

**TOWN OF ELIOT
BOARD OF APPEALS MEETING**

May 19, 2011

Present: Chairman Ed Cieleuszko; Vice-Chair Peter Billipp; Phil Lytle and Associate member, Ellen Lemire

Absent: Jeff Cutting, Bill Hamilton and Associate Member, John Marshall

Also present: Jim Marchese, CEO; Helen Berube, Mary K. Hanson, Kevin Finnigan; Bruce Turgeon, Richard Higgins, Mark Turner, Russ McMullen, Barbara Boggiano, Recording Secretary and others

1. 7:00 p.m. ROLL CALL

Chairman Cieleuszko called the meeting to order at 7:00 p.m. He introduced the Board members.

Chairman Cieleuszko asked if the applicants were present. Helen Berube responded five out of the seven members were present.

Chairman Cieleuszko asked if the owner of the lot was present. Mark Turner responded he was, and he is with Maine Source Homes, Inc. from Poland, Maine.

Chairman Cieleuszko outlined the procedure for the hearing tonight and said that all members present would be voting, and he would vote in case of a tie.

2. PUBLIC HEARING:

A. Request for an Administrative Appeal by Helen Berube and interested residents.

Nature of the Appeal is related to an improper Condition of Approval related to Residential Building and Land Use Permit #11/13 for 9 Greenbrier, Eliot, Maine (Map 78, Lot 78).

Chairman Cieleuszko said the Board has jurisdiction to hear the appeal, under Sec. 45-49, **Powers**, and read: *(a) Administrative Appeals.* The Board of Appeals shall hear and decide where an aggrieved person or party alleges error in any permit, order, requirement, determination, or other action by the planning board or code enforcement officer by a concurring vote of at least three members, only upon a finding that the decision is clearly contrary to specific provisions of this chapter."

Chairman Cieleuszko said that the Board has to take the minimum applicable portion of those powers to apply to this case. He said he can clearly see that it is a determination by the CEO, but whether or not it is an action remains to be seen.

Chairman Cieleuszko questioned if the applicants had standing and that there are seven listed, but only five are present. He added, however, that all are taxpayers and homeowners in the town.

Chairman Cieleuszko read Sec. 45-50 (b) (3) regarding an aggrieved person or party: *"a group of five or more residents or taxpayers of the town who represent an interest adverse to the granting or denial of such permit variance, waiver or appeal."*

Chairman Cielezsko said that the applicants are not granted the same ability as they can only appeal a variance or a waiver granting, or denying, such a permit, and there is nothing in that permit indicating an action by the CEO as far as he could see, but he said he would like to offer the applicants an opportunity to show the Board. He asked if one person had been chosen to speak for the group.

Mary Kate Hanson, 45 Boyce Road, said she had been appointed the spokesperson, and stated that the granting of a permit is an action by the CEO, whether or not they can claim an adverse effect on them. She said they do have a direct abutter, who is part of this appeal.

Ms. Hanson said the nature of their appeal focuses on the introduction of an access road, which does not exist. She said they have worked diligently over the last several years to enforce not having this "access road" to Boyce Road and it should not be mentioned in this permit, and this is having an adverse effect on the neighborhood.

Ms. Hanson stated the applicants were not contesting the whole building permit, just this specific part:

"5 Conditions: a. Motor Vehicle access is to be via Stacy Lane only. This condition does not prohibit emergency access to Boyce Road if possible, provided such emergency access is gated and is used only by emergency vehicles in emergency circumstances."

She said as far as they were concerned, this man could build his house, providing he does not have a road that does not exist, and by current ordinances, cannot exist.

Chairman Cielezsko asked if the Board members had any questions of Ms. Hanson. No one had any at that time.

Chairman Cielezsko asked who is the abutter and Ms. Hanson responded that it was Bruce Turgeon, 22 Boyce Road.

Chairman Cielezsko said the abutter does not have standing, and explained that an abutter is the owner of the lot next to the lot with the permit.

Mr. Turgeon said he is an abutter to the access way.

Chairman Cielezsko asked if they understood that Mr. Turgeon is not the abutter to this permit.

Ms. Hanson said there are still seven interested people who will be adversely effected by this.

Chairman Cielezsko said that his reservations still exist because they have mentioned an egress off of Boyce Road being detrimental to the neighborhood and wanted to know how something that cannot exist under the code be detrimental.

