



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

Application to the
BOARD OF APPEALS

DATE SUBMITTED	7/8/20
MAP & LOT	8 2 31
ASA FEE	\$800
DATE PAID	7/8/20
DATE COMPLETE	7/8/20
HEARING DATE	8/11/20

ADMINISTRATIVE APPEAL

I hereby request the Board consider a Administrative Appeal as I contest the interpretation or application of ordinance / regulation, and seek relief from the decision of the Code Enforcement Officer.

I have reviewed Town Code Title 13 & Title 16, Board of Appeals By-Laws, and the Ordinance(s) pertinent to this application. My appeal is based on the following:

TITLE		CHAPTER		SECTION					PAGE	
TITLE		CHAPTER		SECTION					PAGE	

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

PROPERTY INFORMATION

ADDRESS	99 State Rd Kittery ME #2									
MAP	8	LOT #	31	LOT SIZE						
BASE ZONE(S):	BL			OVERLAY ZONE(S):						

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

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

NAME(S)	Andrew Chick										
MAILING ADDRESS	99 State Rd, #1, Kittery, ME										
CITY	Kittery	STATE	ME	ZIP CODE							03904
PHONE No.	207 439 5868			e-MAIL:							

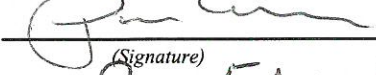
NOTE: You may have an attorney represent you, but such representation is not necessary. You may also be represented by a designated agent (e.g. family member, neighbor, engineer, contractor) as you so desire.

APPLICANT (if different) I am an agent of the applicant with standing, OR, I am an aggrieved party in the subject property, or issue, as shown by:

NAME(S)	Pam Edwards										
MAILING ADDRESS	99 State Rd										
CITY	Kittery	STATE	ME	ZIP CODE							03904
PHONE No.	603 969 8966			e-MAIL:							

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

Date: 7 8 20

By: 
 (Signature)
Pam Edwards
 (Print Name)

AFFIRMATIONS*(Please read and check all the boxes to confirm)***I understand that the Board of Appeals:**

- May hear and decide on an Administrative Appeal within the limitations set forth in Title 16, Section 6.4.1, Administrative Decision Appeal.
- Appears to have jurisdiction to hear this request; hearing must be held within 30 days of this Appeal filing; application must be complete; and, public and abutter notice must be made no less than seven days prior to the scheduled hearing.
- Role for administrative appeals is to examine and resolve problems between the Town and those affected by its ordinances, decisions or lack of action by the Town.
- 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 my 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 Superior Court.
- Local appeals process must be exercised and exhausted before the Superior Court will hear these cases.
- 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 the Standard of Review for this appeal:

For questions of mixed law and fact, a review for "arbitrary and capricious" factors:

- 1) Was the decision/lack of action a "plain error" which led to a "brazen miscarriage of justice?"
- 2) Was the decision/lack of action made on "unreasonable grounds", or "without any proper consideration of circumstances"?
- 3) Does any State or Federal law apply to my circumstances?
- 4) Is there any conflict between ordinances and/or statutes related to the issues?
- 5) Can the Board determine with a "definite and firm conviction" that a mistake was committed by the Town?

When questions of statutory interpretation decided in a manner that has the force of law, a "Chevron review":

- 1) First, always, is the question whether the legislative enacting body has directly spoken to the precise question at issue.
- 2) If the intent is clear, that is the end of the matter; for the Board, as well as the Town, must give effect to the unambiguously expressed intent of the legislation.
- 3) If, however, the Board determines the enacting body has not directly addressed the precise question at issue, the Board does not simply impose its own construction on the statute. If the statute or ordinance is silent or ambiguous with respect to the specific issue, the question for the Board is whether the Town's answer is based on a permissible construction of the statute.

For questions of statutory interpretation decided in a manner that does not have the force of law, to determine the deference to be given to the Town decision based on a four-part test:

- 1) the thoroughness of the Town's investigation;
- 2) the validity of its reasoning;
- 3) the consistency of its interpretation over time; and
- 4) other persuasive powers of the Town.

Will determine my Burden of Proof:

- 1) What does the ordinance/statute require me 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 appeal?
- 4) Is the evidence presented substantial? Is it credible? Is it outweighed by conflicting evidence?

STATEMENTS:

I wish to appeal to the Board of Appeals because I have a problem in regard to a matter of Town Code Title 13, Public Services or Title 16, Land Use and Development: (Section, Title, Page No.)

The decision/lack of action I object to is [Include formal documents related to the matter]:

I am requesting the Appeal board reverse their decision, dated 2/27/18, regarding the exclusion of Your Green Thumb signage at 99 State Rd.
- See Code Enforcement letter dated 11/18/19 for details regarding recent code. "rejection due to finding of fact dated 3/6/18."
- See 1 of 7 + 2 of 7 regarding my rights to this Appeal.

What relief is requested and why should the appeal be granted? (Pathway) (double sided)

- Allow Your Green Thumb to add 2 signs to "free standing board". See page 5 of 7 and 3 of 7.
- Allow Your Green Thumb to place on "B" sign on the building board in front of doors, see 3/7 and "B".
- Finally, we would like to add "C" sign to the building, see page 4 of 7.

Unlike others in the community, I will suffer a particularized injury in this matter if not resolved in my favor. I am adversely and directly affected by:

Our customers are having difficulty finding our location and that is causing distracted driving that could lead to liability situations for the town. Majority of our customers are elderly and/or sick, they should not need to struggle to locate their medicine.

I object to the decision / lack of action for the following reason(s):

There are 2 other "similarly situated" caregivers on State Rd and it makes perfect sense the town also allow us to have proper signage.

Additional Information

1. Please complete this application in its entirety. You may add other information as may be needed to adequately describe the purpose of seeking relief from the Board of Appeals.

