

1 Present: Bill Hamilton – Chair, B. Cabot Trott – Vice Chair, Ellen Lemire, John Marshall, and (via
2 Zoom) Charles Rankie, Jr.

3 Also present: Ann Lukegord - Recording Secretary, and (via Zoom) Kearsten Metz - Land Use
4 Administrative Assistant

5 Absent: Jay Meyer (excused), Shelly Bishop – Code Enforcement Officer (CEO)

6 **ITEM 1 – ROLL CALL**

7 Mr. Hamilton: So, it's a little after seven o'clock, July 21, 2022. This is a regular meeting of the Board of
8 Appeals. Would the recording secretary please take the roll call.

9 Ms. Lemire: Do you have a recorder?

10 Ms. Lukegord: I do.

11 Ms. Lemire: I do.

12 Ms. Lukegord: Bill Hamilton.

13 Mr. Hamilton: Yes.

14 Ms. Lukegord: Ellen Lemire.

15 Ms. Lemire: Here.

16 Ms. Lukegord: John Marshall.

17 Mr. Marshall: Yes.

18 Ms. Lukegord: Jay Meyer.

19 Ms. Lemire: No.

20 Mr. Hamilton: Jay has an excused absence.

21 Ms. Lukegord: Charles Rankie.

22 Mr. Hamilton: I believe he is logged in on OWL.

23 Ms. Lukegord: Okay. Cabot Trott.

24 Mr. Trott: Yes.

25 **ITEM 2 – PUBLIC COMMENT PERIOD**

26 Mr. Hamilton: First item of business would be any public comment. If there is anybody in the audience
27 that would like to comment on anything that is not on the agenda tonight.

28 Mr. Rankie: I am unmuted.

29 Mr. Hamilton: You are unmuted, Charlie?

30 Mr. Rankie: I believe I am now. I am present.

Mr. Hamilton: Okay. Thank you. Okay. So, no public comments. We will go on to, I am going to skip the nomination and election of officers and move to after the public hearing. We will do the public hearing right away.

ITEM 3 – PUBLIC HEARINGS

Mr. Hamilton: So, the first public hearing, the only public hearing tonight, is a Practical Difficulty Variance regarding lot lines, requested by Jennifer Penney, 126 Brixham Road, Eliot, on property Map 81, Lot 5, and I believe it's 0.84 acres. Does anyone on the board have a conflict of interest to be able to impartially review and make a judgment on this particular case? This would be the time to state that.

Mr. Rankie: Mr. Chairman.

Mr. Hamilton: Yes, Mr. Rankie.

Mr. Rankie: Yes, Mr. Chairman, I believe I have a conflict of interest. I am an abutter, and I would ask for your permission to step down from this hearing. And I would like to speak as an abutter.

Mr. Hamilton: Yes. I believe that would be fine. You have my permission.

Mr. Rankie: Thank you.

Mr. Hamilton: So, any other conflicts of interest tonight on the board? If not, the voting members on this appeal will be Mr. Marshall, Mr. Trott, Ms. Lemire, and myself. We have a quorum. We only require three as a quorum for a variance. It is a majority vote to either approve or deny. So, let me briefly go, first of all, if there are any, if you have any electronic devices, if you would silence those at this time so we won't be disrupted. So, this meeting is being streamed. It's being recorded and will be available on the town website in a fairly short amount of time. It doesn't take too long.

Ms. Lemire: A couple of days.

Mr. Hamilton: A couple of days, yes. So, let me just briefly go over how the hearing is going to work, and then you can begin. I'll open the hearing, and I've already given a brief request, given a summary of your request. We've determined the voting members. We've determined if there is any conflict of interest. Parties to the action in this case is simply the appellant, the parties represented. Are you both parties for this appeal? Our jurisdiction would be under Section 45-194, which is concerning nonconforming lots of record. And the overall power for the Board of Appeals under Section 45-49 which allows us to approve or deny variances. The standing, you are, by deed you've shown that you are, you have standing in bringing this case forward. There is no question of timeliness because this is not an appeal against a decision by the administrative officer or the code enforcement officer or the planning board. So, you've met both of those standards. This will be a *de novo* review, meaning all testimony received tonight will be considered by the board as we make our decision. So, the procedure will be you will have the opening statement, uninterrupted. You can certainly tell us exactly what you would like us to do tonight, what you would like to have us look at as far as your appeal. And then, we will, the board will have questions of you. And I see there are no abutters or, there are, I'm sorry, there is an abutter with Mr. Rankie. (unclear) He will be giving testimony and then we will ask questions to him. After that, we will since there is no additional. The code enforcement officer I don't believe is here tonight. And doesn't appear to be testifying which I'll have to state for the record that I am very disappointed in that. We have a number of questions for the code enforcement officer. I'm not sure why the code enforcement officer isn't here. She certainly has a major part of this appeal. So, I'm registering my complaint that the code enforcement officer is not present tonight.

72 Ms. Metz: Chairman Hamilton.

73 Mr. Hamilton: Yes.

74 Ms. Metz: She did state that she was unable due to a power outage.

75 Mr. Hamilton: I see. Huh, okay.

76 Ms. Lemire: That doesn't surprise me.

77 Mr. Hamilton: So, she was intending to come to, as far as the OWL, I mean, as far as remotely. Is that
78 correct?

79 Ms. Metz: I'm sorry, sir, I couldn't hear you.

80 Mr. Hamilton: Was she intending to be here remotely and yet can't because of a power outage, is that the
81 reason?

82 Ms. Metz: I believe that is accurate. Yes, sir.

83 Mr. Hamilton: Okay. So, then after, taking other questions after the abutter since there's only one tonight.
84 Once we ask questions both to you and to the abutter, then I will close the public hearing. You will have
85 the last word in case there is something that came up that you would like to address that you hadn't
86 addressed in your opening statement. You will have a chance to make a concluding statement. And then I
87 will close the public hearing and there will be no more testimony from the appellant or from the abutters
88 unless we ask for it. All questions will go through the chair. And let's begin. So, you have the floor.
89 Please for the record, please state your name, address, and whoever, if you both would like to testify,
90 that's fine or, you know, you're both certainly welcome to do that.

91 Ms. Penney: Well, thank you very much. I'm Jennifer Penney and I live at 126 Brixham Road.

92 Mr. Marshall: I haven't understood a word you've said yet.

93 Ms. Penney: I'm sorry. Can I pull this [microphone] forward?

94 Ms. Lemire: Yes.

95 Mr. Hamilton: Sure, go ahead. It's difficult.

96 Ms. Penney: My name is Jennifer Penney and I live at 126 Brixham Road in Eliot. This is my son Tyler
97 who does not live there but is a part of the company that is putting up the garage. I'm sorry it's got to this.
98 The whole thing that started it I had applied for the garage and did not get a response from Miss Bishop
99 for a year and a half. So, I, because I don't know the rules and regulations I assumed if there was a
100 problem I would have heard. So, we began to build and that's my fault. I didn't, the stuff online is very
101 hard for me to understand so that I didn't understand. I also thought that the part that I read said it needed
102 to be, if my garage is not facing the road, it only had to be ten feet. Which is also my mistake because I
103 didn't understand it, and I wasn't getting any help. So, that is where we are. And then, Mr. Rankie filed a
104 complaint because we were building without a permit, and I immediately stopped, and I got back in touch
105 with Shelly. That was almost six months later that she replied to me. So, here we are. I found out since
106 then through her that we need this permit. And I'm doing it wrong, and I needed a variance. And so, I've
107 done everything that was asked on the application and I'm just hoping to resolve it. I didn't mean to cause
108 trouble or a problem for anybody. So, I'm not sure what else I can tell you. My own ignorance and my
109 own not understanding in part and not having guidance from the town was hard. But as soon as I thought,

110 I was in touch with, since Shelly told me I was in the wrong, everything stopped. Nothing's been done
111 since. So, I want to do it right. I want to do it legal. And I don't want to make problems for anyone. I
112 think that's about all.