Ms. Hanson asked how the CEO and Planning Board could mention a road that does not exist in the permit. She said the Supreme Court supported them, and their concern is that the mention of, or acceptance of, this access road would have a direct impact on them. She said she is shocked that the access road is mentioned.

Chairman Cielezsko said he would like a motion to continue this hearing if everyone believes they have standing. He said it is an important concept that the Board not allow the hearing to continue without standing.

Mr. Billipp said he felt they demonstrated they had standing through their application. He said they have submitted a complete application and have made a case, objecting to the language attached to the permit, which mentions an emergency access road to Boyce Road. Mr. Billipp said that is what the appellants are objecting to, establishing grounds for the Board of Appeals to hear their case.

Chairman Cielezsko said where does it say that it is going to be an emergency road? He said the access is only by Stacy Lane.

Mr. Billipp said the ordinances do not permit access to Boyce Road.

Phil Lytle said he agreed with Peter Billipp and wanted to know why it was on there, under 5, Conditions. He said, in the last paragraph, it reads: "all permits shall be subject to the following conditions of approval" and he did not think that mention of the access road to Boyce should be on there.

Mr. Billipp said, according to the ordinance, access to Boyce Road is not possible and this talks about a condition, seemingly granting authority, or in this case, perhaps the right, to access Boyce Road, which is not permitted in the ordinance. He said the mention of this road seems to "open the door" to the possibility of it being there and he does not know why it is written there.

Ellen Lemire said she also agreed with Peter Billipp.

Chairman Cielezsko consented that the applicants had standing and opened the hearing.

Mary Kate Hanson said she had a letter from Bill Hamilton that she would like read into the record and distributed copies to the Board members and Recording Secretary.

Kevin Finnigan, 45 Boyce Road, read the May 10th letter to Chairman Cielezsko and Board of Appeals members, from Bill Hamilton, in support of the Administrative Appeal by Helen Berube and interested residents, as follows:

"Dear Chairman Cielezsko and members of the Board,

As I will be away for the meeting of the Eliot Board of Appeals on May 19, 2011, I am writing this letter to be included in the minutes of the meeting in support of the Administrative Appeal by Helen Berube and interested residents, including myself.

My concerns with the CEO's actions in including Condition of Approval #5(a) in Building Permit #11/13 dated 3/30/11 include the following:

- 1) Where, in the Eliot Code of Ordinances is the authority given to the CEO or any other entity to grant an "emergency access" to an unapproved road?
- 2) What exactly is an "emergency access" and where is it defined in the Eliot Code?
- 3) What are the design and construction standards that would apply to an "emergency access"?
- 4) Where, in the Eliot Code, is the term "gated" defined?
- 5) What is a "gated emergency access"?
- 6) Who would have the key to a "gated" access?
- 7) How would "emergency vehicles" in "emergency situations" get the key?
- 8) Where is "emergency vehicle" and "emergency situations" defined in the Code?

- 9) (Hypothetically, if an EMT lived in Briarwoods Shores Development and drove an ambulance, would it be permissible for him to drive on an “emergency access” to get ice cream for his sick child?)
- 10) Who will monitor the use of this “emergency access”?
- 11) If each new resident of Briarwoods Shores Development (potentially 50-70 new residents) had access to this “emergency access”, by having this language included in their building permits, what would be the result of this action?

My concern with allowing this language to remain in all Eliot Shores Development building permits is that it utilizes a non-existing, unapproved access for a clearly vague use, currently prohibited in the Eliot Code of Ordinances under Section 45-406 (c).

Furthermore, this is an unwarranted infringement upon the Ordinance, using undefined, non-specific language such as “emergency access”, “gated”, “if possible”, “emergency circumstances”, etc.

If this unapproved, illegal “emergency access” is attempted and not achieved in an emergency situation — perhaps because it is not in compliance with any Town Street and Design Standards, wouldn't that subject the Town of Eliot to possible litigation?

I ask that the Board of Appeals consider these and other concerns tonight and grant the Administrative Appeal and direct the CEO to rescind Building Permit #11/13 and reissue the Permit without the offending language of Condition of Approval Item #5(a).

Respectfully submitted,
Bill Hamilton”

Chairman Cielezsko said, for the record, that Mr. Finnigan had said “clearly defined use” instead of “clearly vague use” which was in Bill Hamilton’s original correspondence that he had.

Ms. Hanson said that their appeal is very straight forward and all they are asking is that the building permit be issued without paragraph 5a.