[Support with citations(s), of pertinent ordinance(s), deeds, maps, documents, etc. Describe in detail what decision you are appealing; the date on which the decision was made; and, by whom, the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what action you want the Board of Appeals to take in this matter. Also, please indicate how that Board's decision will affect you and/or your property. Use extra sheets if necessary and attach them to this application.]

2. A detailed plot plan or diagram must be provided showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any 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.

3. Blueprints, surveys, photos and other documents may be helpful in explaining your request and should be included.



Pamela Edwards

pamster.e@gmail.com

Messages



Dave Evans

Mar 4, 2020 at 4:01pm

Ok. But the request is still denied given the reason above.

Code Department Review - Sign Permit SGN-20-SGN-20-6



Craig Alfis

Jun 22, 2020 at 12:32pm

Hi Pam,
 I've reactivated the viewpoint record and moved it to the p...

Permit Fee - Sign Permit SGN-20-SGN-20-6



Craig Alfis

Jul 1, 2020 at 11:04am

This permit was rejected due to the Finding of Fact dated 3/6/2018 stating t...

Code Enforcement Approval - Sign Permit SGN-20-SGN-20-6

[View All](#)

Applications



Home Occupation Application HO-20-2

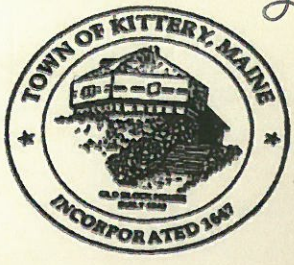
99 STATE ROAD, KITTELY, ME 03904

Mar 18, 2020

[View All](#)

2 of 7

MAP 8 LOT 31



TOWN OF KITTERY
Code Enforcement Office
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1308 Fax: 207-439-6806
CEO@kitteryme.org

November 18, 2019

Kate Pelletier
317 Bolt Hill Road
Eliot, ME 03905

Ms. Pelletier,

On October 30, 2019 you submitted a sign permit request for 99 State Road. The permit was issued a number of SGN-19-28 and was for the entity Your Green Thumb. The proposed sign was to be a 6-foot by 2-foot sign mounted to the exterior of the building with an image of a green thumb, the name of the entity, and a phone number. The sign permit request was rejected on October 31, 2019 by the Code Enforcement Office.

The decision to reject the sign permit application was based upon the Board of Appeals Approval granted to Pam Edwards on February 27, 2018. Ms. Edwards testified to the Board of Appeals that there would be no signage for her Medical Marijuana Caregiver entity Your Green Thumb. This testimony became a Finding of Fact for the approval decision. The Finding of Fact states: "There will be no exterior signage outside of the medical marijuana business." Furthermore, a condition to the approval stated that "There will be signs on interior doors for smoke shop and major home occupation".

David Evans
Assistant Code Enforcement Officer

CC: Craig Alfis, Code Enforcement Officer
Property File

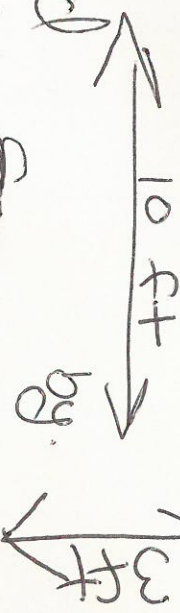
3 of 7



50&7
 (B)
 Sign only

4 of 7 and sign "C" and located North Side of building.

* Existing Sign board w/ lights



5 of 7

Medical Marijuana



207-703-0130

UNIVERSAL MEDICAL SIGN

↑
(A)

