



TOWN OF MADAWASKA
328 St. Thomas Street Suite 101
Madawaska, Maine 04756
207-728-6351

**Madawaska Board of Appeals Meeting Minutes
Wednesday, July 26, 2023 – At 5:00 PM
Madawaska Town Office
Board of Selectman Chambers**

MEMBERS PRESENT: Jessica Blalock (Chair), Renee Deschaine (Vice Chair), Elaine Clavette, Nicholas Guerrette, David Morneau

CODE ENFORCEMENT OFFICER: Denise Duperre

RECORDING SECRETARY: Roxy Levesque

OTHERS PRESENT: See Sign-In Sheet

OTHERS PRESENT VIA ZOOM: Attorney Roger Huber, Attorney Adam Lee, Attorney Ed Bearor

PUBLIC HEARING

Article 1: Call Public Hearing to Order

Jessica Blalock calls the Public Hearing to order at 5:00 PM.

Article 2: Establish a Quorum

A quorum is established.

Article 3: Determine any conflict of interest or bias

None

Article 4: Public Comment

Marc Deschene, neighboring camp owner, states that 2 years ago, the Cayers placed a camper on their camp lot and had a septic system put in without a permit. He says it took the Cayers a year to move the camper.

Attorney Roger Huber, representing the Board of Appeals, asks the Board Chair if he can guide the Board through procedural steps. He asks the Board to entertain a motion to nominate a chairperson.

David Morneau motions to nominate Jessica Blalock as Board Chair. Elaine Clavette seconds the motion. All are in favor and motion carries.

Attorney Roger Huber swears in Marc Deschene and the Cayers who wish to provide testimony during the meeting.

Attorney Roger Huber verifies items that were provided to the Board.

Nicholas Guerrette makes a motion that based upon the evidence in the record on appeal, the Board of Appeals Application is timely, the Board has jurisdiction to entertain the Administrative Appeal and Richard Cayer is an aggrieved party. David Morneau seconds the motion. All are in favor and motion carries.



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Article 5: To Discuss an Administration Appeal by Richard Cayer for 57 Chapel Road, Lot 468, Map 034 Lot 020

Attorney Adam Lee, representing the Cayers, refers to page 16, section E, subsections 1, 3, 4 & 5 of the Madawaska Shoreland Zoning Ordinance and provides reasoning for each subsection as to why the Cayer's should not have been denied.

Richard Cayer dates to 2010 when he rented out his camp, stating the Town sent a notice of violation for 2 recreational vehicles being on the lot. Mr. Cayer says he instructed the renters to remove the camper immediately. There was a Board of Selectman meeting shortly after involving the Cayers for the alleged violation. Mr. Cayer assured the Board that the camper had been removed from the lot. Mr. Cayer says this matter was brought to the Supreme Court in 2010 and the Cayers feel that it was a malicious prosecution.

Mr. Cayer reads a letter from former Code Enforcement Officer Bob Ouellet addressed to Stephenie MacLagan of DEP about the new structure the Cayers intended to have built in place of previously existing mobile home, that would be no closer to the high-water mark than said mobile home at the 60-foot setback. Mr. Cayer says his intention was to go back another 40 feet from the high-water mark to place his existing camper at the 100-foot setback.

Attorney Adam Lee asks Mr. Cayer if he has a boat on his camp lot. Mr. Cayer says it has been removed, and he feels that it is not a recreational vehicle.

Attorney Adam Lee asks Mr. Cayer if he has removed, or plans to remove, any vegetation for the placement of his camper. Mr. Cayer replies that he had a sewer line put in and dug a well last week which was not done for the site of the recreational vehicle. Attorney Adam Lee asks about the square footage of the camper, and Mr. Cayer replies that it is approximately 250 square feet.

Attorney Adam Lee says he sees nothing about setback requirements from the right of way on page 16, section E of the Madawaska Shoreland Zoning Ordinance.

Jessica Blalock asks what the definition of recreational vehicle is.

Mr. Cayer reads the definition of a recreational vehicle as written on page 43 of the Madawaska Shoreland Zoning Ordinance.

Attorney Ed Bearor, representing the Code Enforcement Officer, asks the Cayers if during the process of filing this application that they've gotten a surveyor's opinion as to where the 100-foot mark setback is on their property.

Mr. Cayer says there is no mention of a surveyor determining the 100-foot setback in Chapter 1000 of DEP's Shoreland Zoning laws.