113 Mr. Hamilton: Okay.

114 Ms. Penney: Is there anything else you need from me?

115 Mr. Hamilton: Well, if you don't mind standing there, we'll have some questions from the board, I'm sure
116 they have questions.

117 Ms. Penney: Absolutely.

118 Mr. Penney: Sir, do you mind if I add one thing?

119 Mr. Hamilton: Yes, certainly.

120 Mr. Penney: I just want to say the reason too for the variance now is because where she was
121 misunderstanding the distance from the road, she's already poured the foundation and done all of that
122 work, and to move that would be, excuse me, costly.

123 Ms. Penney: A mistake on my part.

124 Mr. Penney: So that was the reason for this (interrupted).

125 Ms. Penney: It's actually (pause).

126 Mr. Penney: This variance. Right?

127 Ms. Penney: It's actually twenty-four and a half feet from the road. Twenty-six?

128 Mr. Penney: (Unclear).

129 Ms. Lemire: Your application says twenty-two.

130 Ms. Penney: It's on here. Okay.

131 Mr. Penney: Okay, so twenty-two.

132 Ms. Penney: I can't remember any of the numbers, but we did go over it with Shelly because she needed
133 clarification on natural property line which we did and it's nineteen feet from the road.

134 Mr. Hamilton: It's nineteen feet? So, from the edge of the pavement that you poured already to your
135 property lines (interrupted).

136 Ms. Penney: Property lines.

137 Mr. Hamilton: It's nineteen feet whereas thirty feet is required.

138 Mr. Penney: Correct.

139 Ms. Penney: Yes.

140 Mr. Hamilton: Okay. Any other question, any questions from the board.

141 Mr. Trott: You filled out an application for a permit?

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- 142 Ms. Penney: I did.
- 143 Mr. Trott: And you're over (interrupted).
- 144 Ms. Penney: Almost two years ago.
- 145 Mr. Trott: Almost two years ago? And do you have, I mean, did you (interrupted).
- 146 Ms. Penney: I sent in, actually we probably still have the emails that I sent in to Shelly with the
147 application from online.
- 148 Mr. Trott: That would have been real helpful to have a copy (interrupted).
- 149 Ms. Penney: Oh, as a part of this?
- 150 Ms. Lemire: Yes.
- 151 Mr. Trott: Yes.
- 152 Ms. Penney: Shelly should have it, but I can't get it from her. Yeah, it was, it's been rough.
- 153 Mr. Trott: Okay, so you're, you're (pause).
- 154 Ms. Penney: I was waiting to find out how much it cost and that's what I was waiting for her to tell me
155 and (pause).
- 156 Mr. Trott: And, so, I guess, you understood that there was an application process for getting building
157 permits.
- 158 Ms. Penney: Yes.
- 159 Mr. Trott: And you still moved forward without it?
- 160 Ms. Penney: It had been almost a year and a half. I thought if we, I didn't understand the process and I
161 thought if we were in, you know, if we weren't in the right that I would be contacted.
- 162 Mr. Trott: You were, my understanding from the paperwork, you were contacted because you weren't in
163 the right. And you were asked to stop.
- 164 Ms. Penney: Almost a year and a half later, and I stopped immediately.
- 165 Mr. Hamilton: Did you receive a notice from the code enforcement officer?
- 166 Ms. Penney: Yes. And she told me I was in the wrong and that I needed to stop and that's exactly what I
167 did.
- 168 Mr. Trott: Was that a cease-and-desist order or was it a (interrupted).
- 169 Ms. Penney: No, it was a (pause).
- 170 Mr. Hamilton: A notice of violation?
- 171 Ms. Penney: Yes, a violation. She said to me, I would like to know if you are going to move forward with
172 this because I have to put you in violation if you don't (pause).
- 173 Mr. Hamilton: Okay.

- 174 Ms. Penney: And I have sent her multiple things since.
- 175 Mr. Trott: So, she just, she gave you a warning. She didn't actually go as far as a violation.
- 176 Ms. Penney: Correct. Correct.
- 177 Mr. Hamilton: So, nothing was sent to you?
- 178 Ms. Penney: No.
- 179 Mr. Trott: Kearsten, are you listening?
- 180 Ms. Metz: Yes, sir.
- 181 Mr. Trott: Could you give us a timeline with any emails that you know of for this process?
- 182 Ms. Metz: Certainly. So, per ordinance we have up to forty-five days to respond to any permits received.
- 183 After forty-five days, it's considered a refusal or a denial of the permit. From the emails that I have gone
- 184 over myself, it appears that Miss Bishop sent an email on March 2nd or 3rd, somewhere in there, of 2022,
- 185 stating that it was in violation of the town ordinances, and it needed to be halted, if not, corrected. Or she
- 186 needed to file for a variance to the board.
- 187 Mr. Hamilton: Was that just an email, Kearsten, or was that a notice of violation or was it a cease and
- 188 desist?
- 189 Ms. Metz: No official notice was given because Ms. Penney appeared to desire to be in compliance. So, if
- 190 a resident is working to be in compliance, we tend not to go straight to a violation.
- 191 Mr. Hamilton: Okay. Thank you. Any other questions from the board to the appellant.
- 192 Mr. Trott: So, this is, there's a structure sitting on top of this lot.
- 193 Ms. Penney: A roof and some, the walls are kind of built. Just the, just a shell. Yuh.
- 194 Mr. Penney: It's a metal shell of a carport structure with a metal roof.
- 195 Mr. Hamilton: When was that, when was that erected?
- 196 Ms. Penney: 2020?
- 197 Mr. Hamilton: I'm sorry?
- 198 Mr. Penney: I don't think it was that long ago.
- 199 Ms. Penney: 2021?
- 200 Mr. Penney: It was probably October-ish of 2021?
- 201 Mr. Hamilton: And when was the slab poured?
- 202 Mr. Penney: That was 2020.
- 203 Mr. Hamilton: 2020. And when did you apply, what was the date that you sent the town an email or
- 204 whatever filled out (interrupted).
- 205 Ms. Penney: It was before the slab was poured.