YOUR GREEN THUMB CAREGIVERS



207-703-0130

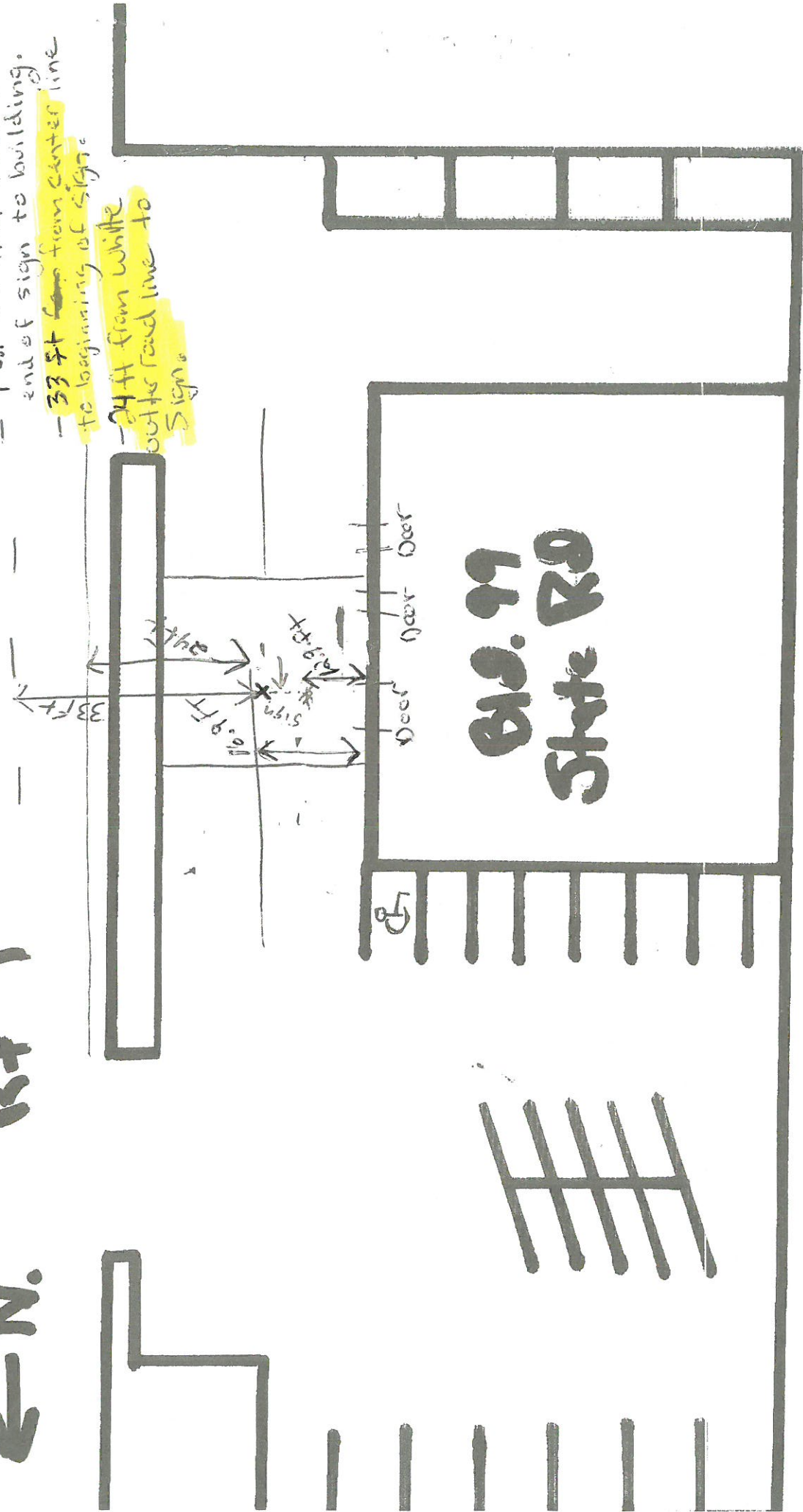
YGT SIGN

↑
(B)

← N.

Rt 1

- 12.9 ft from building to sign
- 16.9 ft from farthest end of sign to building.
- 33 ft from center line to beginning of sign.
- 24 ft from white outline road line to sign.



7 of 7

99 State Rd
BL Zone



Google earth

Google earth



Sign Permit

SGN-20-6

Status: Stopped

Submitted: Mar 04, 2020

Applicant



Pamela Edwards

6039698966

pamster.e@gmail.com

Location

99 STATE ROAD
KITTERY, ME 03904

Project Information

Name of Business

Your Green Thumb

Business Owner's Name

Pam edwards

Business Owner's Phone Number

603-969-8966

Business Owner's Email Address

pamster.e@gmail.com

Business Owner's Mailing Address (if different than Property Address)

99 State road #2 Kittery ME 03904

Sign Information

Number of Proposed Free Standing Signs

0

Square Footage of Proposed Free Standing Signs

0

Number of Proposed Building Mounted Signs

1

Square Footage of Proposed Building Mounted Signs

12

Number of Proposed Temporary Banners

0

Existing Sign Information

Number of Businesses at the Map/Lot

5

Length of building on side of principal entry

67'

Number of Existing Signs (Do not include proposed)

3

Square Footage of Existing Signs

187

Design Requirements

Dates Requested for Temporary Sign (Banner) ONLY:

--

Additional Dates Requested for Temporary Sign (Banner) ONLY:

--

Certification

I certify that the information contained in this application and any related submissions to be true and accurate to the best of my knowledge. I understand that I am responsible for compliance with all applicable Town, State and Federal regulations and that failure to comply may result in the imposition of fines, legal fees, and the abatement of any violations to include abandonment of use and occupancy and corrective action such as the removal or modification of improvements if setbacks or other requirements have not been met and satisfied. I understand that this is an application and that I shall not begin any improvements until the appropriate permit(s) is/are issued nor will I make use of the improvements without first having obtained an occupancy permit. I will notify the Code Enforcement Officer of any changes to this application. A PERMIT ISSUED IS SUBJECT TO APPLICABLE ORDINANCES AS ADOPTED BY THE TOWN OF KITTERY AND IS ONLY VALID FOR WORK AS DESCRIBED ON THIS PERMIT APPLICATION.

true

Applicant is

Owner

Condition of Approval

Condition of Approval

Attachments (1)

pdf Building Mounted Sign Plan
Mar 04, 2020

Timeline

Code Department Review

Status: Completed June 22nd 2020, 12:30 pm

Assignee: Craig Alfis

Pamela Edwards March 4th 2020, 1:40:12 pm

Hi, this request is actually for 2 signs, one for the side of the building and one for the sign out front that includes the other businesses. I'm happy to stop by if you have any questions, thanks.

undefined undefined March 4th 2020, 1:48:55 pm

Pamela,

This request is denied per the Board of Appeals Approval on February 28, 2019 and communicated to Pamela Edwards in a letter dated March 6, 2018. In the Findings of Fact, 7th item, it states "There will be no exterior signage outside for the medical marijuana business."

Dave Evans

Pamela Edwards March 4th 2020, 3:15:03 pm

Hi, I am retracting my last note as it contained some inaccuracies, thanks.

undefined undefined March 4th 2020, 4:01:49 pm

Ok. But the request is still denied given the reason above.

Permit Fee

Status: Paid June 22nd 2020, 5:45 pm

Craig Alfis June 22nd 2020, 12:32:16 pm

Hi Pam,

I've reactivated the viewpoint record and moved it to the payment step. In order for us to legally deny and allow you the right to

appeal you will need to pay the permit fee. Once payment is made we will deny the permit and you can appeal to the Board of Appeals. Should the Board not allow you to have a sign, the \$100 permit for for the sign permit will be refunded. Thanks.
Craig

Pamela Edwards June 30th 2020, 11:42:02 am

Hi Craig, I'm still waiting for the rejection letter so that I can appeal? Thanks.

