy document released this month by the Biden campaign.

Among the issues discussed was the push for wholesale changes in policing that has swept across the nation. Trump said he could understand why Black Americans are upset about how police use force disproportionately against them.

"Of course I do. Of course I do," the president said, adding his usual refrain that "whites are also killed, too."

He said he was "not offended either by Black Lives Matter," but at the same time defended the Confederate flag, a symbol of the racism of the past, and said those who "proudly have their Confederate flags, they're not talking about racism."

"They love their flag, it represents the South, they like the South. That's

OPINION

PortsmouthHerald

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LETTER

Circumspect Granite - The Age of COVID



Walter King

July 18 - To the Editor:

As a virologist who has studied and developed regulatory agency cleared tests for infectious and genetic diseases, I have been following, with great interest, the SARS-CoV-2 virus and its resulting disease impact, termed COVID-19. There are several topics of positive news. The first is that new COVID-19 cases in New Hampshire has clearly trended downward from the middle of May for about a month with only occasional spikes. Since the third week of June, the trend has been flat with an average incidence of 24 new cases per day. The second is that daily reported deaths have dropped from a high of 20 on May 10 to an average of 4. The third area of good news is the lower death rate of very ill patients. This is due to better treatment regimens which have resulted from a better understanding of the disease process.

These results have distinguished New Hampshire as one of just three states where COVID-19 cases have dropped and held steady for 3 weeks between June 28 and July 10, with NJ and RI being the other (NPR, July 17, 2020). If we continue to exercise the practices that got us to this point, such as personal protective measures, avoiding large crowds, social distancing, and personal hygiene, we can fully expect to keep this disease under control, which is good for all of us and also for the economy. All Granite Staters should be proud of this.

However, there are still several unknowns that we need to be mindful of. First, there is still much we do not know about the effects of the virus on our bodies. Since it was first studied, we

have come to COVID-19 is a disease that is long-lasting a rable. Further are still unknown factors that a disease severe the largely unviral infective, pre-syn convalescent one can see to be cautious effective way. This bring phylactic m have been h in this regu temper our recent clini 00,000 pat indicated it is problematic the populat able antibo (The Lancet relatively I observed I an intense indicates I nity is diff support o known th not tend; immunit of comm by huma but the li fades so) can beco need year it would I spect o clinical r and long are unde the wide: billions o daunting chain ch for the v; availabi delayed; care wor resident; workers In the to reme we have Hampst our effo measur us a mo country together I

Walter I
Dover

Two COVID Americas: One struggles, while the other saves

By Jessica Menton USA TODAY

It's been a rough few months for Chelsea Caudle. The mother of two has run into delays applying for unemployment and food stamps in Portland, Oregon, after Grace Salon, a hair salon that specializes in cutting and coloring, was forced to shutter in March when the coronavirus pandemic hit.

Caudle, who is self-employed, sublet a spot at Grace Salon to run her own business called Benjamin LLC. But with no income coming in for months, bills piled up, making it hard for her to afford groceries for her family, she says. "I'm panicked. I've run through my entire savings," says Caudle, who returned to work a few weeks ago. But she has put in fewer hours with less clients due to

social-distancing measures. "If the state shuts down the salon again, I don't know what I'll do," says Caudle, 35.

Save better, spend better: Money tips and advice delivered right to your inbox. Sign up here.

Across the country, Sarah Walker, 31, was more fortunate. She and her husband, who live in Lehigh Valley, Pennsylvania, have cut down on their daycare and driving expenses during the pandemic since they're both working from home, saving her family nearly \$2,000 a month. That's helped them stash more money away in their retirement accounts.

"As soon as our expenses were cut, I immediately started saving more," says Walker, who's a senior credit and collections specialist at a cement manufacturer. Her husband

works with children in youth services.

The coronavirus recession has split America in two: those who are still financially intact, and others facing lasting scars.

Congress is set to reconvene this week at a critical juncture following a two-week recess as the \$600 weekly unemployment benefits under the CARES Act are set to expire at the end of the month. Policymakers will debate whether more emergency stimulus checks and extra unemployment payments are needed to help jobless people afloat as workers and businesses continue to grapple with the economic fallout of the pandemic.

More than two-thirds of Americans say they still need a second stimulus check from the government to help make ends meet, according to recent data from tax preparer Jackson Hewitt. And about a third of that group said the \$1,200 checks needed to be more than the previous round. Only about a quarter of them say they wouldn't need another emergency payment.

