

Appeals Board Meeting
January 6, 2022

In attendance: Board Members – via ZOOM - Lowell Freiman, Norman Casas, Peter Drum, Town Attorney; In person - Bob deGroff, Cathy Blake, Jim Kearny, CEO Corey Fortin. Public in attendance: via ZOOM – Brian Daggett and Melissa Maker; In person – Wesley Daniel

Lowell Freiman opened the meeting at 7:02pm with roll call and stated they had a quorum to continue with the meeting.

Norman Casas motioned to accept the summary from the last meeting dated 1/21/2021, Bob deGroff seconded, all in favor.

Lowell Freiman stated it was time to elect offices for the upcoming year. Norman Casas moved to reconstitute the same slate of offices: Lowell Freiman as Chair, James Kearney as Vice Chair/Secretary. The Board welcomed Corey Fortin as the new CEO.

Having no additions to Old Business, Lowell Freiman stated the regular meeting would be closed and move onto the prehearing conference for an Administrative Appeal by Brian Daggett for a denial of a building permit. Norman Casas moved to close the regular meeting and move onto the prehearing conference, Cathy Blake seconded, all in favor.

Lowell Freiman asked if any member on the Board with concerns about hearing this Appeal with any bias or any need to recuse themselves from this hearing. No concerns were stated. Quorum was constituted – 5 members.

Lowell Freiman stated the Appeals Board has the authority over hearing this appeal under Section 4 subsections 4.1 and 5.2. Lowell Freiman entertained the motion to accept, Norman Casas moved, Cathy Blake seconded, all in favor (5-0).

Lowell Freiman asked Brian Daggett if he has standing in this matter. Brian stated, he does as owner of the property. Norman Casas moved that Brian Daggett has standing in this matter as owner of the property (21 Old Townhouse Lane) where the permit was denied., Bob deGroff seconded, all in favor (5-0).

Lowell Freiman had the Administrative Appeal on hand which was filed in the time frame of when the denial was written to the appellant. Lowell stated that Brian Daggett has not paid the required fee to file the Appeal. Brian stated he did not realize there was a fee associated with the Appeal. Peter Drum stated that if they want to drop off the fee tomorrow or Monday is amendable. Mary Anderson stated that the fee is \$50.00. Norman Casas noted that the town office is supposed to note and sign when they get an Appeal Application which verifies the 30 day window. Mary Anderson stated that she would do so.

Lowell Freiman stated that they need to determine the issues for the Appeal. Brian Daggett had an approved permit from by a seasoned CEO. The time came and went which he was allowed to use that permit so he requested a renewal of the approved permit and he was told he would have

to go through DEP first. He went through the DEP and was approved. He mentioned to Corey Fortin, CEO, that this can't be the first time someone has done this. Corey stated to Brian that it was the first time for him. Brian said Corey clearly stated he was inexperienced. Corey recommended people in DEP for Brian to speak with. DEP said it was a simple matter and should not be a problem. Brian has DEP approval. Brian received a letter of denial from Corey Fortin; some of the reasons for denial that were bothersome – 1 stated that the amount of area covered by a non-vegetative surface (online Brian found a Maine Shoreland Zoning handbook – publication made by the State of Maine). On page 21 it clearly says that you can cover up to 20% of the lot with a non-vegetative surface. 20% of the 9000-foot lot is 1800 square feet, he's covering less than 900 square feet – basic math. He was denied for that reason. Lowell Freiman clarified that the purpose of this Appeal is on the denial of the most recent permit request that Brian Daggett put in. Brian stated that is correct saying he didn't change anything from the original approved permit. Lowell stated that is some of the historical background but for our purposed for this hearing is about the denial of the most recent permit. Brian stated that even though it is for the most recent, the same rules apply; being allowed to cover 20% of area which he is not exceeded. Lowell stated when we have the hearing Brian will have an opportunity to present the information that he thinks are pertinent, relevant and raises questions about ordinances that were adhered to or not and why he thinks the permit should have been granted. For now, keep the focus on the synopsis of the appeal.

Lowell Freiman stated that a paperwork trail for the record is needed. Everyone on the Board received the packet (emails from Corey Fortin, information from DEP, emails from Brian Daggett, permit application, etc). Brian Daggett's copy is at the town office. Peter Drum stated that the packet submitted by the CEO and information sent from appellant is the baseline record for this appeal. Brian Daggett stated that is fine.

Lowell Freiman asked Corey Fortin to notify abutters about public hearing date as well as the newspapers. The Public Hearing is scheduled for January 27, 2022 at 7PM. Lowell explained to Brian Daggett that, at the public hearing, he will have a chance to speak to present his position; the Board and interested parties will ask questions of him. Corey Fortin will be asked to speak on behalf of the town and likewise others will ask questions of him.

Lowell Freiman explained that this evening's meeting was preliminary to make sure Brian Daggett had a right to appeal, what the parameters of the appeal would be, to create a record to be used as the reference point, and to get some sense of who would be speaking at the hearing. This is not a delay, just the process; giving public notice to the abutters. Brian Daggett asked if this will take more than one evening. Lowell Freiman stated he can't guarantee it will be heard in one evening but he's hopeful it would be the case unless someone comes with more information then he doesn't see that it would be tremendously prolonged.

Norman Casas moved to adjourn the meeting at 7:25pm until 1/27/2022, Bob deGroff seconded, all in favor (5-0).

Respectfully submitted,

Mary Anderson