Ms. Hanson distributed copies of Sec. 45-406, Traffic, of the ordinance to the Board, calling their attention to (c) and said it was inappropriate for the CEO to mention a road that does not, or should not exist. Ms. Hanson read:

“Notwithstanding any other provision under this section to the contrary, no new access street or road, whether public or private, providing access to more than 14 house lots or dwelling units, shall be permitted or constructed if directly connected to any public street(s), which such existing public street(s) do not meet current town street design and constructions standards at the intersection(s) of any such proposed access street or road and any such public street(s).”

Ms. Hanson said they would like the CEO to rescind mention of the access road.

Mr. Lytle asked if they had no problem with the building permit, only the one paragraph.

Ms. Hanson said they have no problem with the building permit except for the part that mentions the access road off of Boyce Road.

Mr. Lytle asked if that part was taken out, would that be acceptable to you, and is that all you want?

Ms. Hanson replied yes.

Chairman Ciesleszko asked Jim Marchese, Code Enforcement Officer, if he would like to enlighten the Board on this matter.

Mr. Marchese said he came up with the document (Standard Attachment to Building Permits for Lots Within the Briarwood Shores Development) to give a past history and it was a mistake on his part. He said he was merely expressing his opinion on the development of Briarwood Shores. He said his intent was to express his concern for the safety of the neighborhood. He said if a tree fell, an emergency vehicle should be able to get in a second way, and that was the intent of the document.

Mr. Marchese said if a person were to buy a home there, and there should be an emergency, it would be like a balloon on a string, i.e. if it breaks away, there is no way for an alternate means to tie the two together.

Mr. Marchese said he was trying to make potential buyers aware because they are non-conforming lots.

Mr. Marchese said the authority to grant permits was given to owners of the subdivision through multiple court cases and that is why he had listed that so everyone is aware of the history of Briarwood Shores.

Based on this appeal, Mr. Marchese said he revised his statement, and his opinion on the second access should be constructed, but he will take out the mention to Boyce Road. He said he read the Court cases and understands that Boyce Road cannot be used.

Mr. Lytle said he had a question for the Code Enforcement Officer and asked what would happen if a tree fell on Bond Road. He said there are a number of roads in town with the same situation.

Mr. Marchese replied he has not issued a building permit for that road.

Mr. Lytle said that he was using that as an example, but there are a number of roads in town where they cannot get an emergency vehicle down the road.

Mr. Billipp asked the applicants if they were aware of the revised document, dated May 2nd (which the Board had received in their packets).

Ms. Hanson replied no.

Mr. Billipp asked Mr. Marchese to make them a copy of the modified document, but Mr. Marchese said the copier is broken.

Mr. Marchese said he agreed with the applicant and the second line should be stricken. He said the access road should be used only in an emergency situation. He said this document was modeled after a different one pertaining to a senior housing development. He said he had the ability for that application to be approved based on the road re-configuration and that emergency access to Route 236 would be available.

Mr. Billipp said if this is the opinion of the CEO, would he agree that he might as well suggest a second and separate means of egress and ingress – if that could be accomplished somehow.

Ms. Lemire wanted to know if this is the appropriate place to put that denial of information because she is not sure that it is.

Ms. Lemire understood that Mr. Marchese was trying to make people aware, but a building permit is a legal document and she is not sure if this was a good place to attach this information.

Chairman Cielezsko asked Ms. Lemire if that was a question.

Ms. Lemire replied yes, she was questioning the appropriateness of the information in the attached document.

Mr. Marchese said if a lot is built, the owner will come in for a building permit, and he thought he would attach this statement to the building permit as an opinion from the Code Enforcement Officer and a home owner will have direct access to this information.

Ms. Lemire recommended the CEO make it a separate document and not attach it to the building permit.

Mr. Billipp said he wanted to summarize what Ms. Lemire was saying and asked if this Standard Attachment was just a summary and the CEO's opinion.

Mr. Marchese responded yes.

Mr. Lytle suggested taking out the word "constructed" in the first bullet under #5 and substituting it with "considered" on the revised document.

Mr. Billipp said that is a discussion for another time and asked that the Board re-focus on the Administrative Appeal.

Chairman Cielezsko said they could re-write this for the Code Enforcement Officer or delete it or not touch it, if Mr. Lytle or Ms. Lemire wanted to make changes.

Mr. Billipp asked if the Board could do that.

Chairman Cielezsko replied yes.

