



Town of Harpswell
Board of Appeals Minutes
September 28, 2016
Adopted November 22, 2016

Members Present

Ned Simmons, Chair
Jim Knight
Ellen Lebauer
Pat Lawson

Members Absent

Ellen Shillinglaw

Staff Present

Amy Tchao, Town Attorney
William Wells, Code Enforcement Officer
Diane Plourde, Recording Secretary

The Town of Harpswell Board of Appeals meeting, being duly advertised in the *Brunswick Times Record* was called to order at 6:30 p.m. by Ned Simmons, Chair. The chair read the agenda, introduced the board members, the Town Attorney and reviewed the procedures.

Old Business: None

New Business: 16-09-01BA – Jean Calderwood, Map 2 Lot 35, Barnes Point Road, Harpswell, Reconsideration of Administrative Appeal

The Chair explained the procedure for a reconsideration appeal. He said this is to review the decision from the last meeting and the person affected by that decision asked for this reconsideration. The procedure is to get a motion from one of the Board members who voted in the majority to make a motion to reconsider this appeal. If there is no motion to reconsider, then the Board takes no action. He noted that the three members who voted in favor are Pat Lawson, Ellen Shillinglaw and himself. Ellen Lebauer voted against. Since Ellen Shillinglaw is not present this evening, only Pat Lawson and the Chair can make a motion to reconsider.

Pat Lawson made a motion to reconsider.

Discussion: The Chair reviewed the initial case where Ms. Calderwood contends that Mr. McCabe had ample time to bring an appeal within the 40 day time frame. He filed an appeal two days after the deadline. The board determined they would hear the appeal and extend the 40day time frame by two days. The Chair told the Town Attorney, Amy Tchao that Mr. McCabe was made aware of the permit about 5 days after it's issuance by activity on the property. The permit card was not posted on property, and Mr. McCabe reviewed the file but did not file an appeal until 2 days after the 40 day time frame. Ms. Tchao told the Chair the Board needs to decide whether to reconsider first. The Board can ask if there was new information submitted, that can be considered to change the decision. The Chair said there seems to be no new information submitted.

There was no second to the motion, therefore the motion dies.

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Consideration of Minutes: August 24, 2016.

**Ned Simmons moved seconded by Ellen Lebauer to accept the minutes as drafted.
Motion carries 3-0.**

Other Business: None

Adjournment: Meeting adjourned at 6:55 p.m.

Respectfully submitted by:

Diane E. Plourde
Recording Secretary