"Another round of stimulus is badly needed," says Gregory Daco, chief U.S. economist of Oxford Economics. The expiring enhanced unemployment benefits could represent a "severe shock" to people's income since another potential round of stimulus checks likely won't be as large as they previously were, he added.

VIRUS

From Page A1

are adults with 56% female and 44% male. The new cases are people who reside in Hillsborough County other than Manchester and Nashua (2), Merrimack (2), Belknap (1), Cheshire (1), Grafton (1), Rockingham (1), and Sullivan (1) counties, and in the cities of Manchester (6) and Nashua (3).

DHHS said both of the people who died were aged 60 or older. One was a Hillsborough County woman and the other a man residing Belknap County.

One new hospitalized case was identified for a total of 673 (11%) of 6,203 cases with 17 people currently hospitalized. Four of the new cases had no identified risk factors. Community-based transmission continues to occur in the State and has been identified in all counties with cases. Most of the remaining cases have either had close contact with a person with a confirmed COVID-19 diagnosis or have recently traveled to domestic or international locations.

Maine

Amtrak's Downeaster is adding more round-trip offerings between Maine and Boston.

The Northern New England Passenger Rail Authority said this past week that the Downeaster would begin operating four daily round-trip trains between Brunswick, Maine, and



People gather on the beach, Saturday in the South Boston neighborhood of Boston. Temperatures in the city reached into the 90s on Saturday. (AP PHOTO/MICHAEL DWYER)

Boston starting Monday. Trains will be sanitized with enhanced cleaning between trips.

The Downeaster, which suspended service on April 13 amid the coronavirus pandemic, began a phased-in reopening in mid-June with one round-trip train on weekdays.

A look at coronavirus-related developments in New England on Sunday.

Massachusetts

The city of Gloucester banned beach parking for out-of-town visitors this weekend as temperatures were expected to reach into the upper 90s.

The move came after complaints about excessive traffic last weekend. Gloucester officials are limiting the number of non-residents and only allowing beach parking on weekdays to slow the spread of the coronavirus, WBZ-TV reported.

"People left trash all over the beaches," said East Gloucester resident Barbara Ouellette about last weekend. "They parked in residential parking areas, the side streets. They parked halfway across people's driveways. It was just awful."

The city said it would be monitoring parking lots and nearby streets this weekend and violators could face a \$75 fine and be towed.

Vermont

The Vermont Department

of Health Department said Sunday that 33 of 63 people in the Manchester area who tested positive for the virus after taking a type of test not considered to be as accurate as that used by the department have been retested and only two were confirmed positive cases.

As of Saturday, the Health Department had reached out to all but seven of the 63 people who had positive antigen tests. Most who were interviewed were not symptomatic and have not been linked to other possible cases, the department said.

The Burlington Free Press reports that antigen testing provides rapid results and can be helpful as a screening tool for those who are symptomatic. But they have shown the potential for producing false negatives, according to Health Commissioner Mark Levine, and are considered less reliable than PCR (polymerase chain reaction) tests.

"While they're useful, they may have a higher chance of missing an active infection," Levine said during the governor's regular press briefing on the virus on Thursday.

Vermont reported 12 new cases of the coronavirus on Sunday for a total of 1,350 cases so far. A total of 82,500 people have been tested for the illness since the pandemic started earlier this year. The number of deaths has remained at 56 for a month.



SEACOAST HEALTH

Visit our searchable directory on Seacoastonline.com/HealthResourceGuide for all of your essential, local information and beneficial health care resources. The directory spans from Addictions and Dependency to Transportation Services

Legal Notice
NOTICE OF PUBLIC HEARING
TOWN OF KITTERY - BOARD OF APPEALS
Meeting Location: Kittery Community Center, 120 Rogers Road, Kittery
Tuesday, July 28, 2020 - 6:30 p.m.
Bruce Hintruss, Owner, 6 Creek Crossing in the Residential Rural (R-RL) zone, requesting a Miscellaneous Variation to expand a non-conforming structure in accordance with Town of Kittery Code 16.6.4.C(1) and 16.7.3.3(B)(1)
Application information is available for public inspection by appointment only between 8:00 am to 6:00 pm, Monday through Thursday, at the Development Department located in Kittery Town Hall.
To request a reasonable accommodation for this meeting please contact staff.

MONDAY POLL

Who will have a better year in the NFL? Tom Brady Cam Newton

Respond at www.seacoastonline.com (Find the poll in the Happening Now section; if you don't see it immediately, click the "Happening Now" heading to see more headlines and find the poll.)