Mr. Billipp thought it was unnecessary, and that was his opinion.

Mr. Lytle asked what he was talking about.

Mr. Billipp replied that the Board can work with the CEO some other time to re-word this document, not during a public hearing.

Chairman Cielezsko thought this was the Board's only opportunity.

Mr. Billipp responded that the applicants are asking the Board to overturn the Building Permit and its language in the standard attachment.

Chairman Cielezsko said all they want is to remove that paragraph.

Ms. Hanson pointed out that the paragraph (5a) is a condition and they are appealing granting the condition that is attached to the Building Permit. She said they would like it removed.

Chairman Cielezsko said we do not have to grant the removal, the Board is able to re-write this.

Mr. Billipp said it is in the conditions as a standard requirement.

Chairman Cielezsko said it is put in with the building permit, so it is a condition, and part of the condition of approval. He asked if Mr. Lytle was clear.

Mr. Lytle asked if what the Chair was saying is that the Board can take out Part A and it does not affect the building permit.

Chairman Cielezsko responded yes.

Mr. Lytle said that the Chair said the Board could modify it and Chairman Cielezsko responded yes, but he would ask the CEO.

Chairman Cielezsko asked Mr. Marchese if the Board had the authority and was it his understanding to address this application without revoking the permit by removing that paragraph.

Mr. Marchese replied that this presents a gray area because an administrative appeal on the decision of the CEO is if he had done something directly contrary to the ordinance. He said he was stating his opinion.

Chairman Cielezsko said he understood that for the administrative appeal to be approved, the Board has to find that the CEO's decision was clearly contrary to specific provisions of this ordinance. He asked Jim Marchese if he agreed that, if the Board found that his decision was clearly contrary, they would have the authority to modify the action by a vote of three members, as referenced in 45-49(a).

Mr. Marchese replied yes.

Mr. Lytle said the CEO just stated "in his opinion," but he was not sure if that sentence is his opinion.

Chairman Cielezsko asked him whether or not it is relevant.

Mr. Lytle replied that Mr. Marchese said "this is his opinion" rather than say "this is the ordinance."

Mr. Marchese said that if it is the opinion of the applicant, and there is a conflict based on the applicant's opinion, the Board of Appeals does have the authority to remove ambiguities in the condition of approval.

Chairman Cielezsko asked if there were any more questions of the Code Enforcement Officer. None were mentioned.

Chairman Cielezsko asked if any interested parties wanted to speak.

Mark Turner, Boyce Road said he does not have a problem either way with the revised language and the town should review the ordinances. He said he did not believe the revocation of the building permit was mentioned. He said that is what passed last week.

Mr. Turner said he bought the lot and would get the building permit because he assumed they could build there. He said he would not be living there, but it would be a big problem for him if he could not build there and thought the Board of Appeals should look into it.

Chairman Cielezsko said the case he was talking about was retroactively adopting a town ordinance and this ordinance is well-established. He said anyone has the ability to appeal a decision within a 30-day window, and there is no problem, until the 30 days have passed.

Chairman Cielezsko asked if there was anyone else who wished to speak. No one spoke.

Chairman Cielezsko asked if there was a question of the owner. No one spoke.

Chairman Cielezsko asked if there were any rebuttals.

Ms. Hanson asked the Chair if she could ask the CEO a question. The Chair agreed.

Ms. Hanson wanted to know if it was okay if the Board took that language out of the condition.

Mr. Marchese agreed.

Ms. Hanson said all they want to do is to take out any mention of the access road from the building permit.

Chairman Cielezsko asked if there were any other questions.

Mr. Lytle wanted to know if the appellants had read the revised one and Ms. Hanson said no.

Mr. Lytle and Mr. Billipp gave them their copy to read.

Ms. Hanson said this is a grandfathered sub-division and thought they should incorporate Mr. Lytle's suggestion to use the word "considered." She said they do not want a second road in there for the town to "grant its opinion."

Chairman Cielezsko asked if there were any further questions.

Richard Higgins said he had one – and asked whether or not he would have a house and when would he know. He said he hoped to be the owner of the house and they are supposed to go to closing June 10th. Mr. Higgins said if he did not have a building permit, he cannot go to closing.

Mr. Higgins wanted to know if the appeal did not get approved, could the building of the house continue.

Chairman Cielezsko replied yes.

Mr. Higgins asked if he could go home and rest easy. Chairman Cielezsko said he would not say that.