Attorney Ed Bearor states the Cayer's deed describes a parcel of land that has a depth of 120 feet back to the right of way, measured from the low water mark. Attorney Ed Bearor asks the Cayer's how long their camper is. Mr. Cayer responds that it is 30 feet long.

Mr. Cayer adds that it was determined that the current structure on his lot is located 60 feet from the high-water mark, and he plans to place his camper 40 feet higher, at the



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100-foot setback. He argues that he will still have 10 feet from the right of way. He feels that he is discriminated against.

Attorney Adam Lee asks Mr. Cayer what year his deed is and what year the legal high-water mark was established on the property. Mr. Cayer responds that his deed is dated 1992, and the legal high-water mark was established in 2008.

Renee Deschaine asks the Cayers if their letter with the Administrative Appeal was drafted by them or by council. Mr. Cayer responds that it was drafted by him. Renee Deschaine asks if the camper will be parked for more than 120 days on their lot. Mr. Cayer responds that it will. Renee Deschaine asks how the Cayers plan to meet the requirements relating to shoreland use which state any other registered vehicle or camping structure shall not be parked longer than 120 days on site unless all requirements for a residential structure are met. Mr. Cayer responds that a new septic system has been installed that is designed for a 3-bedroom house.

Attorney Ed Bearor asks Code Enforcement Officer Denise Duperre to take the Board through her analysis and how she concluded that the Cayer's application for a recreational vehicle for a private campsite should be denied.

Denise Duperre states in 2021, she visited the Cayers lot, as well as Scott Belair of DEP and Licensed Plumbing inspector Donald Dechaine. DEP Scott Belair placed a pin at the high-water mark. Denise then measured from the pin on the shore to the 100-foot setback. Denise states she suggested to the Cayers to put the camper horizontally, with a variance from the right of way. They refused, at the time, as they feel there will not be enough room to park their vehicle. The current ordinance states the Board of Appeals may decide what a variance will be. In 2021, Denise Duperre issued the Cayer's a notice of violation for the unpermitted camper on their lot within the 100-foot setback.

David Morneault states that the camper measures 33 feet 17 inches long.

Attorney Roger Huber asks about the setback requirements of section 7, page 22 of the Madawaska Land Use Code Book. Denise Duperre reads as written under non-conforming lots.

Attorney Adam Lee asks Denise Duperre if she saw any evidence that the Cayers were living in their boat. Denise Duperre says no.

Adam Lee says the Board could order the Cayers to place the camper at the 100-foot setback, and if they are in violation, then the Board may issue a violation. He feels that Attorney Roger Huber is misleading the Board.

Marc Deschenes testifies that the banks on the shoreline are quite steep and abrupt, and the high-water mark is evident. The low water mark is questionable. He states the Cayers deed says their lot is 120 feet to the low water, and the high-water mark varies, sometimes to 20 feet higher. He asks how the Cayers could legally place a 33 feet foot camper on a 100-foot lot.

Article 6: Other Business

None



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Article 7: Adjourn Public Hearing

Jessica Blalock motions to close the Public Hearing at 7:14 PM. Elaine Clavette seconds the motion. All are in favor and motion carries.

PUBLIC MEETING

Article 1: Call the Meeting to Order

Jessica Blalock calls the Public Meeting to order at 7:14 PM.

Article 2: Review and approve previous meeting minutes

No motion to approve minutes.

Article 3: Decision on Richard Cayer's Administrative Appeal application for Map 034 Lot 020

Jessica Blalock says the deed states the lot is 120 feet deep, the Cayer's RV will not fit vertically to the shoreline. At the time of the Cayer's RV permit, there was a boat with possible sleeping quarters.

Renee Deschaine says according to Maine Inland Fisheries and Wildlife, a boat is a recreational vehicle, and only one recreational vehicle is permitted per site per 30,000 square feet on a lot. Lastly Renee Deschaine states Shoreland Use requires that any registered vehicle or camping structure should not be parked on a site for longer than 120 days unless all requirements for a residential structure are met. She finds no issues for Denise Duperre's reason for denial.

David Morneault motions that the Cayers have not satisfied their burden of proof to demonstrate that they're entitled underneath applicable town ordinances to receive a recreational vehicle parking permit and to establish an individual private campsite. Renee Deschaine seconds the motion. All are in favor and motion carries.

Article 4: Other Business

Jessica Blalock nominates Renee Deschaine as Vice Chair. David Morneault seconds. All are in favor and motion carries.

Article 5: Adjournment

Jessica Blalock motions to adjourn the Public Meeting at 7:43 PM. Nicholas Guerrette seconds the motion. All are in favor.