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- 206 Mr. Hamilton: How much before was that?
- 207 Mr. Penney: I think several months maybe.
- 208 Ms. Penney: Yuh.
- 209 Mr. Trott: 2021, 2020?
- 210 Mr. Hamilton: 2020.
- 211 Mr. Penney: It would have been 2020.
- 212 Ms. Penney: And we did not build on the slab for over a year. But I didn't know that if you didn't hear
213 back that it was denied. I had no idea that that was the case. I actually thought the other way. If it was a
214 problem that I would be contacted.
- 215 Ms. Lemire: Where is the slab located in relation to your house?
- 216 Ms. Penney: It's on the side yard.
- 217 Ms. Lemire: Okay.
- 218 Ms. Penney: And the garage is in front. Kind of a horseshoe.
- 219 Ms. Lemire: Right. I know you have a horseshoe.
- 220 Ms. Penney: It's down on the bottom of the horseshoe on the site plan.
- 221 Mr. Penney: It's parallel to the road that the doorway is going. It's parallel to the road, not facing the road
222 itself.
- 223 Ms. Lemire: So, it's actually (unclear).
- 224 Mr. Penney: It is. It's not in line with the house. It's, it would be in front of the house but it's off to the
225 side. If that makes any sense.
- 226 Ms. Lemire: Yes, it does.
- 227 Mr. Penney: Okay.
- 228 Mr. Trott: So, at the, you talk about your research for the concrete (pause).
- 229 Ms. Penney: Yes.
- 230 Mr. Trott: That you were looking at all that and a misunderstanding on the facing setbacks.
- 231 Ms. Penney: I thought if it was facing the side, if it wasn't facing the road, it would only need to be ten
232 feet from the road. That was my understanding of it.
- 233 Mr. Hamilton: And where did you get that understanding?
- 234 Ms. Penney: There's a section in here, and I can try and look it up for you.
- 235 Mr. Hamilton: So, you (interrupted).
- 236 Ms. Penney: But I don't have the actual number.
- 237 Mr. Hamilton: So, you looked at the code?

- 238 Ms. Penney: Yes.
- 239 Mr. Hamilton: And you misunderstood the setbacks?
- 240 Ms. Penney: Yup. Because I thought like I said if it wasn't, I thought it had to be thirty feet from the road
241 that was facing the road. That's where my huge mistake in the whole thing started.
- 242 Ms. Lemire: Yuh, that's actually a setback.
- 243 Mr. Hamilton: Where did you (pause).
- 244 Ms. Penney: (Unclear).
- 245 Mr. Hamilton: Where did you get the notion that if you didn't receive anything from the town then you
246 could just go ahead and do it without paying any kind of a (interrupted).
- 247 Ms. Penney: Oh no, I would have paid. I just thought they would have, when it was done, they would
248 come out, inspected it, make sure it was fine, and then I would pay.
- 249 Mr. Hamilton: That's not the way it works.
- 250 Ms. Penney: I don't know how it works, and that's my, also my fault.
- 251 Mr. Hamilton: Did you ever think of coming into town hall and talking to the code person?
- 252 Ms. Penney: I did. She wasn't here.
- 253 Mr. Hamilton: Did you try to set up an appointment or anything like that?
- 254 Ms. Penney: She's actually been to my house several times.
- 255 Mr. Trott: Prior to this?
- 256 Ms. Penney: Yes. She has seen what's now there.
- 257 Mr. Hamilton: So, now (interrupted).
- 258 Ms. Penney: She saw the slab. Yes.
- 259 Mr. Trott: No. Prior to your pouring or prior to your notice you were in the wrong?
- 260 Ms. Penney: I didn't get a notice that I was in the wrong.
- 261 Mr. Trott: No. When you first started this whole process.
- 262 Ms. Penney: Mm-hmm.
- 263 Mr. Trott: Did she come to the house prior to you even pouring the slab?
- 264 Ms. Penney: Yes, for my pool.
- 265 Mr. Trott: You have a pool?
- 266 Ms. Penney: Yes, which has all been, I have a permit and paid for it. It's an above the ground.
- 267 Mr. Hamilton: With that typically, with that structure, this is a question for Kearsten. Would that
268 structure, that pool fit or usually wind up on the tax maps as being a taxable item? Kearsten, can I ask you
269 a question in lieu of the code enforcement officer?

- 270 Ms. Metz: Of course, sir.
- 271 Mr. Hamilton: The question is the appellant has just stated that she has a pool as well, and yet I noticed on
272 the tax card that there's no mention of a pool. Is that typical?
- 273 Ms. Metz: I would, oh, I'm sorry (pause).
- 274 Mr. Hamilton: Is it typical for an above ground pool to be listed on the tax card? And be taxed for that?
- 275 Ms. Metz: Yes. It is typical to have a pool on the tax card, as you know over the last few years, we have
276 had a switch over from assessors. So, there's a lot of catch-up going on, so it may not be listed for that
277 reason. I would like to also state that I did a little digging today, this morning, just to make sure that I had
278 my ducks in a row, and I do not, and it doesn't mean that there isn't something, but I do not see any
279 permits requested by Ms. Penney for that structure in my email. I don't have access to Shelly's email.
- 280 Ms. Penney: It's not in Kearsten's email, it's in Shelly's.
- 281 Mr. Penney: Is she talking for the garage or the pool?
- 282 Mr. Hamilton: Are you (pause).
- 283 Ms. Metz: The garage. The pool was before my time, I believe.
- 284 Mr. Hamilton: Was there any, could you discover anything in the record to have permitted pool at the
285 time before it was constructed?
- 286 Ms. Metz: I don't have access to that from my home. I'm more than happy to dig for that first thing on
287 Monday. But I do not have the ability to look for that at this moment.
- 288 Mr. Hamilton: Okay. Thank you.
- 289 Ms. Metz: You're welcome.
- 290 Mr. Hamilton: Any other questions for the appellant? (pause) Okay, if not, we sort of have gone through
291 the code enforcement officer for what we don't have information for which we need tonight. I appreciate
292 Kearsten's filling in, but it hasn't met the standard we need to have here tonight. So, I'm going to go to
293 the abutters. Is there an abutter. Charlie, I assume you are an abutter, you mentioned that. Do you want to
294 testify at this point?
- 295 Mr. Rankie: Yes.
- 296 Ms. Penney: What's an abutter?
- 297 Ms. Lemire: People who live next door to you.
- 298 Mr. Hamilton: That's Mr. Rankie.
- 299 Ms. Penney: He doesn't live next door to me.
- 300 Ms. Lemire: Well, within a certain number of feet (pause).
- 301 Mr. Hamilton: He is on the official abutters list.
- 302 Ms. Lemire: Right.
- 303 Mr. Hamilton: You must have received an official copy of that. If you didn't (interrupted).

