



Town of Harpswell
Board of Appeals Minutes
May 28, 2014
Approved June 23, 2014

Members Present

Ned Simmons, Chair
Jim Knight
Ellen Lebauer
John Perry
Pat Lawson, Associate Member
Ellen Shillinglaw, Associate Member

Members Absent

John Chiquoine

Staff Present

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 and reviewed the procedures.

Old Business: Election of Officers

Ellen Lebauer moved seconded by John Perry to elect Ned Simmons as Chair. Unanimous Approval

John Perry moved seconded by Ellen Lebauer to elect Jim Knight as Secretary. Unanimous Approval

New Business: 14-04-01BA – Robert & Jolanda DeLevie (Owners/Applicants), Map 34 Lot 142, 21 Atlantic Place, Orr's Island – Reconsideration Request

Mr. Simmons stated that the Reconsideration request was received within the statutory ten (10) day limit. He explained the steps needed to take the reconsideration. First is that any board member from the previous meeting, who voted for denial would make a motion to reconsider. Second, any voting member who participated can second the motion and third, there needs to be a positive vote to accept the motion to pass the motion. Mr. Simmons asked the board for discussion.

Jim Knight noted he read the appeals package and asked the other Board members if they feel any compelling reason to consider this appeal. Mr. Perry stated that he sees no new information that was not discussed at the former meeting.

There being no motion to reconsider, the Board denied the Reconsideration Request presented by Mr. DeLevie.

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14-05-02BA – Lee Theberge (Applicant), Map 27 Lot 31, Osbourne Row (ROW) – Orr's Island – Administrative Appeal

Mr. Simmons asked whether the Board has jurisdiction over this application. He noted that a decision of the Board of Appeals may not be appealed to the Board of Appeals except by Reconsideration. Mr. Theberge noted that he was directed to the Board of Appeals by the Code Officer and never applied for a permit for the alternative toilet. Discussion continued between the Board, Mr. Wells and Mr. Theberge.

Mr. Simmons moved seconded by John Perry to table this request pending further investigation and to ask the Town attorney whether this is acceptable. Motion carries 5-0

Other Business: Consideration of Minutes of April 23, 2014

Ned Simmons moved seconded by Ellen Lebauer to accept the minutes as drafted. Motion carried 5-0

Adjournment: Meeting adjourned at 7:10 PM

Respectfully submitted by:

Diane E. Plourde
Recording Secretary