Pamela Edwards July 8th 2020, 1:07:25 pm

Hi Craig, would you please send me a rejection letter to Pamster.e@gmail.com, I believe that I need to provide a copy of the letter to the Appeal Board? Also, I left you VM regarding the Administrative Appeal application that is asking for "Title, chapter, Section and Page numbers for the Appeal, is this something that you can assist me with please? Thanks. Pam Edwards 603-969-8966

Code Enforcement Approval

Status: Rejected June 22nd 2020, 5:50 pm

Assignee: Craig Alfis

Craig Alfis July 1st 2020, 11:04:10 am

This permit was rejected due to the Finding of Fact dated 3/6/2018 stating that no exterior signage will be installed for the medical marijuana business.

Permit Issuance

Status: Pending



**TOWN OF KITTERY
PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BOA Meeting Date: August 11, 2020

Item #: AA2020-01

STAFF REPORT – 99 STATE ROAD – ADMINISTRATIVE APPEAL

Project Name: 99 State Road

Owner: Andrew Chick

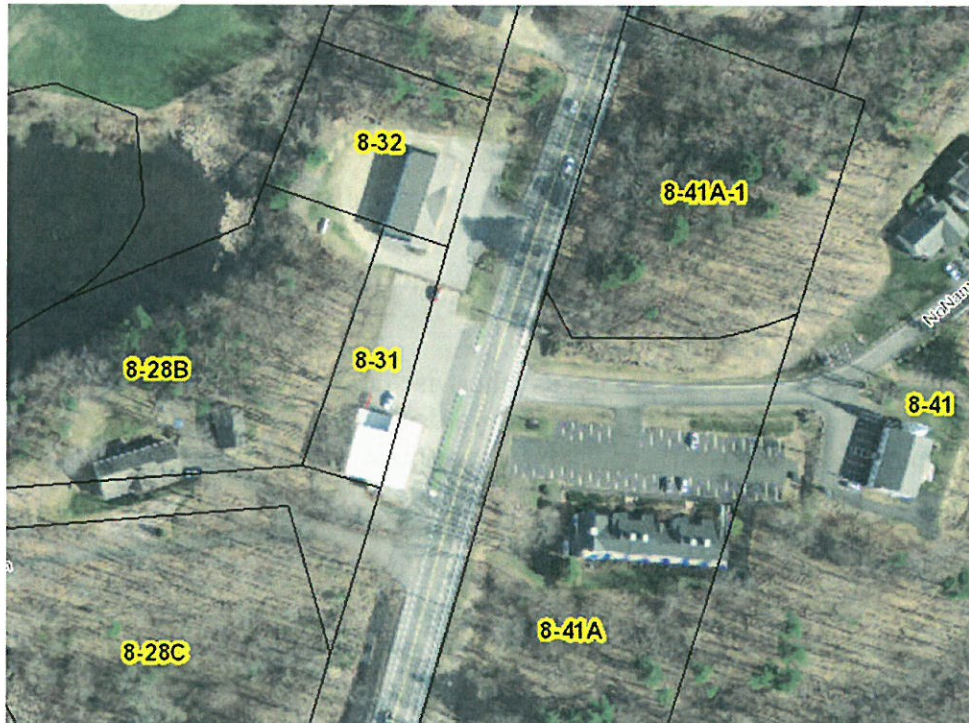
Appellant: Pam Edwards

Proposed Development: Installation of business signage

Requests: Administrative Appeal per Kittery Land Use & Development Code (LUDC) Section 16.6.3., Appeal of Code Enforcement Officer decision.

Site Addresses: 99 State Road

Map & Lot Numbers: M 8 L 31



Current Zoning:

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

The following use is permitted in the B-L Zone: (4) Accessory uses and buildings including minor or major home occupations. The major home occupation is a permitted use.

The following use is permitted in the B-L Zone as a Special Exception: (9) Residential dwelling units as part of a mixed-use building. This use was permitted by the Board of Appeals on February 27, 2018.

District Standards:

(a)

Minimum land area per dwelling unit when all floors are residential: 20,000 square feet if served by on-site sewage disposal; 8,000 square feet if served by the public sewerage system. (NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)

(b)

Minimum land area per dwelling unit when the entire first floor is used for nonresidential uses: 20,000 square feet if served by on-site sewage disposal; 4,000 square feet if served by the public sewerage system.

(c)

Minimum lot size: none. (NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)

(d)

Minimum street frontage: none. (NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)

(e)

Minimum front yard: 15 feet. (NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)

(f)

Maximum front setback of the principal building: 60 feet.

(g)

Minimum rear and side yards: 10 feet. (NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)

(h)

Maximum building height: 40 feet. (NOTE: Except that space standards for single- and two-family residential uses are the same as for those of the Urban Residential District.)

(i)

Maximum building and outdoor stored material coverage: none, except that side, rear and front yards must be maintained

(j)

Minimum setback from water body and wetland water-dependent uses: zero feet.

(k)

Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9, § 16.3.2.17 and Appendix A, Fee Schedules.

Current Use: Mixed Use.

Surrounding Land Uses:

West: Business – Local (BL), dwelling

East: Business – Local (BL), commercial

North: Business – Local (BL), commercial

South: Business – Local (BL), vacant

Future Land Use:

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

Site Description: 0.51 ± acres accessed via State Road

History of the Property:

The subject property consists of a mixed-use building with commercial space and a dwelling unit located on the second floor. The dwelling unit was approved by the Board of Appeals in 2018 as it is a special exception use in the zone.

Description of the Issue:

Ms. Edwards was granted approval by the Board of Appeals on February 27, 2018 for the building of a dwelling unit and the operation of her medical marijuana business as a licensed caregiver operating as a major home occupation. The Finding of Facts for the 2/27/18 BOA approval stated: “There will be no signage outside for the medical marijuana business.”

Ms. Edwards applied for a sign permit for outside signage for her medical marijuana business on October 31, 2019 and that request was denied given the Finding of Facts mentioned above. A denial letter was sent to Ms. Edwards’s representative Katie Pelletier on November 18, 2019 that outlined the reason for the denial.