304 Ms. Penney: It's fine. I'm just trying to keep track (unclear).

305 Mr. Hamilton: Okay.

306 Ms. Penney: Thank you.

307 Mr. Hamilton: Thank you. Mr. Rankie, would you like to (pause).

308 Mr. Rankie: Yes. Can you hear me, Mr. Chairman?

309 Mr. Hamilton: Yes. Loud and clear.

310 Mr. Rankie: [Charles Rankie, Jr., 147 Brixham Road, Eliot] Good. You have been coming in and out, so I
311 am going to speak slowly and if you don't hear anything, please alert me to that. I have an outline here
312 but prior to me getting into my outline, I would just state that I did a Freedom of Information Act and I
313 presented to the town of Eliot code enforcement in November of 2021 and some of the things you are
314 asking questions about, I have email correspondence on. Among the papers that I have, there is no
315 communication whatsoever from Miss Penney to our code enforcement officer relative to a building
316 permit for a garage. Now, if I could start from the top. In summer of 2020, while walking my dog, I saw
317 what appeared to be a new garage slab at 126 Brixham Road. I am somewhat familiar with 126 Brixham
318 Road because a gentleman named Neil Rideout lived there for many years, and I helped him out quite a
319 bit. He was on oxygen. He was not a healthy man. So, I was somewhat familiar with the property. And
320 from what I could see, the slab looked to be ten feet from the property line. In knowing that Brixham
321 Road has a fifty-foot setback, I notified our code enforcement officer, Shelly, and she thanked me, and
322 she reported back that she also had found other unpermitted items at 126 Brixham Road. Among them,
323 she told me, was the swimming pool. And she told me that she would be, that she had notified, I didn't
324 know the people's name at the time, I didn't know Miss Penney's name at the time. She told me that she
325 had notified the residents that they needed to cease and that they could not build on the slab because it
326 was in violation of our ordinances and that she was working to correct things that weren't according to
327 our ordinances and that she was working to get other items such as the pool permitted. And I also
328 subsequently got emails from when I did the Freedom of Information Act that actually supported what I
329 just read to you. Now, what I'd like you to do, if you would, is to take your ordinance book and turn to
330 45-405, if you would, please. When you get there, please tell me.

331 Mr. Trott: I'll share mine.

332 Mr. Hamilton: Okay, go ahead.

333 Mr. Rankie: Okay if you look down in the bottom where it says notes. Brixham Road is in the rural zone.
334 So, if you look down in the bottom where it says notes. "A front yard abutting a state or town road shall
335 have a minimum depth of 50 feet from the right-of-way line."

336 Ms. Lemire: No letter, Charlie?

337 Mr. Hamilton: What?

338 Mr. Rankie: "A front yard abutting an interior street within the proposed site shall have a minimum
339 depth of 30." Now let me read to you what an interior street is. "An interior street is entirely within the
340 confines of a subdivision or planned unit development." Brixham Road is an artery between Eliot,
341 York, and South Berwick. The setback on Brixham Road is fifty feet and has been fifty feet. And that's
342 why the manufactured housing unit that's on 126 is probably exactly fifty feet from Brixham Road. So,
343 I don't know why people are talking about thirty feet to begin with, the setback is fifty. Now if you

344 please turn to the cover sheet for practical difficulty for this application. Please tell me when you get
345 there.

346 Mr. Hamilton: Okay. Does everybody have that one? It's the cover sheet. Which would be the
347 application.

348 Ms. Lemire: Yuh.

349 Mr. Hamilton: Okay. Go ahead, Charlie.

350 Mr. Rankie: Okay, read, I actually helped work on this and can, we worked to make it so that it was
351 clear what was going on in the, it says, if you look down underneath the requirements, it is very
352 specific. It says, "In addition, a sketch plan, scaled not less than one-inch equals twenty feet of the
353 property must" – it doesn't say may, it says must – "accompany this application. It must show
354 dimensions and the shape of the lot, the size and locations of existing buildings, the locations and
355 dimensions of proposed buildings or alterations, and any natural peculiarities." Okay. This lot, 126,
356 says the property was transferred to the current owners and not only has the manufactured house that
357 was there but in addition to that house (interrupted).

358 Mr. Hamilton: Excuse me, Charlie. [To Ms. Penney at the podium] You can sit down. You don't have
359 to stand. I'm sorry, I didn't mean to make you (pause).

360 Mr. Rankie: This, this. Am I okay to speak?

361 Mr. Hamilton: Yes. Go ahead.

362 Mr. Rankie: Am I okay?

363 Mr. Hamilton: Yes, Charlie, go ahead.

364 Mr. Rankie: There's additionally, there's an accessory building on that lot. There's no scale whatsoever
365 in print that you've been presented with. And what's worse, as far as I'm concerned, with respect to
366 these omissions to the Board of Appeals is that you folks, the Board of Appeals members are not
367 allowed to do site visits so you wouldn't know that that accessory building wasn't there. You wouldn't
368 know what the, and I estimate, I haven't been on the people's property, I estimate just walking by that
369 that slab is ten to twelve feet from their property line. The code enforcement officer should not have
370 allowed this application to go forward to you because it's incomplete. The plan that is presented to you
371 shows a distance from the pavement that has no relevance to what you're looking at. The property itself
372 has enough room and is suitable to properly locate whatever it is Miss Penney cares to put on there. It's
373 just that she's not following the rules. And I would add that there's something in the description that
374 Miss Penney writes of disabilities, and as you all know, there are allowances that can be made for
375 disabilities, under a different variance and a different set of rules that is brought up but that does not
376 apply to what's before you. And I guess to summarize I say that you should refuse this appeal. The
377 building is already, has already been built. To not refuse this appeal is to make a mockery of the people
378 that follow the rules and of the rules themselves. Thank you, Mr. Chairman.

379 Mr. Hamilton: Thank you, Mr. Rankie. Yes, there's a hand up, yes. Kearsten?

380 Ms. Metz: Yes, Mr. Chair. So, there is another abutter here who would like to speak. But if you have
381 any questions in regard to what Mr. Rankie said I am able to answer those appropriately, if you would
382 like.

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- 383 Mr. Hamilton: Well, the way we operate is that once an abutter provides testimony the board likes to
384 question that abutter and then we'll talk to the next abutter.
- 385 Ms. Metz: Yes, sir.
- 386 Mr. Hamilton: Thank you. That's, I think that's the way we're going to do that. Do we have any
387 questions to Mr. Rankie about anything he has testified to, from the board?
- 388 Ms. Lemire: Not right now.
- 389 Mr. Hamilton: Okay.
- 390 Mr. Trott: I do have a clarification on that fifty-foot.
- 391 Mr. Hamilton: Go ahead. Is there a question for Mr. Rankie?
- 392 Ms. Lemire: Yuh.
- 393 Mr. Hamilton: Okay.
- 394 Ms. Lemire: I have that question too.
- 395 Mr. Trott: If you've got yours, go ahead, you can ask it, and then he can answer mine.
- 396 Ms. Lemire: Yuh. Well, it's the kind of road that Brixham Road (pause).
- 397 Mr. Trott: Right, and so, Mr. Rankie, in doing your, you live on Brixham, what is that, is that road
398 twenty-five-foot from the center lane type of right-of-way? Or is it (interrupted).
- 399 Mr. Rankie: I'm sorry, Mr. Trott, I can't hear you.
- 400 Mr. Trott: Is that a typical twenty-five-foot from the center lane type of right-of-way on Brixham Road
401 or is it a from the pavement?
- 402 Mr. Rankie: Brixham Road is a two-rod road.
- 403 Ms. Lemire: Two-rod, yup.
- 404 Mr. Rankie: The easement that the town has is a two-rod road.
- 405 Mr. Trott: All right, thanks.
- 406 Mr. Rankie: The ordinance, what I quoted, speaks of property line, not pavement. I believe our fence
407 ordinance has something to do with pavement, but our setbacks are property lines, not pavement.
- 408 Mr. Trott: There are some setbacks by my house, it's from pavement. Because it's the old railroad bed.
409 Which is kind of funny seeing as the pavement moves every time they pave.
- 410 Mr. Hamilton: Any other questions to Mr. Rankie? If not, I'd like to hear from the next abutter. Please
411 state your name and address for the recorder, please.
- 412 Ms. Plocharczyk: Good evening. Can you hear me?
- 413 Mr. Hamilton: Yes.
- 414 Ms. Plocharczyk: My name is Sarah Plocharczyk. I'm at 139 Brixham. When the slab was first poured
415 in August of 2020, I reached out to Shelly Bishop, code enforcement officer, and just inquired if there