Russ McMullen, 371 Beech Road said there would not be a second entrance way involved with the lot and the right-of-way was totally dissolved to Boyce Road. He said that is the only way the second entrance could be placed.

Mr. McMullen said he understood the appellant's concern because, as a realtor, he was concerned with language that would go into a building permit, regardless of whether the dead end road was paved or private. He said he would see the effect on the prospective buyer.

Chairman Cielezsko said most of what Mr. McMullen was saying was valid.

Mr. McMullen wanted to know about future projects.

Chairman Cielezsko said that Mr. McMullen should meet with the CEO some other time.

Chairman Cielezsko asked if there were any more comments from the general public.

Ms. Hanson said that they would like to stand by their original appeal, and that the CEO's opinion should not be inserted in with the Building Permit.

Chairman Cielezsko asked the Board if they had any more questions.

Ms. Lemire wanted to know from the Code Enforcement Officer how this attachment came about.

Mr. Marchese replied he created it.

Ms. Lemire wanted to know if Mr. Marchese had run it past Dan Blanchette.

Mr. Marchese said he thought it would be in the best interest of everyone to show the development of the parcels.

Ms. Lemire said she did not disagree with the CEO's reasoning, but asked if that was required.

Mr. Marchese replied no, that is not required of the Code Enforcement Officer.

Chairman Cielezsko asked if Mr. Marchese was aware of anything in the ordinance that denies him the ability to offer his opinion.

Mr. Marchese replied not that he was aware of.

Chairman Cielezsko asked if there were any more comments, and hearing none, closed the public hearing at 7:55 p.m.

Chairman Cielezsko stated the findings of fact:

- The lot in question is Tax Map 78, Lot 78, in the Rural zone;
- The application is for an Administrative Appeal and is dated April 25, 2011;
- The applicants are: Mary K. Hanson, Kevin Finnigan, Bill Hamilton, Karen Evans, Helen Berube, Bruce Turgeon and Jennifer Stout;
- The mailing address for the appeal is 45 Boyce Road;
- The owner of the property is Maine Source Homes, Inc.;
- The appeal refers to the Standard Attachment to Building Permit #11/13;
- The applicants have shown standing under Sec. 45-50, (b), subsection "C";
- The Board of Appeals has to authority to hear the case under Sec. 45-49 (a) Administrative Appeals;

- Testimony by Russ McMullen is that the defined right-of-way to Boyce Road has been sold;

Chairman Cielezsko asked if there were any other Findings of Fact the Board wanted to add:

- Peter Billipp -The approved date on the Building Permit is March 30, 2011, which includes the Standard Attachment;
- Phil Lytle - A letter from Bill Hamilton dated May 10th was submitted in support of the appeal;
- Ellen Lemire - It was testified by the CEO that there is nothing in the ordinance prohibiting him from stating his opinion on the Building Permit.
- Chairman Cielezsko – It has been testified and shown through conclusion of condition, that Stacy Lane is to be the only egress to that lot.

Chairman Cielezsko wanted to remind the Board that the Administrative Appeal is based on the decision of the CEO and that he acted clearly contrary to provisions of the ordinance.

Mr. Lytle asked what about the section of the ordinance?

Mr. Billipp said the ordinance prevents no new road connecting to Boyce, but the mention of that road is the opinion of the Code Enforcement Officer, attached to the Building Permit. He said the Building Permit is issued with the Standard attachment, which is the opinion of the Code Enforcement Officer, but it is not mandated, and went clearly against the ordinance.

Mr. Billipp said the applicants are not objecting to the granting of the building permit, but to the language in the CEO's opinion and wanted to know if the Board could overturn the Building Permit.

Chairman Cielezsko said only if the CEO has gone against the ordinance.

Mr. Billipp said this makes it tricky as he is not saying it exists and it is his opinion.

Ms. Lemire said she was struggling with this, and even though the CEO said it is his opinion, #5 says Conditions and it is a condition.

Chairman Cielezsko said that, if the ordinance is not being followed, they could remove that reference.

Mr. Billipp asked if the Board could modify a condition of an approved permit.

Chairman Cielezsko said they could modify or remove the condition.

Ms. Lemire said they would have to prove that the CEO acted clearly contrary to the ordinance.

Chairman Cielezsko said they have an ordinance which states there can be no access to Boyce Road.

Mr. Billipp thought it was possible that the Board could say the CEO acted clearly contrary to the ordinance.