Ms. Edwards applied again for sign permit for outside signage for her medical marijuana business on March 4, 2020 and was denied on March 4, 2020. Ms. Edwards was expecting to receive a denial letter so that she could appeal the decision, and was unaware that communication through the online permitting system was the written record. Mr. Alfis re-instated the record on June 22, 2020 and denied it on June 22, 2020.

Ms. Edwards submitted the Administrative Appeal on July 8, 2020.

Administrative Appeal:

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

§ 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 16.6.3 states that “a Code Enforcement Officer decision may be appealed to the Board of Appeals as provided in § 16.6.4A.”

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

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

The use will not prevent the orderly and reasonable use of adjacent properties since all adjacent properties are zoned Business Local and contain the same occupancy classifications as the subject property.

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

The use will not prevent the orderly and reasonable use of legally established uses in the zone since the use is permitted in the zone by special exception granted by the Board of Appeals.

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

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

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

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

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

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

The use involved is legally permitted in the zone.

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

The use involved is legally permitted in the 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;*

There is no proposed increase in density.

- (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;*

It is on the public sewer system.

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

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

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

No undue interference should result from this use.

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

The property contains suitable space for paved off-street parking.

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

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 legally conforming lot.

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

Adequate existing vegetation exists.

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

Not applicable.

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

The use does not appear to interfere with pedestrian movement along State Road.

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

No new nuisances are expected from the use.

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

The proposed signage appears to adhere to the applicable standards in Title 16.8 and 16.9.

1. Call to Order, Introductory, Roll Call

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

Present: Craig Wilson, Charles Denault, III, Jeffrey Brake, April Timko, Judy Spiller

Absent: Louis Leontakianakos, Barry Fitzpatrick

Staff Present: Robert Marchi, Code Enforcement Officer

2. Pledge of Allegiance

3. Agenda Amendment and Adoption

The Board adopted the Agenda as presented.

4. Executive Session

There was no executive session.

5. Public Hearings

Chair Wilson gave the applicant the choice to postpone tonight's hearing because two members of the Board were absent, and they would need four like votes. The applicant stated she would like her item heard tonight.

Andy Chick, Owner, Pam Edwards, Applicant, 99 State Road, Map 8 Lot 31, Business - Local B-L Zone, requesting Special Exception request to convert commercial space to a single-family dwelling in a mixed-use building and, if approved, apply for a Major Home Occupation for Licensed Medical Marijuana Caregiver.

Testimony

The Board decided to hear the testimony for both applications at the same time. Mr. Marchi explained this is a Special Exception application for a residential unit in a mixed-use, commercial building. The building is an existing nonconforming building which has been around since the 1960's. He added, if the Board approves the use, the applicant will still need to meet certain code requirements for the building. The reason for this request is the applicant would like to have a home occupation use that is not allowed in the zone for a commercial building because the Town only allows a medical marijuana caregiver as a home occupation. By establishing a residence in the commercial building, the applicant hopes to be allowed for this use. Mr. Marchi commented conditions added by the Board would be in the record and enforced. Mr. Marchi also stated the Chair had asked him earlier of the availability of parking on the property and Mr. Marchi stated there are 17 required and 25 available parking spots.

Pam Edwards, applicant, stated she is a Kittery resident and business owner. She explained she is making the request of changing commercial space into a single-family unit. This would enable her to live closer to one of her stores, Kittery Discount Smoke Shop and allow her to have a home occupation providing medical marijuana as a caregiver. She added home occupation is allowed in the zone. Mr. Marchi reviewed Home Occupation in Code 16.8.2.21. Ms. Edwards explained why the site is a good location for the home occupation. The structure is ideal for cultivation; the building is a single-level entry with parking for handicapped patients, the location is off the regular pedestrian path, there will be no signage, and there are not many children, churches or playgrounds in the immediate area. She added she has a license from the State of Maine and the Department of Human Services considers the building as a simple remodel. Ms. Edwards explained the plans for security to the property. She also explained her history of helping people in the community and her concern for patients who need to drive to Biddeford to get what they need. She added she has letters of support for the Board to consider.

The residence will be on the first and second floor and Mr. Marchi pointed out commercial usually occupies the first floor and residential the second. Mr. Marchi's concerned is that the applicant is creating a storefront for a home occupation.

The Chair opened the public hearing.

Peter Macdonald, Lee, NH, explained he began the Veteran Resort Chapel, which helps homeless combat veterans, and the applicants have helped his organization. He commented the Board should look at the benefits of bringing the old building up to code and having someone on the property is added security.

Sherry Lehoullier stated she supports the applicant. She is a medical healthcare professional in Maine and New Hampshire and described the benefits this would be for patients in need.

Tammie Snow, Ms. Edward's attorney, clarified there will be no living room on the second floor. The existing smoke shop will be moved next door with a separate entrance.

There being no further comment, the Chair closed the public hearing.

The Board has the power and duty to hear the proposal of a special exception for residential in the B-L zone under 16.1.5.2 4d Special Exception Request. This proposal does not require Planning Board review because it is not in the shoreland zone.

The Board has the power and duty to hear the proposal for Major Home Occupation under Article XII, 16.8.22(2)(c) Major Home Occupation.

The Chair ruled the Board can hear both components.

Deliberation

Ms. Spiller expressed her concern of the layout of the residential property. Ms. Edwards explained there will be four bedrooms, a kitchen and bath on the second floor. The first floor

will have a living room and a small pantry. She added the store is not part of the residential property and will be located next door. Sales of medical marijuana will take place in the living room on the first floor because it is handicapped accessible. Ms. Timko asked of the total square footage of the residence proposed and the square footage for the area used for the business. The applicant explained two bedrooms will be used as a grow room and veg. room and 25% of the living room will be dedicated for the business. Chair Wilson pointed out home occupation needs to be an accessory to the residence. He added a building floor plan showing square footage of pre-proposal and post-proposal for all floors should be submitted, which should be a condition of approval.

