



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

**Madawaska Board of Appeals Meeting Minutes  
Monday December 19, 2022 – At 6:00 PM  
Madawaska Town Office  
Board of Selectman Chambers**

**MEMBERS PRESENT:** Mark Cyr(Acting Board Chair), Daniel Fortin, Jessica Blalock, Paul Lavoie, Nicholas Guerrette

**CODE ENFORCEMENT OFFICER:** Denise Duperre

**RECORDING SECRETARY:** Roxy Levesque

**OTHERS PRESENT:** Gary Picard

**OTHERS PRESENT VIA ZOOM:** Ed Bearor, Roger Huber, Adam Lee, Richard & Ann Cayer

**PUBLIC HEARING**

**Article 1: Call Public Hearing to Order**

Mark Cyr calls the Public Hearing to order at 6:00 P.M.

**Article 2: Establish a Quorum**

A quorum is established.

**Article 3: Determine any Conflict of Interest or Bias**

None

**Article 4: To Consider an Administrative Appeal Application by Richard and Ann Cayer for a Denied Building Permit, Map 034 Lot 020, 57 Chapel Road, in the Shoreland Zone, Limited Residential.**

Attorney Adam Lee, representing the Cayers, clarifies that Attorney Ed Bearor is representing the Code Enforcement Officer and Roger Huber is representing the Board of Appeals. Attorney Lee says the determination that it was an illegal structure was dismissed with prejudice, resulting in collateral estoppel.

Denise Duperre describes the structure that exists on the property. She says there are four beams with a top floor, it is inside the 100-foot setback, and the lot is about 50 feet by 120 feet, making it an unbuildable lot.

Mr. Cayer says he is allowed to build because the Planning Board previously determined the Greatest Practical Extent and issued him a permit. The Cayers then asked for another permit to continue expansion.

The Law Court has concluded that the permits that were previously issued to Mr. Cayer earlier are no longer valid.



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Attorney Bearor reads what the Superior Court has previously concluded in 2019. Attorney Bearor says the Cayers cannot proceed seeking relief from that judgement by arguing that the structure can be expanded upon because the Town didn't take a legal action as it was dismissed with prejudice.

**Article 5: Adjourn Public Hearing**

*Daniel Fortin motions to adjourn Public Hearing at 8:00 PM, Paul Lavoie seconds. All are in favor.*

**PUBLIC MEETING**

**Article 1: Call Public Meeting to Order.**

Mark Cyr calls the Public Meeting to order at 8:01 PM.

**Article 2: Approve minutes of previous meetings.**

*Daniel Fortin motions to approve minutes, Jessica Blalock seconds. All are in favor.*

**Article 3: Judgement on Article 4**

Daniel Fortin sees no issue with bias, nor with the CEO's ruling. The Board agrees. Attorney Huber agrees with Attorney Bearor that the structure does not meet the setback, and it is not legally existing.

*Jessica Blalock motions to deny the Appeal based on the fact that the Cayers and Attorney Lee did not meet the burden of proof to overturn the decision of DEP and the CEO. Daniel Fortin seconds. All are in favor and motion carries.*

**Article 4: Other Business**

None

**Article 5: Adjourn Meeting**

*Jessica Blalock motions to adjourn the Public Meeting at 8:28 PM, Paul Lavoie seconds. All are in favor.*