

49 Mr. Marshall wanted to be sure that by delaying the hearing, it would not affect the time that Mr.
50 Bogannam has to apply. Chairman Cielezko replied that is correct.

51
52 Mr. Lytle wanted to know if there were any conflicts with the Code Enforcement Officer.

53
54 Ms. Ross replied the town is okay with the meeting being postponed. She said a stop order has
55 been placed on the property so nothing is being constructed at this time.

56
57 Mr. Hamilton said he was curious as to the procedure, since the public hearings are on the
58 agenda. He asked if it would be prudent to open the hearing first and at that point the Board
59 could discuss the continuance. He said the abutters have been notified and the money has been
60 spent to advertise the public hearing notice.

61
62 Mr. Hamilton said he is not sure about the procedure, but in his opinion, it seems that the Board
63 can not continue the hearing unless it has been opened.

64
65 Chairman Cielezko thought that maybe a motion could be framed as to identifying the action.

66
67 Mr. Hamilton thought it was required that the Board hold the meeting as it has been posted, and
68 if there are circumstances like the continuance letter, then it would not have to be re-advertised
69 and the abutters would not need to be notified again. Chairman Cielezko said there would be no
70 further advertising for another hearing if the Board delays the meeting another month.

71
72 Mr. Hamilton wanted to know if there was something in the Board of Appeals' rules that speaks
73 to "delay" as opposed to a "continuance." He thought that if the Board did not open the meeting,
74 then theoretically, the abutters would have to be notified again. He said if they do not open the
75 meeting, then the abutters can say that they were not properly notified.

76
77 Ms. Lemire agreed with Mr. Hamilton.

78
79 Mr. Billipp pointed out that if the Chair opens the meeting, perhaps the applicant would like to
80 go forward without his attorney and if we open the hearing, we can discuss the continuance.

81
82 Chairman Cielezko said if the majority of the Board wants the hearing to be opened before we
83 pursue the continuance, he would entertain a motion.

84
85 Mr. Hamilton said if the public hearing is opened, it will not be re-advertised and the abutters
86 will not be notified again, and the Board will not be liable.

87
88 Mr. Marshall said the Board should ask if we have any abutters here tonight and we should hear
89 from them. He said if we are going to continue the hearing, we should open it. He said they can
90 come back the next time if they want to, but it seemed they would have to open the hearing.

91
92 **2. PUBLIC HEARINGS:**

93
94 Chairman Cielezko opened the public hearing at 11 minutes past 7 o'clock. He said the voting
95 members for this first request are Phil Lytle, Bill Hamilton, Peter Billipp and Ellen Lemire.

96

97 **A. Request by Daniel Bogannam, 17 Eldredge Road, Eliot, Maine (Map 1, Lot 45) for**
98 **an Administrative Appeal of a Stop Work Order issued by the Code Enforcement**
99 **Officer on September 27, 2010.**

100
101 Chairman Cieleuszko said the Board has jurisdiction to hear the request and the applicant has
102 standing through ownership. He said in the issue of timeliness – the original intent was a day
103 short of the month, so Mr. Bogannam’s application was received within the time frame to apply.
104

105 Chairman Cieleuszko said the first order of business, before the Board listens to Mr. Bogannam’s
106 initial testimony, is to discuss this continuance letter received from his lawyer. Chairman
107 Cieleuszko asked if there were any questions for the CEO or Mr. Bogannam in response to the
108 letter.
109

110 Mr. Marshall asked Mr. Bogannam if he intended to continue this hearing, as well as his lawyer,
111 to the next available Board of Appeals meeting. Mr. Bogannam replied yes.
112

113 Mr. Marshall wanted to know if there was anyone who wanted to speak concerning the case.
114 Chairman Cieleuszko replied that the Board would be starting to hear the case then.
115

116 Mr. Billipp thought the Board should not hear any testimony at all.
117

118 **Peter Billipp moved that the Board of Appeals continue the request for an Administrative**
119 **Appeal by Daniel Bogannam – for the first appeal – until the next regularly scheduled**
120 **meeting of the Board of Appeals, seconded by Phil Lytle.**
121

122 **Bill Hamilton wanted to amend the motion to include both appeals, but there was no**
123 **second.** Chairman Cieleuszko said the Board has to open each case separately.
124

125 **Vote was taken by a show of hands on continuing the first appeal, 4-0, unanimous. Motion**
126 **passes.**
127

128 Chairman Cieleuszko informed Mr. Bogannam there would be no Notice of Decision letter until
129 the following month’s agenda and there would be no advertisement. Mr. Bogannam asked for
130 the date. Chairman Cieleuszko replied it is the third Thursday, December 16, 2010.
131

132 Chairman Cieleuszko read the second appeal:
133

134 **B. Request by Daniel Bogannam, 17 Eldredge Road, Eliot, Maine (Map 1, Lot 45) for**
135 **an Administrative Appeal of the Code Enforcement Officer’s interpretation of Eliot**
136 **Zoning Code, Sec. 44-32(c) (1).**
137

138 Chairman Cieleuszko said the same letter applies to this case, received from the lawyer and asked
139 if there were any questions from the Board. Hearing none, he closed the hearing at 7:16 p.m.
140

141 **P. Billipp moved to continue the second request by Mr. Bogannam for an Administrative**
142 **Appeal of the CEO to the next regularly scheduled meeting of the Board of Appeals,**
143 **seconded by Phil Lytle. Vote was taken by a show of hands, and motion passed, 4-0 –**
144 **unanimous.**

145 Chairman Cieleuszko said again, there is no notice of decision letter or further advertisement. He
146 said an agenda will be posted at the town office. Ms. Lemire reminded the applicant that the
147 meeting is December 16th at 7:00 p.m.
148

