

Appeal Board Meeting Summary
May 8, 2019
Prehearing Conference
Change of date/time posted

Members present: Dorothy Sainio, Norman Casas, Cathy Blake, Bob deGroff; CEO-Bob Temple, Attorney – Peter Drum
Member not present: Lowell Freiman, Traci Hoffman, James Kearney
Public: Wesley Daniel, Berkley Linscott, Timothy Keefe

Norman Casas called the meeting to order with roll call at 10:10AM for a Prehearing Conference with Tim Keefe the appellant.

Dorothy Sainio moved to accept the March 21, 2019 summary as written, Cathy Blake seconded, all in favor.

Norman Casas appointed Bob deGroff as member for Lowell Freiman. Noted: quorum of 4. Norman asked if anyone felt they could not participate in the pre-hearing conference due to a conflict of interest. Norman stated he is a personal friend of the appellant and would be willing to be a non-voting member and run the meeting. Peter Drum asked Norman if he has any monetary interest in the application or the use of the property. Norman said no. Peter stated Norman does not have to recuse himself because he's a friend.

Norman Casas stated this is an Administrative Appeal, relief from the decision, of the Code Enforcement Officer. We have the proper authority to conduct this meeting. The appellant has standing to bring this appeal. Norman stated the appellant has filed an appeal with the town clerk within the required deadline; which is a point of some contention. The CEO has issued two letters to Tim, one in November which was not appealed and one in April in which he made the additional decision that the original violations still stood which notice that he had 30 days to appeal that decision. Tim did file within this secondary 30 day appeal. Peter Drum said, legally speaking, the determinations made as of 11/19/18 were not appealed, those determinations now, the Boards decision, would be bound by the fact that he didn't appeal within the deadline for the 11/19/18 notice. The findings in the 3/20/19 notice that are different than the 11/19 notice are appealable. The findings of 11/19, because he did not appeal within 30 days are set in stone, at this point.

Tim Keefe stated that his first contact with the Code Enforcement Office, Bob Temple was the letter of violation from the road which asked Tim to call him. Tim called Bob. The remedy Bob said could all be cleared up if Tim invited Bob to the property, which he did. Bob said he'd speak with the Selectmen and get back to him. A month later Tim called Bob to find out what was going on and he got the second letter. The remedy for the first letter was the meeting at the

property as far as Tim was told. Peter Drum stated the letter is very clear. Bob said they met and Tim took his position and Bob reevaluated the situation. We never responded to that and the second letter came about because he had received more complaints about Tim doing more things. Tim stated he didn't do anything since the first letter. Bob said Tim should have complied with the first letter. Tim recorded the conversation with Bob at his property and will email it to Peter.

Norman Casas reiterated the violations from Bob Temple's first letter on page 2. 1. Construction of building without the required permit. Tim Keefe stated he didn't think he needed a permit because it was under 240 square feet and he is not living in it yet. 2. The location of a mobile home without a permit and without verification of compliance with the provisions of Article IX Manufactured Housing Standards. Tim states it is not a mobile home it is a camper with brake lights and license plate holder. Bob Temple stated that the properties that Tim has have no existing buildings on them prior to the construction that he started according to the town records. Norman stated there was a structure which was removed in 2015 and there were also buildings that weren't attached to the structure. Bob deGroff asked if the building that Tim is renovating was most of it still there. Tim Keefe stated he is building a free standing stick building on the existing pad. Bob asked if there is a structure there. Tim said there are two structures, sheds that were there when he bought it. Peter Drum stated the town records show the buildings were removed in 2015. Bob deGroff asked Tim if he would be willing to register his camper. Tim said he would if he had to. Bob Temple stated that he needs a way to dispose of septic waste. Tim stated he has a septic pipe sticking out of the ground that he puts the waste in that he uses. Bob asked if Tim had a copy of the septic plan. Tim said it's over 30 years old. Bob said Tim needs to show the system is capable of handling the waste through a soil evaluation. Peter Drum stated under state waste water rules you have to prove, if the plan is not on file with the town, that the existing system can accommodate the waste. Tim asked if he doesn't stay there anymore this could all be remedied. Peter stated he is trying to figure out what the legal liabilities are. A few times Tim stated that he feels the town has said everything can go away. Tim said Bob Temple said that to him. Peter said that cannot happen; the remedy is for Tim to prove to the town that the septic meets the standards for at least a one bedroom system. Bob explained that Tim can contact the state for a copy of the septic permit; if not filed with the state it would not be legal.

Peter Drum stated that Tim Keefe should have gotten a permit for the 239 square foot shed he built because it's an accessory use with no principle use (ex: house, mobile home). He can get an after the fact permit but it is still a Land Use Violation. Norman Casas asked what the permit would cost. Bob Temple stated \$.05 a square foot / \$25.00 minimum. There was some discussion regarding the RV.

Norman Casas stated basically Tim Keefe needs to have a site evaluator to test the soil. Bob Temple stated the site evaluator will make a determination that it's a functioning system that meets the code. Norman stated that two of the violations do not exist 1) there is not mobile home it's a camper 2) there is no addition to the mobile home it's a few feet away. Peter Drum's main concern is that the camper is being used as a mobile home and it's been there for two years, doesn't move, not being registered and potentially having intermittent access to the septic system is the real problem. Most ordinances map to a standard about when something becomes a structure by sitting there for example an international shipping container. When does an

international shipping container become a shed? When does this 5th wheel, that never moves, become a structure set in place? Most ordinances have two weeks or a month; we're at two years. Tim needs a building permit or manufacturing housing permit for that or registers it. If it's registered he can't use a non-approved place to dump the waste. A pump truck can go to his property to empty it. There was more discussion regarding mobile home and camper standard regulations.

Photos were passed around to show the 'addition' to the 'mobile home' is not an addition.

Peter Drum stated that Bob Temple listed, in his original November notice, the remedies for the problem right below the violations: Removal of: or Apply for a permit: Is that what everyone has just worked through? Bob stated if it's an RV it needs to meet the standards of an RV in terms of plumbing, electrical, etc. Bob can inspect the plumbing but can't fix anything. Tim Keefe stated he has an extension cord from the pole – not to code. Peter stated Tim needs to comply with the standards. To run off the electrical pole is to run temporary contracting equipment. Tim Keefe lives in Rockland not on this property. Tim was waiting to get a permit for the stick built building when he was hooked up to the plumbing and do it under the conversion provisions in the ordinance. His intent was to build it under 240 square feet until I hooked it up to the septic which is there and get the permits to do so. Norman Casas asked if Tim was worried about not finishing the project before the permit expires. Peter Drum said he could extend the permit or seek another one. Tim stated he would cap the septic until it gets inspected.

Norman Casas asked if he is hearing that the bottom line is if Tim Keefe gets a permit for the building that he has built there, that corrects that (\$25.00 permit). Peter Drum said if he goes by the original CEO letter, if he takes those steps and maybe gets the camper/RV registered and inspected for plumbing. There was more discussion regarding inspection and electrical power.

Dorothy Sainio moved to adjourn the meeting Cathy Blake seconded at 7:33pm.

Respectfully submitted,

Mary Anderson