POLL RE

Should feder \$600 weekly Wets: 152

Yes

No

Extend pay

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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: Barry Fitzpatrick, Suzanne Jones

Staff Present: Craig Alfis, Code Enforcement Officer; David Evans, Assistant Code Enforcement Officer

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT AND ADOPTION

- Chair Timko advised the appellant that there are only five Board members present and in order for an appeal to pass, four like votes are required. Chair Timko gave the appellant the opportunity to postpone the appeal to a later date. The appellant declined.
- Chair Timko proposed that Item a. under Public Hearings be changed to indicate that it is a Miscellaneous Variation Request rather than an Administrative Appeal and that both Code Enforcement and the applicant agree to the change. Discussion ensued and several questions were asked of Mr. Alfis.

Motion by Chair Timko to change Item A. under Public Hearings to indicate that it is a Miscellaneous Variation Request rather than an Administrative Appeal. Seconded by Vice Chair Leontakianakos. Motion passed 4-1-0 by roll call vote [Yes: Denault, Brake, Leontakianakos, Timko; No: Gardner; Abstain: --]

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- a. David Arnold, Owner, 95 Old Dennett Road in the Residential Suburban (R-S) zone, requesting a Miscellaneous Variation Request in accordance with Town of Kittery Code 16.6.4.C.1**

- Chair Timko stated that the public hearing was noticed on Saturday February 29, 2019 and confirmed the Board has the authority to hear the request. Mr. Alfis presented the staff

report. Mr. David Arnold, applicant, made a presentation on their proposed development. Mr. Arnold read three letters from abutters in support of the proposed garage. The Board had several questions for Mr. Arnold. Three members of the public spoke in support of the proposal. Chair Timko closed the public hearing at 7:03 PM. The Board entered discussion.

Motion by Mr. Gardner to approve the Miscellaneous Variation Request. Seconded by Mr. Brake. Motion passed 5-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Leontakianakos, Timko; No: --; Abstain: --]

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

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

Findings of Fact: (1) The Board found that David Arnold and his wife, owners of 95 Old Dennett Road in the Residential Suburban zone submitted a Miscellaneous Variation Request related to a non-conforming lot of record. (2) The request is to build a garage that would meet a side yard setback of 10 feet in relation to a right of way for a private street that runs along the property line. (3) The Board heard a presentation from David Arnold, heard letters of support from three neighbors along Old Dennett Road and heard support from three neighbors in person in support. (4) The Board heard no opposition to the request. (5) The Board considered the Basis for Decision set forth in Section 16.6.6 including the Factors for Consideration set forth in Section 16.6.6.B. (6) 95 Old Dennett Road is an existing non-conforming lot. (7) The 10 foot side yard setback would be allowed based on Section 16.7.3.3.B(3)(b) which allows for ½ the side yard setback in zones other than the Village. (8) The square footage of the proposed garage does not exceed maximum set forth in Section 16.7.3.3.B(3)(b).

Motion to accept the Findings of Fact made by Vice Chair Leontakianakos. Seconded by Mr. Denault. Motion passed 5-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Leontakianakos, Timko; No: --; Abstain: --]

Conclusions of Law: (1) The Board of Appeals approved a Miscellaneous Variation Request in accordance with Section 16.6.4.C(1) for a non-conforming lot of record in accordance with Section 16.7.3.5.

Motion to accept the Conclusions of Law made by Vice Chair Leontakianakos. Seconded by Mr. Brake. Motion passed 5-0-0 by roll call vote [Yes: Gardner, Denault, Brake, Leontakianakos, Timko; No: --; Abstain: --]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. ACCEPTANCE OF PREVIOUS MINUTES

- January 14, 2020
- January 28, 2020

Motion by Chair Timko to approve the meeting minutes of January 14, 2020 and January 28, 2020. Second by Vice Chair Leontakianakos. Motion passed 4-0-1 by voice vote [Aye: Denault, Brake, Leontakianakos, Timko; Nay: --; Abstain: Gardner]

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Mr. Alfis gave an update on the Major Home Occupation at 120 State Road, in response to the letter sent by Mr. Ed Wilson dated March 4, 2020.
- Mr. Alfis noted that there are no items on the agenda for the March 26th meeting.
- Mr. Gardner discussed potential changes that could be made to the way the Board handles Findings of Fact. Specifically, as long as the Findings of Fact are in written form they are acceptable and that the staff report could be adopted as Findings of Fact. Discussion ensued and seeing no objections Chair Timko stated the Board will try this method in the future.

10. ADJOURNMENT

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

The Kittery Board of Appeals meeting of March 10, 2020 adjourned at 7:22 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>.