Ms. Spiller expressed her concern with the smoke shop being next to the living room because it seems more like a dispensary than a home and asked about Number 7 on the application regarding retail sales of smoking accessories. Ms. Edwards explained they have changed their minds about Number 7 and it can be struck out. Chair Wilson asked about signage. The applicant explained the home occupation will be called "Your Green Thumb" and there will be a separate sign on the door.

Chair Wilson commented the Board needs to certify the testimony in the applications meets 16.6.6.1, .2 and .3. There is testimony there will be no outside venting and there will be inside charcoal filters for odor. The Board found this acceptable. The Code Enforcement Officer will need to make sure this is being upheld. The Chair listed the following three conditions: 1. plot plans and calculations; 2. signage on interior doors for smoke shop and major home occupation; and 3. certification at a date uncertain by the Code Enforcement Officer that odor control that is adequate.

Mr. Denault moved that the Kittery Board of Appeals grant approval for Andy Chick, Owner, Pam Edwards, Applicant for 99 State Road, Map 8 Lot 31, Business - Local B-L Zone, Special Exceptions to convert commercial space to a single-family dwelling in a mixed-use building and also special exception for a Major Home Occupation for Licensed Medical Marijuana Caregiver with the following conditions: 1. the applicant supplies plot plans to the Code Enforcement Officer's satisfaction for preproposal conditions including square footage of all the existing uses and a post proposal plot showing the reconfigured building and reconfigured square footage. The plot plans must show less than 50% square footage allocated to the home occupation; 2. signs on interior doors for smoke shop and major home occupation; and 3. date chosen by a by the Code Enforcement Officer that the odor control system is adequate.

Mr. Marchi asked the applicant how many patients they are legally allowed to service. Ms. Edwards responded she and her partner are licensed caregivers and they are allowed to service ten patients and they are also allowed to have one employee each who need to be registered with the State under them. Attorney Snow explained the State law of allowances and limitations for caregivers.

Mr. Marchi explained his concern of this creating a commercial venture and the residential aspect being on the first floor where generally commercial is allowed. Chair Wilson asked if this requirement for a mixed-use building is in the code. Mr. Marchi replied it is not. The Board also

discussed the procedure if State law changes and the applicant can expand the business because it would affect the accessory-use percentage. Mr. Marchi pointed out major home has an annual renewal and, if there were any issues, the Code Enforcement Officer would be aware.

Ms. Spiller spoke of her continuing concern of the residential area being on the first floor with the smoke shop being adjacent and both businesses having the same owners. She also expressed her concern with the smoke shop selling pipes and vaporizers making the business more of a dispensary. Attorney Snow explained the State law allows caregivers to sell accessories in their homes, but the applicants have chosen not to do so. The State law does not permit caregivers to have retail sales. She added the smoke shop is a separate entity with a separate entrance.

Ms. Timko seconded the motion.

Ms. Spiller referred to Code 16.6.6.1 and of her concern of mixed commercial and major occupation in the proximity to Memorial Field and Legion Pond which will be a town park.

Ms. Timko pointed out the Board needs to be consistent of accessory use and incidental use in fairness of other applicants. She added she is concerned that there is no square footage. After discussion, language will be added to condition 1 reading: "The plot plans must show less than 50% square footage allocated to the home occupation."

The motion carried 5-0-0.

Chair Wilson noted there is a one-year time limit and they will need to go to the Code Enforcement Officer for a building permit. He also noted 32 form letter petitions of support were submitted to the Board and will be placed in the record.

Findings of Fact

- We had appearing before us the applicant, Pam Edwards, representing Andy Chick, Owner, for two special exceptions at 99 State Road, Map 8 Lot 31, Business - Local B-L Zone, first Special Exception request to convert commercial space to a single-family dwelling in a mixed-use building and, second Special Exception for Major Home Occupation for Licensed Medical Marijuana Caregiver.
- 99 State Road is a nonconforming building as per setbacks.
- The parking for the building currently requires 17 spaces and 25 spaces are available.
- Pam Edwards spoke and there will be two caregivers.
- She spoke about being a single level for the home occupation, so parking and entry are handicapped accessible.
- Ms. Edwards talked about the security plans, cameras motion detectors and the like.
- She spoke about the location having no window shopping pedestrian traffic or people happening by.
- There will be no signage outside for the medical marijuana business.
- There are no schools or playgrounds are nearby.
- Talked about it being an organic product.

- The public speaking portion Peter Macdonald, veteran, spoke of the positives of upgrading the building and will be occupied providing better security.
- Sherry Lehoullier, health care professional, spoke of this being one of the anecdotes to the opioid problem and benefitting for pain relief.
- Attorney Tammie Snow appeared and clarified the smoke shop will become the living room and there was discussion about where in the living room the medical marijuana transfer would take place.
- There was testimony that there are two separate business entities - the smoke shop and the marijuana caregiving though the same people who are associated with the two business entities.

The Chair asked for a vote on the Findings of Fact as presented and all were in favor 5-0-0.

Basis of Law

For first Special Exception, the Board is granted the ability to grant special exception under 16.1.5.2 to grant a Special Exception 4(D) and the Board of Appeals reviewed the basis for decision and factors for consideration and found that Special Exception was appropriate and so voted. Under the Home Occupation, the Board of Appeals is given the power under 16.8.22.3(A1), (A2) (C) and they went through factors of consideration and found it was appropriate and so voted.

The Chair asked for a vote on the Basis of Law as presented and all were in favor 5-0-0.

6. Unfinished Business

Chair Wilson explained this is the second notice of the time change to the 6:30 start time. They changed the By-Laws and the first notice was on January 9, 2018.

Ms. Spiller moved to accept the second reading of the By-Laws to change the start time to 6:30.

Vice Chair Brake seconded the motion.

The motion carried 5-0-0.