149 **3. REVIEW AND APPROVE MINUTES AS NEEDED**

150
151 Chairman Cieleuszko said the Board has the minutes of September 16, 2010 before them. Mr.
152 Marshall recused himself.
153

154 **Phil Lytle moved to accept the minutes of September 16, 2010 as amended, seconded by**
155 **Ellen Lemire. Vote was taken by a show of hands and motion passed unanimously, 4-0.**
156

157 **4. OTHER BUSINESS AS NEEDED**

158
159 Chairman Cieleuszko said that Heather Ross has been helping out the Town, and she is from the
160 Town of Kittery. He asked if she was just doing plumbing inspections.
161

162 Heather Ross replied that she is currently doing zoning, septic, plumbing and electrical.
163

164 Chairman Cieleuszko asked if she was being interviewed by the Board of Selectmen. Ms. Ross
165 replied that she had her second interview this evening.
166

167 Chairman Cieleuszko said he wanted to introduce Ms. Ross to the Board members.
168

169 Chairman Cieleuszko said he had a few other matters to address. First is a letter he received from
170 the Town, asking for help with inventory of town buildings, really does not concern the Board of
171 Appeals. He said they use the hall and the little office, but this has to do with buildings and what
172 the town might be able to do with them for future needs. He said he does not see the Board of
173 Appeals growing out of this room too soon.
174

175 Secondly, Chairman Cieleuszko mentioned that the budget request for the Board of Appeals has
176 been sent to the Board of Selectmen, which is the same as last year, and they will give us what
177 they can. He reminded the Board that if they have to meet to hear a case, they will use money.
178

179 Chairman Cieleuszko said he was copied on a letter to the Board of Selectmen regarding FEMA
180 hazard mapping. He said the process was begun a little while ago, then it stopped, but the new
181 process has begun again. He said that former Chairs Bruce Trott and Robert Pierce had received
182 the first correspondence. Chairman Cieleuszko said that FEMA is asking for input and for people
183 to see the Board of Selectmen.
184

185 Mr. Billipp said that “hazardous” usually refers to flood maps.
186

187 Mr. Hamilton asked if they were referring to hazardous waste.
188

189 Chairman Cieleuszko said that the letter is generic and does not include too many details.
190

191 Chairman Cieleuszko said that he and Bill Hamilton went to a training seminar.
192

193 Chairman Cieleuszko said one aspect caught his eye and that was on recusals. He said currently
194 there is nothing spelled out in the Town of Eliot's ordinances on what is correct or incorrect, and
195 what the presenter considered correct he does not necessarily agree with. He said the final
196 outcome of the analysis presented is that if the Board codifies this in their by-laws we will have a
197 leg to stand on.

198
199 Chairman Cieleuszko said that if someone has a conflict and recuses himself/herself, they are
200 allowed to voice their opinion as a citizen of the town. He said that is what he always thought,
201 but was not put in writing, and the Board should state that in writing.

202
203 Ms. Lemire said that every private citizen can speak at a public meeting. Chairman Cieleuszko
204 asked the Board mull this over as he would like to address this issue, maybe by a vote.

205
206 Mr. Marshall wanted to know under whose authority this policy came into being. Chairman
207 Cieleuszko responded National Planning Association, but they are asking all the towns to codify
208 their own ordinances. Mr. Marshall said they are saying we should give up our citizenry.
209 Chairman Cieleuszko did not want to debate this issue at this time.

210
211 Mr. Billipp asked if MMA suggested any language. Mr. Hamilton replied that each town had its
212 own interpretation and that actually the national code is very restrictive. Chairman Cieleuszko
213 said that what they were told is that you should not be present in the room and should have a
214 lawyer or another person represent you.

215
216 Mr. Hamilton said that they were given a lot of hand-outs. Chairman Cieleuszko said he will ask
217 Barbara at the Town Office to make copies and distribute them to the Board members.

218
219 Chairman Cieleuszko asked if there was any other business the Board wanted to discuss. There
220 was none.

221
222 Nancy Shapleigh asked to speak and Chairman Cieleuszko consented.

223
224 Ms. Shapleigh wanted to say that the former CEO told her that when the flood plan maps came
225 in he really did not do anything with them. She said there are so many places in town that will
226 never be flooded.

227
228 Ms. Shapleigh said that flood insurance is very expensive and she did not know if the Board
229 could get other suggestions from FEMA. She said the cost adds a lot to a person's mortgage and
230 it is very important that it is considered very carefully.

231
232 Mr. Place said he had one taken out of the flood zone and it cost him \$10,000. He said it is very
233 important to look at the flood zone maps and that it has to do with elevation.

234
235 Chairman Cieleuszko said they are not talking about something the BOA should be involved in,
236 he is just offering this information up as citizens and if you have any input, see the Board of
237 Selectmen.

238
239 Ms. Ross said that now is your opportunity to dispute this with FEMA.

240

241 Chairman Cieleuszko asked if any dates have been set.

242

243 Ms. Ross said she was not sure, but she thought it was by the end of this year. She said there
244 have been conflicts, and copies are available in the Code Enforcement Office.

245

246 Ms. Lemire said that people can come in to the Town Hall and look at them.

247

248 **5. ADJOURN:**

249

250 **Ellen Lemire moved to adjourn the meeting at 7:38 p.m., seconded by Peter Billipp. Vote**
251 **taken by a show of hands and motion passed unanimously.**

252

253 Respectfully submitted,

254

255

256 Barbara Boggiano

257 Recording Secretary

258

259

Approved by: _____

260

Ed Cieleuszko, Chairman, BOA

261

262

Date Approved: _____

263