416 were any active permits at 126 Brixham Road because the pad appeared very close to the road. After I
417 contacted Shelly, the code enforcement officer, she said she would reach out to Miss Penney. A couple
418 of days later, Miss Penney placed a sign in her front yard directed towards the rest of us on the road.
419 And it reads as follows, "To my concerned neighbors, without mentioning names, I want to thank you
420 for your concern for what I do to my private property. Please rest assured knowing that it is all a-okay.
421 So y'all can get a life, tend to your own business, and stay the fuck out of mine. Have a great day."
422 Since then, I have also received written notes in my mail from Miss Penney threatening me with legal
423 action for quote-unquote harassment. Ultimately, it is up to the town whether or not they wish to
424 enforce the current rules that they have on the books otherwise why have rules. Thank you for your
425 time.

426 Mr. Hamilton: Thank you for your testimony. Any questions from the board to the abutter? (pause) If
427 not (interrupted).

428 Mr. Trott: I do.

429 Mr. Hamilton: Yes.

430 Mr. Trott: Do you actually have a picture of this sign?

431 Ms. Plocharczyk: I do, I can email it to you, if you would like.

432 Ms. Lemire: Can you do it on a shared screen?

433 Ms. Plocharczyk: If you talk me through it, I could probably figure it out. It's on my computer. Can I
434 send it as an attachment in the chat?

435 Mr. Trott: I wouldn't have a clue.

436 Ms. Metz: I believe that you can't, Sarah. The shared screen might be a little bit better just because it
437 makes it a lot bigger for the board to see on the TV.

438 Ms. Plocharczyk: Sure. I'll share screen. I push that one, right?

439 Ms. Metz: Yes, mam.

440 Ms. Plocharczyk: All right, make sure I don't have any other (pause).

441 Ms. Metz: Exactly. Yup.

442 Ms. Plocharczyk: Okay. There we go. Here is the sign (unclear), okay, share. Can you guys see that at
443 all?

444 Mr. Hamilton: Yes, we can see it. It's hard to read but I think the gist of it is what you stated in your
445 statement. Yup. It looks like it is exactly what you said in your statement. Thank you. Thank you for
446 sharing that.

447 Ms. Plocharczyk: You're welcome.

448 Mr. Hamilton: Anyone else?

449 Ms. Plocharczyk: Happy to share it.

450 Mr. Hamilton: Any other questions to the abutter?

451 Mr. Trott: No.

452 Mr. Hamilton: Okay. All right. I guess the last thing before I close the public hearing would be to allow
453 the appellant to respond to what the two abutters have mentioned tonight.

454 Ms. Lemire: You should ask if there are any other abutters on Zoom.

455 Mr. Hamilton: Okay. I'm sorry. Before we do that, I've just been told that I should ask if there are any
456 other abutters on Zoom that would like to weigh in at this point. (pause) Charlie, you already testified.
457 Are there any other abutters that would like to testify? (pause) Kearsten, do you see anyone that when
458 you signed on to the Zoom meeting that would like to testify as either an abutter or as an interested
459 party?

460 Ms. Metz: There is only one other resident on the Zoom, and they have not raised their hand or chosen
461 to identify themselves, so I do not believe so.

462 Mr. Hamilton: Thank you. Thank you very much.

463 Ms. Metz: You're welcome.

464 Mr. Hamilton: So, the appellant has this opportunity before I close the public hearing and then we
465 begin our deliberations to respond to anything that has been brought up to this point, either through our
466 questioning or through the questioning of the abutters that have been, that have testified tonight. Do
467 you have anything to add?

468 Ms. Penney: Yes.

469 Mr. Hamilton: Okay. The floor is yours.

470 Ms. Penney: Yes, I did write that sign.

471 Mr. Hamilton: Okay.

472 Ms. Penney: Because Charlie and Sarah have been, every single possible thing that they could probably
473 complain about has been done. I now have a six-foot fence on (unclear) my property court ordered
474 because they're afraid of my dog. So, seven calls to them, yes, that warrants harassment. Stop harassing
475 me, I just want to be left alone. This whole thing about the garage is my mistake and it's unfortunate
476 and it doesn't have anything to do with either of them except the fact that they kept walking by and
477 stopping and spying at their tape measures. It's none of their business. The other thing that they are
478 talking about on my property is a shed that was built before I moved in. If you need the (unclear) for
479 that, I'd be happy to. I did not know this. I knew nothing about the fifty feet. Shelly never mentioned a
480 word to me about any of it. I'm so upset that this whole thing was handled this way. I don't understand.
481 I mean, how does anybody that isn't looking out for someone else's business and knows part of the
482 dealings of the town, supposed to understand any of these rules and regulations. I don't. I'm just a
483 housewife with disabilities. I live alone. I'm boring. My son was in the service and on a visit home, one
484 of his dogs killed one of Sarah's chickens. And since that day, she's had it in for me. And I'm tired of
485 it. And my legal counsel said that her complaints and concerns warrant harassment charges. Will I file
486 them? That's up to her. I just want to live normal and happy. If you see fit to understand the conundrum
487 I've gotten myself in with this garage and approve it, I will be forever grateful. If not, I will remove it. I
488 don't want to be in, I want to follow the law. I'm not trying to cause trouble or make it hard on them.
489 This has nothing to do with them. She called because my fence was too close to the road and if
490 someone hit it, if someone went off the road, they'd hit the fence. My fence is five feet from the road

491 which I went directly to Sarah (unclear). (Unclear) gave me information that my fence needed to be
492 four feet from the pavement of the street and two feet from my property line on the side. Which my
493 fence is exactly, it's more than four feet. Why would she call and complain about that, if not just to
494 harass me when she was part of the reason that that it was built in the first place by court order. So, I
495 don't know why these people hate me so much. I haven't done anything personally to them. I just want
496 to live my life. I thought the past six years on Brixham Road was it, and it's a wonderful place to be.
497 Now I'm concerned. To talk to many other people on the street who have absolutely no problem with
498 this garage. It's not in the road, it's not blocking anything, it's not ugly. And like he [Tyler Penney]
499 said, like Charles tried to tell you, it is not finished. It is a shell with no finishing to it. It has no doors,
500 no nothing. So, I'm not sure why he wanted you to know that it was done but it's not. As soon as Shelly
501 contacted me, I stopped. I put some plastic up there. That's all I did because I didn't want the wood we
502 had to rot. I didn't know how long it was going to take. But as far as the abutters, and I don't know why
503 these people feel the need to make this so difficult. Like I said, I would really appreciate to have this
504 garage. I have a lot of disabilities. I need to be able not to clean off my car. No children at home to help
505 me. I need to be able to live as independently as I can. If you need doctor's reports, I would be happy to
506 provide them. I have to tell you that I have a heart condition that right now is really being tested. I had
507 an aneurysm for the second time. I've already had one (unclear). I just want to be alone and live. And
508 have my kids visit when they want, and I don't understand. I don't understand why this is happening.
509 I'm sorry. But I'll leave it up to you because, like I said, I do want to follow the rules and regulations.

