

**Town of Otisfield
Board of Appeals Meeting Minutes
Town Office Annex
October 22, 2020**

1. Call to Order: The meeting was called to order at 7:00PM.

2. Attendance: Members present were: Chair - Don Verrill, Vice Chair - Janet Douglas, Recording Secretary – Brendan Bedell, Anne Pastore and new member Adam Grant - Alternate. (Absent - Marianne Izzo-Morin).

Tanya Snow – Secretary

3. Quorum: Board had a quorum.

4. Secretary's Report:

A. Meeting Minutes from July 20, 2020. *Motion to accept minutes. AP/BB – Unanimous.

5. Discussion & Comments from Public:

A. None.

6. Administrative Appeal

A. Application for an Administrative Appeal of a Code Enforcement renewal Permit (dated May 28,2020) to construct a driveway and storage building on a parcel of land in Moose Pond Shores Subdivision on Evergreen Drive, in Otisfield Maine that prohibits any development identified as Map R5, Lot 33-16, submitted by Doug Rosenthal of Alexandria, VA & Otis Brown of Otisfield, Maine. * Letter dated 10.19.2020 from Drummond Woodsum requesting we amend the 09.28.2020 appeal application to include Jane Frazer-Brown as a named appellant. (Submitted into public record) Email received from Marc Drouin, an abutter to the property, voicing his disapproval of the appeal and support for Gary Saucier to continue with construction on his property. (Submitted into public record).

Benjamin J. Plante, Drummond Woodsum - represents Douglas Rosenthal and Otis & Jane Frazer-Brown
Jason Dennis, represents Gary Saucier (no relation to Town Attorney Phillip Saucier)
Phillip Saucier of Bernstein Shur, representing the Town of Otisfield

Chair - Don Verrill: The purpose of tonight is to see if the appellants meet the criteria for a timely appeal. We will hear from appellants Attorney to see if we should consider this appeal.

Ben Plante: Requesting to add a letter from appellant. On 8.05.2019 the first building permit was given. This appeal was filed 9.28th, 2020. On 08.05.2020 when the 2nd permit was given or when the first building permit was renewed, my clients were unsure of the process that took place. The Ordinance has a 30-day appeal requirement but there is a good cause waiver exception, that is in section IX Hearings; Section E “The board may waive any of the above rules if good cause is shown”.

This is about the conditions that were imposed on these properties by the PB. The town *does* involve itself in these restrictions. This is a subdivision that was approved by the Town Planning Board. The town does need to retain jurisdictions. What would be the purpose if the town had no authority to enforce them. So quite clearly the Town has the authority to instill these conditions and an error was made on both the former and current CEO. Late August shortly after permit had been granted within the 30-day appeal property, applicant went to the former CEO and they were not advised they could appeal this decision. It was incumbent upon former CEO who

said it was a civil matter. Furthermore, they were advised to contact their attorney and have that attorney write a letter to the BOS. Mr. Friedman who was the Attorney for applicants at the time, did refer the applicants to me based on the BOS discussions (submitted into Public record). August 5th was not appealed because applicants didn't know about it. They went to the current CEO and essentially wanted to discuss the permits and what they were advised was the permit was expired and would not, or could not be renewed. They were under the understanding that it would not be renewed, less then 2 months later, the CEO did renew the permit and clients had no knowledge of this. Only learned different (on September 3rd), when applicant's neighbor went on the assessing sight of John E. O'Donnell and Associates and saw the date of May 28th. My clients were not informed of their rights to appeal. And they didn't receive knowledge until well after the fact and in large part based on information from the current CEO that no new permit would be granted.

Anne Pastore: I appreciate this information, I do have a question, why did someone sell the lot in the first place if it was an unbuildable lot? Also, we don't have any email here from CEO St. John stating that he said any of that, and, I had a conversation with CEO Collins and he denied saying any of the to the applicant, he said words were put in my mouth. **Ben Plante:** that's why I enclosed exhibit C, what you'll see in this email is that Otis was attempting to confirm the substance of the conversation and what he wrote "while you issued it can not and will not be renewed". To form the basis of good cause, I would like the Board of Appeal members to waive section IX, article E, this provision is broad enough to waive. And if this happens the Board can hear the appeal tonight.

Jason Dennis: This email provided doesn't prove anything that the CEO may or may not have said. The October 2nd BOS minutes do state that RM said it's a civil issue. That is not the same as RM saying another permit will or will not be issued, or an offer of any legal advice. If we are dealing with good cause we have to take in the whole body of knowledge. You can't ignore your own Attorneys advice. You missed the appeal twice and you are blaming the Town.

***Motion to deny the appeal as it was an untimely appeal not within the 30 days required by the Otisfield Board of Appeals ordinance. AP/JD – (3) in favor, (1) abstention – JD**

FOF will be done at next meeting.

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 Appeal Meeting: Board will meet on an "as needed" basis.

11. Adjournment:

With no further business, the meeting was adjourned at 8:30 PM. AP/DV- Unanimous.

Respectfully submitted,
Tanya Taft, Secretary.

Approved by: *Don Verrill*
Don Verrill -Chair
Otisfield Board of Appeals
Approved on 12.01.2020