

MEETING MINUTES

• **CALL TO ORDER; INTRODUCTORY; ROLL CALL**

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

Board Members Present: Bob Gray, Martha Mason, Rachel Copeland, Roland Scott, Douglas Basnett, Amelia Burke, Rick Nohmer

Board Members Absent: None

Staff Present: Craig Alfis, Code Enforcement Officer

• **PLEDGE OF ALLEGIANCE**

• **AGENDA AMENDMENT AND ADOPTION**

4. EXECUTIVE SESSION

5. PUBLIC HEARINGS

- **Alan Shepard, on behalf of owners Michael and Barbara Murphy of 52 Goodwin Road, request a Miscellaneous Variation to adjust the property line of a non-conforming lot located in the Residential – Rural Conservation Zone per Code Section 16.1.8.**
- Secretary Burke confirmed that the Board has the authority to hear this request. Acting Chair Nohmer recused himself as he is a neighbor of and friends with the Murphys. Mr. Alfis presented the staff report. The applicant, Alan Shepard, presented the request to the Board. The Board had several questions of both the applicant and the Code Enforcement Officer. Acting Chair Nohmer opened the public hearing. One abutter spoke against the request. One abutter spoke in favor. The public hearing was closed, and the Board entered discussion.

Motion by Mr. Scott to approve the Murphy’s Miscellaneous Variation request for 52 Goodwin Road and 64 Tower Road under the process noted in Section 16.2.12.D.(3). The motion was seconded by Mr. Gray. Motion passed 6-0-1 by roll call vote [Yes: Gray, Mason, Copeland, Scott, Basnett, Burke; No: --; Abstain: Nohmer]

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

The following findings of fact were read into the record:

1. The request is to adjust the property line between two legally non-conforming lots.

2. 52 Goodwin Road is currently non-conforming due to road frontage; 64 Tower Road is non-conforming due to lot size.
3. 52 Goodwin Road contains 2.08 acres and 64 Tower Road contains 1.13 acres.
4. After the adjustment 52 Goodwin Road would contain 1.19 acres and be non-conforming due to road frontage and lot size; 64 Tower Road would contain 2.11 acres and be a conforming lot.
5. The Board considered the Basis for Decision in Section 16.2.12.F.
6. Staff recommends approval.
7. The Board approved the Miscellaneous Variation Request.

The Board moved to accept the Findings of Fact.

Motion passed 6-0-1 (Yes: Gray, Mason, Copeland, Scott, Basnett, Burke; No: --; Abstain: Nohmer)

The following conclusions of law were read into the record:

1. The Board had the authority to hear the request per Section 16.2.12.D.(3)(a).
2. The Board considered the Basis for Decision and Factors for Consideration set forth in 16.2.12.F.
3. The request was approved.

The Board moved to accept the Conclusions of Law.

Motion passed 6-0-1 (Yes: Gray, Mason, Copeland, Scott, Basnett, Burke; No: --; Abstain: Nohmer)

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- Election of Board Officers:
 - Chairperson:
 - Motion made by Mr. Scott to nominate Amelia Burke; Seconded by Ms. Copeland. Motion passed 6-0-1 by roll call vote (Yes: Gray, Mason, Copeland, Scott, Basnett, Nohmer; No: --; Abstain: Burke)
 - Vice Chairperson:
 - Motion made by Mr. Basnett to nominate Bob Gray; Seconded by Ms. Mason. Motion passed 7-0-0 by roll call vote (Yes: Gray, Mason, Copeland, Scott, Basnett, Burke, Nohmer; No: --; Abstain: --)
 - Secretary

- Motion made by Mr. Nohmer to nominate Douglas Basnett; Seconded by Mr. Gray. Motion passed 7-0-0 by roll call vote (Yes: Gray, Mason, Copeland, Scott, Basnett, Burke, Nohmer; No: --; Abstain: --)

8. ACCEPTANCE OF PREVIOUS MINUTES

9. BOARD MEMBER OR CEO ISSUES OR COMMENT

- Mr. Basnett – None
- Mr. Scott – Relayed that any help and information that the CEO can provide in the meeting helps the Board members.
- Ms. Copeland – Happy to be a part of the Board and looking forward to helping the community.
- Ms. Mason – Looking forward to learning about the process and thank you to the CEO for preparing the staff report and documentation.
- Mr. Gray – Welcome to the two new members.
- CEO Alfis – Thank you to the two new members for volunteering and thank you to the new officers of the Board for their service.
- Ms. Burke – Thank you for voting me into the Chair position. Inquired about possible training opportunities the Town could host for the Board.

10. ADJOURNMENT

Motion by Mr. Gray to adjourn. Seconded by Ms. Burke. Motion passed 7-0-0 by voice vote [Yes: Scott, Gray, Mason, Copeland, Basnett, Burke, Nohmer; No: --; Abstain: --]

The Kittery Board of Appeals meeting of February 28, 2023 adjourned at 7:43 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>.