

TOWN OF KITTEERY, MAINE  
BOARD OF APPEALS

APPROVED  
December 23, 2014

Members present: Brett Costa, Craig Wilson, Gary Beers, Brian Boyle, Vern Gardner  
Members absent: Niles Pinkham, Jeffery Brake  
Staff: Shelly Bishop, Interim Code Enforcement Officer

The meeting was called to order at 7:05 p.m.

1. Call to Order; Introductory; Roll Call
2. Pledge of Allegiance
3. Acceptance of previous minutes  
Mr. Wilson moved to accept the minutes of November 25, 2014 as amended.  
Mr. Beers seconded  
Motion carried with 4 in favor; Mr. Gardner abstained.
4. Public Hearings - None
5. Unfinished Business - None
6. New Business  
ByLaws. Mr. Beers move to approve Board of Appeals ByLaws as presented. Seconded by Mr. Wilson.

Discussion:

Mr. Gardner expressed opposition to establishing ByLaws, saying that it was acute, unnecessary, and potentially dangerous. He stated that the Board had never had them; he could not remember when they may ever have been needed; and, that they were another level of bureaucracy that would only confuse the public at large. He went on to say that the ordinance said only that the Board “may” adopt them; that no court has bylaws; that the planning Board and Council need them because they are legislators; and, that the Appeals Board is governed by statute and ordinance.

Mr. Wilson pointed out that Title 16 section 16.1.5.2 does not say “may” but states “Adopt bylaws to govern routine Board proceedings and set agendas and hold meetings to perform duties.” He went on to say that when he came to this Board from the Planning Board which has ByLaws, he was surprised that this Board did not and considered a dangerous way to do business. He stated that he was pleased with the results of the initiative.

Chairman Costa said that he viewed them as procedural guidance. Mr. Beers stated that the ordinance did in fact call for them; that it is a common practice in Maine for municipalities to be more stringent in ordinance than is called for by state law; and that institutionalizing procedural guidelines allows retention of corporate knowledge. He called the motion.

**A ROLL CALL VOTE WAS TAKEN WITH MR. BEERS, MR. BOYLE, MR. WILSON AND CHAIRMAN COSTA IN FAVOR AND MR. GARDNER OPPOSED. MOTION PASSES 4/1.**

7. Board Issues or Comment - None

8. Adjourn

Mr. Wilson moved to adjourn. Seconded by Mr. Beers.

Motion carried unanimously.

The Board of Appeals meeting of December 23, 2014 adjourned at 7:27 p.m.

[Minutes submitted by Gary Beers]