Chairman Cielezsko said that whether or not the applicants are satisfied with the revised language, he would rather have the language removed without modification because it is sketchy to have any language.

He said it would appear that the CEO has been clearly contrary to the ordinance and the paragraph should be removed, other than the first sentence.

Mr. Billipp asked if that would overturn the Building Permit.

Chairman Cielezsko said the Board could modify the Building Permit, and then the CEO would have to issue a revised Building Permit, without that paragraph, except for the first sentence about motor vehicle access is to be from Stacy Lane only without changing the standing of the permit.

Mr. Lytle asked if just that paragraph was contrary to the ordinance.

Chairman Cielezsko replied yes.

Phil Lytle moved to remove that section out of the Standard Attachment of Building Permit #11-13 and that Condition 5a would be modified to consist of “Only Motor Vehicle access is to be from Stacy Lane.”

Chairman Cielezsko said the motion should include the CEO acted clearly contrary to the provisions of the ordinance.

Mr. Lytle revised his motion to approve the request for an administrative appeal because the Code Enforcement Officer did act clearly contrary to specific provisions of the ordinance in Sec. 45-406(c) and that the remedy would be to modify Building Permit 11-13 to remove language in the second paragraph of #5, Conditions (a) on the “Standard Attachment to Building Permits for Lots within the Briarwood Shores Development” to be replaced only with the first sentence, “Motor Vehicle access is to be via Stacy Lane only.”

The motion was seconded by Ellen Lemire.

Ms. Lemire asked if there was a consent agreement. Chairman Cielezsko replied he did not know.

Mr. Billipp asked if this was a motion to overturn or agree.

Ms. Lemire said the CEO acted clearly contrary to the ordinance.

Mr. Billipp said they have to take action on this appeal, to accept or reject it.

Vote taken by a show of hands and the motion passed 3-0. The Chair concurred with the majority.

Chairman Cielezsko said he would send a Notice of Decision letter within seven days to the appellant.

Chairman Cielezsko declared a five minute break at 8:16 p.m. and reconvened the meeting at 8:21 p.m.

3. REVIEW AND APPROVE MINUTES AS NEEDED

Chairman Cielezsko said the Board had before them the minutes of March 17, 2011 and asked if there were any corrections, additions, or deletions. Several grammatical errors were noted by Ms. Lemire.

Phil Lytle moved to approve the minutes of March 17, 2011 as amended, seconded by Peter Billipp. Vote was taken by a show of hands and the motion passed unanimously.

4. OTHER BUSINESS AS NEEDED

The Board discussed the proposed strip club and the law that was passed, Retroactive Revocation Law LD 389.

Chairman Cielezsko said that there is a 60-day moratorium and they have time to pass the ordinance, so they cannot get a building permit.

Chairman Cielezsko said that at the last meeting, the Board discussed the Court's decision on Eliot Shores LLC.

Chairman Cielezsko said that Bill Hamilton mentioned that the March 17th minutes do not show the Board of Appeals' understanding of the decision. Chairman Cielezsko offered to develop a position paper on the jurisdiction and duties of the CEO, Board of Appeals and Selectmen, using the new understandings developed by the Eliot Shores' court decision and present it at the next meeting.

The Board discussed application fees. The CEO mentioned currently they are charging \$55, but he said the ordinance states the fee is \$25.00 plus the cost of advertising and notifying the abutters.

Mr. Marchese said he would like to modify the fee from what the application states to reflect what the ordinance says.

Chairman Cielezsko said he has no problem with that. He said that \$55 was written by one of the former CEO's, but Kate Pelletier changed that fee to follow the ordinance..

Mr. Marchese said that the Board of Appeals should ask the Board of Selectmen to consider revising the ordinance to reflect a flat fee.

Chairman Cielezsko asked if it is too late to get it on this year's ordinance.

Mr. Lytle replied it is too late for June, but not for November.

Chairman Cielezsko said the fee should reflect what the ordinance says.

Mr. Marchese asked that the Board of Appeals bring this up to the Board of Selectmen so there can be a town vote and they can change the ordinance. He said that the average has been around \$150.

5. ADJOURN

At 8:39 p.m., Ellen Lemire moved to adjourn the meeting, seconded by Phil Lytle. All were in favor by a voice vote.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved by: _____
Edward Cieleuszko, Chairman
Eliot Board of Appeals

Date Approved: _____
June 16, 2011