

## **ITEM 1 – ROLL CALL**

Present: Bill Hamilton, Chair; B. Cabot Trott, Vice Chair; John Marshall; Charles Rankie, Jr.; Ellen Lemire; Jay Meyer, alternate member

Also Present: Shelly Bishop, Code Enforcement Officer; Ann Lukejord, Recording Secretary

Absent: Rosanne Adams, alternate member (excused)

## **ITEM 2 – PUBLIC COMMENT PERIOD**

The Chair called for public comment. There was no public comment.

## **ITEM 3 – PUBLIC HEARINGS**

The Chair re-opened the Administrative Appeal from December 16, 2021, by James Folan, 291 Harold Dow Highway, Eliot, ME, regarding a decision of the Eliot Planning Board under Sec. 33-82 (Site Review and Change of Use Ordinance) on property located on Map 29, Lot 27-1A. The Chair noted that Mr. Folan had withdrawn his Administrative Appeal. As such, no action was required by the Board of Appeals. The Chair closed the hearing.

## **ITEM 4 – REVIEW AND APPROVE PREVIOUS MINUTES**

**Mr. Rankie moved, second by Mr. Trott, that the Board of Appeals accept the minutes of August 19, 2021, as amended.**

Vote: 5-0  
Motion approved

**Mr. Rankie moved, second by Ms. Lemire, that the Board of Appeals accept the Minutes from December 16, 2021, as amended.**

Vote: 5-0  
Motion approved

## **ITEM 5 - DISCUSSION: REMOTE PARTICIPATION POLICY**

Prior to discussion of the remote participation policy, Mr. Rankie noted that during the December meeting the withdrawal of the Request for a Practical Difficulty Variance by Julie Weiss, presented by her husband John Shibley, provided an unusual situation and was a valuable experience for the Board. Members agreed.

Mr. Hamilton began the discussion on the Town's remote participation policy by stating that the Board of Appeals will now have the OWL (the Town's video conferencing system for use by remote participants) at every meeting. Mr. Hamilton noted that use of the OWL will not be available as a discretionary option but will be on at every Board of

Appeals meeting. He reiterated that it is in the best interest of the board that all members attend meetings in person.

Mr. Hamilton referred to comments by Michael Liechenstein about the remote policy. Mr. Rankie said he agreed with Liechenstein. Mr. Hamilton read from the policy and then quoted Mr. Liechenstein's response.

Mr. Trott said he loved the idea of remote access for the public as it allows for greater public involvement.

Ms. Lemire said responsibility for running the OWL was not the board's responsibility but was done by the Town and recently by the Land Use administrative assistance.

Mr. Hamilton re-focused the discussion on the policy itself. He stated that it would assist members and the public should someone have a compromised health issue. He added that the public still has the option to attend in person if they wish to do so.

Discussion focused on what exactly is the device, what does "OWL" stand for, and how does it work. Mr. Meyer gave a brief description.

There was concern that a speaker may be ignored, especially if they were asking a question or wanting to comment from their home online.

Mr. Trott asked, "How would we know that a person wants to speak?"

Mr. Meyer explained that Kearsten Metz, Land Use administration assistant, has run the online queue and made sure remote participants were able to take part when it was their turn. As a matter of fact, Ms. Metz had done this with success remotely from her home.

Ms. Lemire stated that it is always imperative that the board inform people ahead of time of the meeting agenda.

Mr. Hamilton agreed, adding that the appellant would have a case if the board did not announce the hearing date and time prior to the required 10-day window.

Mr. Trott said that he understands that more and more government agencies are using online applications and access. As an example, he pointed to Coast Guard classes and certification processes which are now online. Mr. Trott said he understands how it streamlines things.

Mr. Meyer said that being able to participate online will be a benefit to lawyers who are coming from a distance like Yarmouth or Portland. He said, "There is a personal savings there for the appellant." Mr. Meyer added that this could be a benefit for abutters, as well, who cannot travel to the meeting in person. In response to a concern that people online would interrupt people speaking in-person, Mr. Meyer said people online are muted until it is time for them to speak.

Mr. Rankie pointed out that Ms. Adams, who is absent from the meeting and at home, could have participated from home via the OWL. All agreed.

To provide clarity, Ms. Lemire showed members the OWL from her laptop.

Mr. Hamilton stated that he will have Ms. Metz put the remote option in red ink on the bottom of all future agendas so the public will clearly see how to participate remotely.

Ms. Lemire said that more people will be able to watch public hearings via remote participation and that this is a good way for Eliot residents to better understand the role of town government.

Mr. Hamilton stated that there was no need for a motion on a vote on the matter. Mr. Rankie asked if the Chair would like a consensus. The consensus was that all agreed in use of the OWL. Mr. Meyer said it would be good to get lessons on setting up the OWL and how to trouble-shoot issues.

Mr. Trott asked what the board would do if there was a technical issue and a lawyer participating remotely was disconnected.

Mr. Meyer said the lawyer would just call back in to restore the connection and continue participating.

Mr. Hamilton asked if there was any further discussion. There was none.

#### **ITEM 6 - OTHER BUSINESS**

Mr. Hamilton asked if there was any other business.

Mr. Marshall asked about the Folan appeal that was on the agenda but had been, "Are they timed out?"

Mr. Hamilton answered yes.

Mr. Marshall asked, "Are they done legally?"

Mr. Hamilton explained that was why he read the continuance and stated that the appeal time had passed for the appellant to take any further action.

In response to a question about members receiving signed meeting Minutes, Mr. Hamilton said that Ms. Metz would be the best person to send out copies to the members as she will have the final, signed version.

Mr. Rankie noted that Eliot resident Linda Keefe had recently passed away. He added that Ms. Keefe had served for two years as the recording secretary for the Eliot Board of Appeals and had done an outstanding job. All agreed.

#### **ADJOURNMENT**

Mr. Hamilton: The Chair will entertain a motion to be adjourned.

**Mr. Trott moved to adjourn. Mr. Marshall seconded.**

The meeting was adjourned at 8:21 p.m.



Bill Hamilton, Chair

Date approved: 3/23/22

**Respectfully submitted,  
Ann Lukejord, Recording Secretary**