7. New Business - Election of Officers

Since only five board members were in attendance, the Chair suggested postponing this item until the next meeting. Board members agreed. The Chair will act as Chair and Secretary at the next meeting. He added the powers and duties can be referenced in Chapter 16 and their By-Laws have the duties of the Chair and duties of the Secretary. Chair Wilson informed the Board a new Chair should be elected since his time on the Board will be over in November.

Mr. Marchi stated a public hearing will be held on March 13, 2018.

8. Acceptance of Minutes: None.

9. Board Member or CEO Issues or Comment

There will be a training session with an attorney and planning and development. A date will be determined later.

10. Adjournment

The meeting adjourned at 8:00 p.m.



TOWN OF KITTERY, MAINE

200 Rogers Road – Kittery, ME 03904

Phone: 207-439-1308 Fax: 207-439-6806

www.kitteryme.gov

KITTERY BOARD OF APPEALS

March 6, 2018

Pamela Edwards
99 State Road, #2
Kittery, ME 03904

Dear Ms. Edwards,

Your application for Special Exception request to convert commercial space to a single-family dwelling in a mixed-use building and for a Major Home Occupation for Licensed Medical Marijuana Caregiver was heard at Town Hall, Tuesday evening, February 28, 2018.

A motion was made as follows: *Mr. Denault moved that the Kittery Board of Appeals grant approval for Andy Chick, Owner, Pam Edwards, Applicant for 99 State Road, Map 8 Lot 31, Business - Local B-L Zone, Special Exceptions to convert commercial space to a single-family dwelling in a mixed-use building and also special exception for a Major Home Occupation for Licensed Medical Marijuana Caregiver with the following conditions: 1. the applicant supplies plans to the Code Enforcement Officer's satisfaction for preproposal conditions including square footage of all the existing uses and a post proposal showing the reconfigured building and reconfigured square footage. The plot plans must show less than 50% square footage allocated to the home occupation; 2. signs on interior doors for smoke shop and major home occupation; and 3. Code Enforcement Officer determination that the odor control system is adequate.*

The motion was seconded by Ms. Timko.

The motion carried 5-0-0.

Findings of Fact

- We had appearing before us the applicant, Pam Edwards, representing Andy Chick, Owner, for two special exceptions at 99 State Road, Map 8 Lot 31, Business - Local B-L Zone, first Special Exception request to convert commercial space to a single-family dwelling in a mixed-use building and, second Special Exception for Major Home Occupation for Licensed Medical Marijuana Caregiver.
- 99 State Road is a nonconforming building as per setbacks.
- The parking for the building currently requires 17 spaces and 25 spaces are available.

- Pam Edwards explained there will be two medical marijuana caregivers operating on site.
- The home occupation will be on the first floor, so parking and entry are handicapped accessible.
- Ms. Edwards talked about the security plans, cameras, and motion detectors that will be installed and used.
- She spoke about the location having no window shopping, pedestrian traffic.
- There will be no exterior signage outside for the medical marijuana business.
- There are no schools or playgrounds nearby.
- The product will be an organic product.
- Peter MacDonald, veteran, spoke of the positives of upgrading the building and that it will be occupied providing better security.
- Sherry Lehoullier, health care professional, spoke of this being one of the anecdotes to the opioid problem and patients benefitting for pain relief.
- Attorney Tammie Snow appeared and clarified the smoke shop will become the living room of the dwelling unit.
- There was testimony that there are two separate business entities, owned by the same tenant - the smoke shop and the marijuana caregiving.

The Chair asked for a vote on the Findings of Fact as presented and all were in favor 5-0-0.

Conditions of Approval

1. The applicant supplies building plans to the Code Enforcement Officer's satisfaction for preproposal conditions including square footage of all the existing uses and an as built plan showing the reconfigured building and reconfigured square footage. The plans must show less than 50% square footage allocated to the home occupation;
2. There will be signs on interior doors for smoke shop and major home occupation;
3. Code Enforcement Officer determination that the odor control system is adequate.

Basis of Law

For first Special Exception, the Board is granted the ability to grant special exception under 16.1.5.2 to grant a Special Exception 4(D) and the Board of Appeals reviewed the basis for decision and factors for consideration and found that Special Exception was appropriate and so voted. Under the Home Occupation, the Board of Appeals is given the power under 16.8.22.3(A1), (A2) (C) and they went through factors of consideration and found it was appropriate and so voted.

The Chair asked for a vote on the Basis of Law as presented and all were in favor 5-0-0.

This approval is not the granting of a building/regulated activity permit, and any aggrieved party may appeal this decision to Superior Court within 45 days.

Sincerely,



Craig Wilson
Chair

- cc: Chairperson, Town Council
Town Manager
Code Enforcement Officer
Board of Appeals Members
Chairman, Conservation Commission
Chairman, Planning Board
Town Attorney
Town Planner

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>.

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



DAVID HANSBERRY
77 STATE ROAD
KITTERY, ME
03904

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



ELAINE HANSBERRY
5 RED MILL LANE
KITTERY, ME
03904

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Planning & Development Dept
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JEFFREY SCHNEIER
6 RED MILL LANE
KITTERY, ME
03904

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MICHAEL SCHAFFER
103 STATE ROAD
KITTERY, ME
03904

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



ANDREW CKICK
318 RIVER ROAD
ELIOT, ME
03903

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



PB'R'US
PO BOX 159
KITTERY, ME
03904



Town of Kittery Board of Appeals
NOTICE OF PUBLIC HEARING
Tuesday, August 11, 2020— 6:30PM
Kittery Community Center, 120 Rogers Road

Pam Edwards, seeking an administrative appeal per LUDC Section 16.6.3,
Appeal of Code Enforcement Officer decision to deny a sign permit.

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

OBITUARIES & NEWS

Charles A. Saurman

KITTERY, Maine — It was a long and happy life that ended for Charles A. Saurman on Saturday, August 1, 2020 at the age of 98. He was born in Portsmouth, New Hampshire to Charles D. and Annie T. (O'Rourke) Saurman.