510 Mr. Hamilton: Thank you very much. Thank you. Anything else? Do you want to say anything else,
511 sir?

512 Mr. Penney: Yeah, I just want to say, I appreciate your guys' time. Obviously, Charles and Sarah have
513 a lot of concern and stuff to say about it. Obviously, their input is just as valuable as ours. And I don't
514 want to discount anybody's opinions or anything like that. But we obviously were in the wrong. We're
515 obviously doing what we can to fix it and move forward. So, if we can do that tonight, that would be
516 excellent. And we appreciate your guys' time.

517 Mr. Hamilton: Thank you very much. If there's no other, that was the last testimony, and I'm going to
518 close the public hearing as of 7:47. I'd like to go through some Findings of Fact before we begin our
519 discussion. The appellant is Jennifer Penney. The Board of Appeals meeting date is July 21, 2022. The
520 property in question is 126 Brixham Road. That is Tax Map 81, Lot 5. It's in the rural zone. It's 0.84
521 acres. The appellant has met the standard of both standing and timeliness. It's a variance under our
522 Section 45-49. This is a practical difficulty variance. The dimensional standards of 45-405 need to be met.
523 The subject property is a nonconforming lot of record, comprising .84 acres where three acres is the
524 minimum lot size in the rural zone. The lot setbacks in the rural zone are thirty feet for frontage, thirty
525 feet for the rear, and twenty foot for a side frontage. The setback from this unpermitted structure was
526 testified by the appellant at nineteen feet. That has been disputed by the abutters who claim that it's only
527 ten feet.

528 Mr. Marshall: Does our code enforcement officer verify any of that?

529 Mr. Hamilton: No, and actually, Mr. Rankie sent an email to the code enforcement officer asking her to
530 go down and measure that distance prior to this meeting and I haven't heard anything about that. That was
531 sent on Tuesday, I believe, this week, two days ago. Let's continue on our Findings of Fact. Section 45-
532 125 states that a building permit is required to build a structure. No permit was attained for the building,
533 which is a 24 by 24 reinforced concrete pad or a garage. Section 45-194 under Nonconforming Lots of
534 Record requires that the Board of Appeals may relax the setbacks standard providing the appellant meets

535 all six conditions as outlined in the application. And before we actually move to either approve or deny
536 this, I'd like to go through those conditions with each board member before a specific vote, but we will
537 get to that. It was testified that an email was sent March 2nd or 3rd of 2022 by the code enforcement officer
538 saying, stating that there was a violation. The appellant testified that in 2020 she sent in for a building
539 permit, heard nothing for several months, and then went ahead without the permit to begin construction of
540 the pad and then subsequently to begin erecting the structure. It was testified that there was a Freedom of
541 Information request by Mr. Rankie, who is an abutter, on November 20th to the code enforcement officer
542 regarding this structure that was being proposed. It was testified that by an abutter that Section 45-405,
543 note (a), states that Brixham Road shall have a minimum depth of fifty feet. Let me read that.

544 Mr. Marshall: That's in reference to the C/I district if you look a little more specifically at that chart. It's a
545 footnote (b).

546 Mr. Hamilton: Okay.

547 Mr. Marshall: And a footnote (b) only applies to the C/I district.

548 Mr. Hamilton: No, this is a footnote (a).

549 Mr. Marshall: Okay. I'm sorry. I misspoke. Yes, (a) only applies to the C/I district.

550 Mr. Hamilton: Let's see.

551 Mr. Marshall: There is no footnote on rural.

552 Mr. Hamilton: Okay. Good point.

553 Ms. Lemire: Oh, yes.

554 Mr. Marshall: There is way down but that's another whole thing altogether.

555 Mr. Hamilton: Good catch. So, we'll disregard that prior statement. That 45-405. We'll just cancel that.

556 Mr. Hamilton: It was testified that the sketch plan is incomplete under the Practical Difficulty Variance
557 application because a sketch plan scale of not less than one inch to twenty feet of the property must be
558 accompanied in this application. "It must show dimensions and the shape of the lot, the size and locations
559 of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural
560 peculiarities of the lot in question." That was not provided to the board. That's all I have. Does anybody
561 else have else anything to add before we go to a motion and our deliberations. If not, those are the
562 Findings of Fact. I will entertain at this point a motion to either approve or deny the appeal to the
563 appellant's request to grant a variance, a practical difficulty variance to the setback which, again without
564 having the code enforcement officer here and not understanding what the actual dimension is between the
565 road and the slab that's been created it's going to be difficult for us. However, I think we have to deal
566 with what we have in front of us tonight. Now, I'll entertain a motion at this point.

567 **Mr. Trott: I'll make a motion to deny.**

568 **Mr. Hamilton: Motion to deny. Is there a second? I'll second it. Discussion.**

569 Mr. Trott: We are missing a lot of information on both sides. It sure would have been nice to have those
570 email communications. Again, the other thing that I do want you to understand that we base everything
571 we do on facts and not emotions.

572 Ms. Penney: I understand that completely. I met with Shelly last week.

573 Mr. Hamilton: Excuse me, no conversation please.

574 Mr. Trott: So, with what we have lack of, makes it difficult on both sides. And the fact that (unclear) what
575 we have is the ordinance that says the sketch has to be on paper, the setback and the lack of having a
576 building permit, the lack of any evidence of an application being started. So, we went, and we have, and I
577 have a copy here. We do have a process where it does say that the lack of attaining a permit requires a
578 disciplinary and can go to a prosecution, so I mean I don't think this needs to go to that extent.

579 Mr. Hamilton: That's not up to us to decide.

580 Mr. Trott: Right, so this is a terrible group of circumstances that have brought her here.

581 Mr. Hamilton: Right.

582 Mr. Trott: But we just have to look at the fact that we're not going to bend the rules, we're not going to
583 make an exception.

584 Mr. Hamilton: Any other discussion? I just would like to state for the record that variances are granted to
585 the property. They are not necessarily granted to a specific need of an appellant. In other words, when that
586 property is sold, whenever it's sold, that variance is going to continue with that property. So, our decision
587 is based not necessarily on the needs of the applicant although we certainly do consider those and those
588 are taken into account, but our decision is based on the ordinance and whether the land itself, the property
589 itself should attain that variance basically. And first, I'd like to, if there is no other discussion at this
590 point, I'd like to go through the six criteria. Of which the appellant has submitted to us as part of the
591 application.

