



Town of Harpswell
Board of Appeals Minutes
July 23, 2014
Approved September 24, 2014

Members Present

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

Members Absent

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. The Chair appointed Ellen Shillinglaw a full voting member for this meeting.

Old Business: None

New Business: 14-07-01BA – David & Debbie Thomas (Map 47 Lot 63), 31 South Dyers Cove Road, Harpswell – Administrative Appeal of Land Use Permit #14-116 (Map 47 Lot 51)

The Chair noted that there was a site visit to the property attended by: Ned Simmons, John Perry, Ellen Shillinglaw & Pat Lawson. Also in attendance were the applicants, Ned Douglas, Debbie Thomas, Richard Beaulieu, an abutter and Greg Tisdale, Builder.

Public Comment:

Ned Douglas spoke for the applicant, Debbie Thomas and he noted that they were in favor of the McEwen's buying this property and using it as an "overflow" bunkhouse. Now that it has become more than a bunkhouse, they question the permitting of a new building. The applicants feel the construction of this dwelling must stop. He read from the Shoreland Zoning Ordinance Section 13.5 and Table 15.1.

Mr. Perry asked if this property is within the setback of seventy five (75) foot setback. Mr. Douglas stated that it is within the Commercial Fishing II (CFII) zone and stated that there were no property lines and no survey for the property.

Greg Tisdale, contractor for the McEwens stated that there are three property survey stakes on this property, two at the rear and one on the east side. He explained the size, age and location of the original building.

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William Wells, Code Enforcement Officer said that no part of the structure or the lot is part of Commercial Fishing I (CFI). The proposed structure is approximately three hundred (300) feet non-conforming just to the road. The other setbacks are conforming and this is a lot of record. He said there are no restrictions for residential use in CFII.

Discussion continued amongst the Board and the CEO regarding the Shoreland Zoning Ordinance Section 13.5.

**Jim Knight moved seconded by Ned Simmons to table the appeal of Debbie & David Thomas until they get feedback from the Town Attorney.
Motion carries 5-0**

**Ned Simmons moved seconded by John Perry to table the Lee Theberge matter for two (2) more months at which time Mr. Theberge will be contacted.
Motion carries 5-0**

Other Business: Consideration of Minutes of May 28, 2014

Mr. Simmons noted on page 2, 1st paragraph, second sentence reads, "He noted that an appeal cannot be made to an appeal." This should read, "*He noted that a decision of the Board of Appeals may not be appealed to the Board of Appeals except by Reconsideration.*" This change will be noted in the minutes.

Ellen Shillinglaw moved seconded by Ned Simmons to accept the minutes as amended. Motion carries 5-0

Adjournment: Meeting adjourned at 7:10 PM

Respectfully submitted by:

Diane E. Plourde
Recording Secretary