Charlie served in the Navy during the war on the seaplane tender U.S.S. Coos Bay which refueled and repaired seaplanes in the South Pacific and also rescued the crews of two sinking ships.

After the war, Charlie worked 37 years at the Portsmouth Naval Shipyard. He met his wife, family thanks to the shipyard.

Stockbridge Funeral Home
141 Epping Road
Exeter, NH 03833
(603) 772-0400
www.stockbridgefh.com

NEW MARKET
Kent & Pelczar
Funeral Home & Crematory
77 Exeter Street
Newmarket, NH 03857
(603) 659-3344
www.kentandpelczarfh.com

ROCHESTER
R.M. Ederly & Son Funeral Home
86 South Main Street
Rochester, NH 03867
(603) 332-0230
www.ederlyfh.com

PORTSMOUTH
J. Verne Wood Funeral Home
Buckminster Chapel
84 Broad Street
Portsmouth, NH 03801
(603) 436-1702
www.jvwoodfuneralhome.com

Irene Louise Rand



missed by her friends, family and all who knew her. Irene survived by her sister, Alice

RYE — The world lost an amazing, loving person, but the heavens gained a perfect soul. Irene Louise Rand, loving mother, grand-

mother and lifelong resident of Rye, N.H., died peacefully in heaven, Kenneth Rand, (Marilyn), Joanne Rand, Martha Marshall, (John), James Rand, Cheryl Marquis (Craig), Kathleen Rand; her grandchil-

LEGAL NOTICE
TOWN OF KITTERY - BOARD OF APPEALS
Meeting Location: Kittery Community Center, 120 Rogers Road, Kittery
Tuesday, August 11, 2020 - 6:30 p.m.

Pam Edwards, seeking an administrative appeal per LUDC Section 16.6.3. Appeal of Code Enforcement Officer decision to deny a sign permit.

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.

Legal Notice
Town of Eliot
PUBLIC HEARING NOTICE
Eliot, Maine Planning Board
Eliot Town Hall,
1333 State Road, Eliot, ME 03903
DATE OF HEARING: Tuesday, August 18, 2020

Seacoast communities get ready for Tropical Storm Isaias

By Angeljean Chharamida
news@seacoastonline.com

With forecasts of high winds, possible downpours and nasty ocean conditions from approaching Tropical Storm Isaias, coastal communities were taking precautions Tuesday to protect life and property.

According to state Homeland Security Director Jennifer Harper, the latest forecast from the National Weather Service has the brunt of the storm tracking a physical location of 285 North Haven Hill Road, Kennington NH, further identified as Map 13 Lot 3-2 and Karen Monique Martel with physical location of 285 North Haven Hill Road, and further identified as Map 13 Lot 3, for a Lot Line Adjustment in accordance with Article III Section 3.2 G1 of the Kennington Subdivision Regulations. The intent is for the property owners to adjust the current property lines by reducing the lot area of Map 3 Lot 37 by 5,164 acres to result in 6,577 acres and enlarging Map 6 Lot 13 by 5,164 to result in 22,076 acres.

2. Kenridge Farm LLC with a physical location of 283 North Haven Hill Road, Kennington NH, further identified as Map 13 Lot 3-2 and Karen Monique Martel with physical location of 285 North Haven Hill Road, and further identified as Map 13 Lot 3, for a Lot Line Adjustment in accordance with Article III Section 3.2 G1 of the Kennington Subdivision Regulations. The intent is for the property owners to adjust the current property lines with no change the acreage of the lots; Map 13 Lot 3-2 to remain 3.97 acres and Map 13 Lot 3 to remain 9.22 acres.

3. Batchelder Family Revocable Trust, Edward and Beverly Batchelder, Trustees with a physical lot address of 149 Amesbury Road further identified as Map 9 Lot 2-3 and Felch Family Trust, Franklin and Kathie Felch, Trustees with a physical lot address of 137 Amesbury Road, Kennington, NH further identified as Map 9 Lot 2, for a Lot Line Adjustment and to Re-subdivide a lot of record in accordance with Article III Subdivision Regulations and Article III Section 3.2 G1 of the Kennington Subdivision Regulation. The intent is for the property owners to adjust the current property lines and lot acreage by reducing the area of Map 9 Lot 2 by 0.189 acres to result in 24.49 acres and enlarging Map 9 Lot 2-3 by 0.189 to result in 2.01 acres.

4. Conditional Use Permit in accordance with Zoning Ordinance Article VI of the Kennington Subdivision District for Felch Family Trust, Franklin and Beverly Batchelder, Trustees with a physical lot address of 149 Amesbury Road, Kennington, NH further identified as Map 9 Lot 2, for a Lot Line Adjustment and to Re-subdivide a lot of record in accordance with Article III Subdivision Regulations and Article III Section 3.2 G1 of the Kennington Subdivision Regulation. The intent is for the property owners to adjust the current property lines and lot acreage by reducing the area of Map 9 Lot 2 by 0.189 acres to result in 24.49 acres and enlarging Map 9 Lot 2-3 by 0.189 to result in 2.01 acres.

not a lot of people at Hampton Beach.

However, Ayotte warned that with leaves on the trees, winds could break branches, bringing down electrical wires. He strongly recommends no one approach or drive over downed wires.

According to Hampton Falls Fire Chief Jay Lord, the town is monitoring the storm, with expectations that the town will be more affected by winds than rain, since the Seacoast will not take a direct hit from the storm.

Further identified as Map 3 Lot 37, for a Lot Line Adjustment in accordance with Article III Section 3.2 G1 of the Kennington Subdivision Regulations. The intent is for the property owners to adjust the current property lines by reducing the lot area of Map 3 Lot 37 by 5,164 acres to result in 6,577 acres and enlarging Map 6 Lot 13 by 5,164 to result in 22,076 acres.

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