592 Mr. Marshall: If I may, Mr. Chair.

593 Mr. Hamilton: Yes, yes.

594 Mr. Marshall: Our lack of information here makes it very difficult for us to judge some of these criteria.
595 We don't have a neighborhood aerial to see how the other buildings in the area are situated. I only got this
596 packet; I didn't have time to go take a drive by to see what it all looks like up there. I don't even know
597 how to judge some of these because we don't have sufficient information.

598 Mr. Trott: Well, I'll say going by the GSI, which I did, and a drive by, there are enough of those buildings
599 up in that neighborhood that are pre-ordinance, built before.

600 Mr. Marshall: I'm guessing there's a lot of buildings up there very close to the road.

601 Ms. Lemire: There are.

602 Mr. Trott: There are.

603 Mr. Marshall: I mean there's buildings on the roads I travel that I would daresay from the pavement to the
604 front door isn't much more than ten feet.

605 Ms. Lemire: Yuh.

606 Mr. Trott: Yup. But that's prior to the codes.

607 Mr. Marshall: Prior to the codes.

608 Mr. Trott: What we have to work with to decide this is what we have for a code and when this was
609 built.

610 Mr. Marshall: We need to be able to compare, to evaluate is that the nature of the neighborhood and is
611 this going to be different from the nature of the neighborhood.

612 Mr. Trott: If they were coming to us pre-construction, I would agree. The problem is that we have is an
613 existing foundation sitting there that doesn't conform on an already nonconforming lot of record that
614 we need to look at that aspect of (interrupted).

615 Mr. Marshall: Well, we have to be careful not to hold a nonconforming lot (interrupted).

616 Mr. Trott: It's not, it's not, that nonconforming lot of record that goes ahead also out there, I believe
617 it's a ten percent of the total property to be built up on because of it. So, yuh, that does have an impact
618 on the future of that property. So that's (unclear)

619 Mr. Hamilton: Just to address your concern, John, that is number one of the six criteria. I think we can
620 certainly go through that when we discuss those. So, I would like to do (interrupted).

621 Mr. Marshall: I'm more than anything concurring with your statement of this wasn't prepared properly
622 for us.

623 Mr. Hamilton: This is what we have to deal with, and it's been accepted by the code enforcement
624 officer, and we have to deal with it tonight. We can't go back and say, look, she needs to reapply or
625 redo this thing. And I think I would like to go through the criteria because that is what we have to base
626 our decision on. And if you feel that item number one doesn't apply in this case then you should vote in
627 that regard. Otherwise, you know, I think I would like to do that next and then we can continue our
628 discussion but at least we'll have that down as part of the record. If I can do that. Anyone else have any
629 discussion. Ellen, what do you feel about it?

630 Ms. Lemire: I'm just struggling because we don't know for a fact (pause).

631 Mr. Marshall: Anything.

632 Ms. Lemire: Well, the distance to the property line because in the application it says 22.6 feet to the
633 road. But that's not the property line.

634 Mr. Hamilton: Correct.

635 Mr. Trott: But even in her application she has told us it's 22.6 but that still doesn't meet the thirty-foot.

636 Ms. Lemire: No, and that's why she's asking us.

637 Mr. Marshall: That's why they're here.

638 Ms. Lemire: I mean it's (interrupted).

639 Mr. Trott: We have information in front of us that (pause).

640 Mr. Hamilton: We have information that has been submitted and it hasn't been, you know, the code
641 enforcement officer hasn't offered us anything to the contrary.

642 Mr. Marshall: I think it would be safe to say that we don't know how much to give them a variance for.

643 Ms. Lemire: Well, and that's part of what I'm thinking. If we vote in the negative, or if we chose not to
644 approve a motion to deny, then we're dealing with or if we approve it, how much would we give them
645 because we have to give them the minimum to meet. We can't just give them twenty feet or ten feet or
646 however much. It can't be arbitrary; it has to be specific. And we can't do that.

647 Mr. Hamilton: On the other hand, it was testified tonight by Mr. Rankie that he feels that it's only ten
648 feet.

649 Ms. Lemire: But he didn't (interrupted)

650 Mr. Marshall: That it's what?

651 Mr. Hamilton: It's only ten feet.

652 Ms. Lemire: That's just his testimony. We have no document.

653 Mr. Marshall: We haven't seen a document.

654 Mr. Hamilton: We haven't got any of this documented. It's just that's the impression that was given to
655 us. And that is the case with almost every application that we get. We have to go out with a tape
656 measure and measure what the variance, you know, I mean, what the lot line. The code enforcement
657 officer again, you know, I'm very disappointed that we don't have that information.

658 Ms. Lemire: Not much you can do without power.

659 Mr. Hamilton: I'm sorry.

660 Ms. Lemire: There's not much she can do about power.

661 Mr. Hamilton: Anyhow, again the appellant needs to meet all six criteria in order for us to grant the
662 appeal. And I would like to go through those and take a vote on each one at this point. At least we'll
663 have something to judge it by. I understand we've got some loopholes here, and we have, you know,
664 there's nothing supporting some of this testimony that's on the application but that's what we have in
665 front of us. The question is do we grant the variance. We can certainly always, if we do grant the
666 variance, we can certainly always have the code enforcement officer, part of the requirement would be
667 that the code enforcement officer (interrupted).

668 Ms. Lemire: Would that be necessary?

669 Mr. Hamilton: Measure what the actual setback is if we do agree to grant the variance then we could
670 grant the minimum necessary for it. Does that meet everybody's understanding on this one? For
671 number one? I'm not going to go down it, just in general.

672 Ms. Lemire: Yes.

673 Mr. Hamilton: So, the issue is not necessarily the size of the lot.

674 Ms. Lemire: No.

675 Mr. Hamilton: Discretionary. If it turns out it's ten feet, then clearly there is no way, even if we
676 approve this that that's going to happen because we can't grant anything, we can't grant anything other
677 than, you know, we can't grant that.

678 Ms. Lemire: Because it's more than fifty percent.

679 Mr. Hamilton: Yuh, more than fifty percent.

680 Ms. Lemire: Yuh, and if it's, the appellant testified that it's nineteen feet, so we would have to do
681 eleven feet.

682 Mr. Hamilton: Correct. If that indeed is the case.

683 Ms. Lemire: Well, and we don't know (interrupted).

684 Mr. Hamilton: We've had some dispute about that notion.

685 Ms. Lemire: Yes.

686 Mr. Hamilton: But I still think that if we do indeed decide to grant the variance, we can always leave
687 that as a condition of approval.

688 Ms. Lemire: Yes.

689 Mr. Hamilton: That if indeed the lot line is not as was testified then either the variance can be denied at
690 that point, and this hinges on that.

691 Ms. Lemire: Right.

692 Mr. Hamilton: I mean if it's a ten-foot setback, we cannot grant a variance. Period. Under the practical
693 difficulty standard.

694 Ms. Lemire: Yes.

695 Mr. Hamilton: Okay, so let's go back to number one. "The need for the variance is due to the unique
696 circumstances of the property and not to the general condition of the neighborhood."

