

**Town of Otisfield  
Board of Appeals Minutes  
Community Hall  
June 29, 2021**

1. **Call to Order:** The meeting was called to order at 6:05 PM.
2. **Attendance:** Members present were: Chair - Don Verrill, Vice Chair- Janet Douglass, Recording Secretary - Brendan Bedell, Marianne Izzo-Morin & Adam Grant. (Absent - Anne Pastore).

Tanya Snow – Secretary

Legal Counsel: Bernstein & Shur; Zachary B. Brandwein  
Cell Tower Representative: Verrill Law; Scott Anderson

Applicant: Kristin Roy; Virginia Arsenault

3. **Quorum:** Board had a quorum.

4. **Secretary's Report:**

- A. Meeting Minutes from June 9, 2021. \*Motion to accept minutes. MIM/AG – Unanimous.

5. **Discussion & Comments from Public:**

- A. None.

6. **Administrative Appeal**

- A. Kristin Roy, Virginia Arsenault & Todd Winslow; RECONSIDERATION of 06.09.21 BOA Decision - on the approval of a Cell Tower located at 264 Bell Hill Rd in Otisfield Maine: Map R08/Lot 14. (Todd Winslow not in attendance)

Chairman Verrill opened the meeting; This is a BOA meeting with public in attendance but not for participation. The Items we will be considering is a request to reconsider the Administrative Appeal of 6.9.21 appellant Kristin Roy *et al.* Did the Otisfield Planning Board and BOA members properly follow Ordinances and procedures in its determination of the latest Cell Tower request?

**DISCUSSION:**

**Don:** Do the BOA members feel we followed procedure. If not, we will schedule another meeting to hear the appeal and if we did we will continue on to FOF/Conclusions. All BOA members have read the information provided.

**Zachary B. Brandwein:** From the BOA Ordinance Page 7, Section XII, Reconsideration; B.

*Reconsideration should be for one of the following reasons:*

1. *The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or*
2. *The Appeals Board misinterpreted the Ordinance, followed improper procedures, or acted beyond its jurisdiction.*

## **DISCUSSION:**

**DON:** Does anyone see any errors? BOA members all said no.

**KRISTIN:** Can I read the reconsideration out loud.

**DON:** No, need to, all BOA members have read the reconsideration in advance.

**JANET:** I noticed the work that the PB did, but did we miss something, as far as an obligation, and it seems that there is no error in the PB' or BOA procedure in my opinion.

**DON:** If we find that the PB and the Board of appeals followed ordinances and procedures with a request for reconsideration., I will put forth a motion.

\*Motion that we deny the request for reconsideration because the PB and the BOA followed the Ordinances and procedures in this Cell Tower request. DV/BB – Unanimous.

**B. Kristin Roy, Virginia Arsenault & Todd Winslow; Cell Tower located at 264 Bell Hill Rd in Otisfield Maine: Map R08/Lot 14. (Todd Winslow not in attendance) Statement of Findings and Conclusions**

Following up on the Board of Appeals meeting from June 9th, BOA members are reviewing the draft Findings and Conclusions memorializing the Board's decision. Pursuant to Section X of the Board of Appeal Ordinance, the Board issued a written decision to the applicant on June 15, 2021 to deny the Administrative Appeal of the Planning Boards decision.

Chair Don Verrill asked all BOA members if they have read the FOF/Conclusions. They all agreed they had. Don read the Statement of Findings and Conclusions as written out loud to everyone (separate document).

**ZACHARY B. BRANDWEIN:** Are these DRAFT Findings of Facts (FOF) and Conclusions, accurate and do they reflect your decision, if it doesn't and you feel they are missing something or doesn't accurately reflect that discussion, we can revise and do a new one.

**BOA Members:** All agree that the FOF and Conclusions are accurate and do reflect the decision that was made at the June 9<sup>th</sup> BOA Meeting.

\*Motion that after reviewing all of this, I conclude that we accept the Findings of Facts, and Conclusions along with the decision. DV/MIM – Unanimous.

**KRISTIN:** When was this developed and when was it drafted. It was drafted by Town Council.

**ZACHARY B. BRANDWEIN:** The exhibits that were submitted to the board were part of the deliberation, and it's incorporated with the decision.

Tonight's Decision and FOF will be sent out by certified mail to the Appellant. TS will email a copy to Scott Anderson, the Planning Board Chair, and the Select Board. All agreed.

## **7. Appeal for a variance**

**A. None.**

**8. Discussion and comments from Board:**

A. None.

**9. Miscellaneous:**

A. None.

**10. Upcoming Dates:**

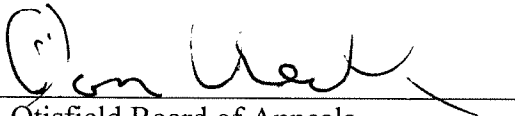
A. Board of Appeals Meeting on Tuesday, July 27<sup>th</sup> @ 6:00 PM ~ Election of Officer's.

B. Board of Appeal Meeting: Board will meet as needed.

**11. Adjournment:**

With no further business, the meeting was adjourned at 6:30 PM. DV/AG - Unanimous.

Respectfully submitted,  
Tanya Taft, Secretary.

Approved by:   
Don Verrill -Chair, Otisfield Board of Appeals  
Approved on: July 27, 2021