697 Ms. Lemire: I think that that one's fine.

698 Mr. Marshall: Ellen, can you speak up please.

699 Ms. Lemire: Pardon?

700 Mr. Marshall: Can you speak up please.

701 Ms. Lemire: I'm sorry.

702 Mr. Hamilton: So, do you feel that it meets that requirement?

703 Ms. Lemire: Yes.

704 Mr. Hamilton: Okay. John?

705 Mr. Marshall: I can say yes to that one.

706 Mr. Hamilton: Okay. Cabot?

707 Mr. Trott: Yuh.

708 Mr. Hamilton: Okay. I don't think it meets that requirement. Even though other properties, and again we
709 don't know this for a fact, there may be properties that are, that have structures closer to the road but that
710 doesn't mean that's the general condition of the neighborhood. There may be one or two out of twenty

711 that have maybe their property is too close to the road. That doesn't mean it meets the general condition
712 of the neighborhood. So, I'm going to say no.

713 Mr. Trott: Now that you say it that way.

714 Ms. Lemire: Well, it's due to the unique circumstances of.

715 Mr. Trott: Yuh. When you say it that way (interrupted).

716 Mr. Hamilton: The need for the variance (interrupted).

717 Mr. Marshall: Well, it's a very small lot that's a unique circumstance.

718 Ms. Lemire: Yes. In a three-acre rural zone, it's an acre.

719 Mr. Trott: Less than an acre.

720 Ms. Lemire: Yes. So that's (interrupted).

721 Mr. Hamilton: Is everybody going to stay with their vote?

722 Ms. Lemire: Yes.

723 Mr. Trott: No.

724 Mr. Hamilton: You're changing your vote?

725 Mr. Trott: When you put it that way you're absolutely right. I'm sorry.

726 Mr. Hamilton: Okay. So, Cabot votes no. I vote no. Ellen votes yes, and John votes yes. Okay. That's a
727 tie. Second, "the granting of a variance will not produce an undesirable change in the character of the
728 neighborhood and will not unreasonably detrimentally affect the use or market value of abutting
729 properties." John?

730 Mr. Marshall: I would say it meets that, but I also have to say that without arials we are shooting in the
731 dark there.

732 Mr. Hamilton: Okay.

733 Mr. Marshall: My familiarity with that road is that it's probably not a big deal.

734 Mr. Hamilton: Okay. Cabot?

735 Mr. Trott: I would say that it would affect. It would affect.

736 Mr. Hamilton: So, that's a no.

737 Mr. Trott: That's a no.

738 Mr. Hamilton: Okay. Ellen?

739 Ms. Lemire: I think the first half of it they're fine.

740 Mr. Hamilton: The second half is a problem?

741 Ms. Lemire: Well.

742 Mr. Hamilton: Unreasonably detrimentally affect the use or market value of abutting properties?

743 Ms. Lemire: I don't know. It's for the same reason because we don't have an aerial. I know that there is,
744 where their property is there's Bristol Road and then there's a road that comes out this way. And I don't
745 know what that road is.

746 Mr. Hamilton: Okay. So, is it a yes or a no on that one? Do you agree that it will not produce an
747 undesirable change in the character of the neighborhood or unreasonably (interrupted).

748 Ms. Lemire: I'm going to say yes to that one.

749 Mr. Hamilton: Okay. And I'm going to say no on that one.

750 Ms. Lemire: John, what was your vote on that?

751 Mr. Hamilton: He said yes.

752 Mr. Marshall: I agreed.

753 Ms. Lemire: Okay.

754 Mr. Hamilton: So that's a tie. Number three. "The practical difficulty is not the result of action taken by
755 the applicant or a prior owner."

756 Mr. Trott: No.

757 Mr. Hamilton: Cabot says no. John?

758 Mr. Marshall: Again, not having the emails previously between the applicant and the town hall but from
759 what I can see, unfortunately, I have to say no.

760 Mr. Hamilton: Okay. Ellen?

761 Ms. Lemire: Yeah. It's no.

762 Mr. Hamilton: No. I also say no. Number four. "No other feasible alternative to a variance is available to
763 the applicant." No other feasible alternative to a variance is available to the applicant. We never really
764 even discussed whether there's room. Mr. Rankie had mentioned in his testimony that he thought that
765 there were other ways for that to occur without needing a variance. But we don't know.

766 Mr. Trott: So, I took that drawing that we do have.

767 Mr. Hamilton: Mm-hmm.

768 Mr. Trott: That house is sitting back at the fifty-foot.

769 Mr. Hamilton: Yup.

770 Ms. Lemire: Yes.

771 Mr. Trott: Then, yes, if that went back beside the house, it would.

772 Mr. Hamilton: It would not require a variance.

773 Mr. Trott: No because it would be back forty to fifty feet.

774 Mr. Hamilton: Yuh.

775 Mr. Trott: And it would be quite a bit from the side lot.

- 776 Mr. Hamilton: Mm-hmm. So, what is your vote on that? No feasible alternative is available.
- 777 Ms. Lemire: Well, what about the amount of money it would cost to move that slab back?
- 778 Mr. Trott: Well, I understand but if this was done prior to a slab being put in was what I was looking at
779 for feasibility. And being talking and going through the process prior to this, it could have all been
780 avoided. Just because it hadn't, doesn't mean that, that's, in my book, part of our decision. We're giving a
781 variance on putting a structure on, not one that is already there. The problem with this variance in my
782 mind is that we'd be giving it to continue to put a structure up, not to fix the problem that's there. The
783 problem is there. We can't give a variance for; we shouldn't be giving a variance for something that was
784 done wrong against the code. And we're not blind. All that does is encourage being wrong.
- 785 Ms. Lemire: I know, and we really do need to be, I mean I've had personal experience where that kind of
786 thing impacted me. Because I didn't know.
- 787 Mr. Trott: We had it on the family garage. Remember?
- 788 Ms. Lemire: Yup.
- 789 Mr. Hamilton: So, let's go back to number four. No other feasible alternative to a variance is available to
790 the applicant. Again, we're talking not, I have to disagree with you, Cabot.
- 791 Mr. Trott: That's okay.
- 792 Mr. Hamilton: We're not talking about what exists on the property right now. That's another problem.
793 What we're talking about is would we grant a variance that would be nineteen feet in this case. Would we
794 give an additional eleven feet if there were other alternatives available? Whether the slab is there or not
795 doesn't matter, at this point, to me.
- 796 Mr. Trott: Well, yuh, I agree. The slab, I'm looking at, would we give a variance. Why would you give a
797 variance when they have all that space to put the, move it up?
- 798 Mr. Hamilton: Is the property large enough. It's the question in my mind is the property large enough that
799 if the slab wasn't there, could she build somewhere else on the property without coming to us for a
800 variance.
- 801 Mr. Trott: That's what I'm saying. Yes.
- 802 Mr. Hamilton: You're saying?
- 803 Mr. Trott: I'm saying they can. I'm ignoring the fact that the slab is there.
- 804 Mr. Hamilton: Yuh.
- 805 Mr. Trott: (Pointing to drawing of property supplied by appellant) And I'm looking here to this garage
806 could sit there.
- 807 Mr. Hamilton: Okay.
- 808 Mr. Trott: If that drawing supplied to us is correct. I take it that it is.
- 809 Mr. Hamilton: So, you're saying yes on that one?
- 810 Mr. Trott: I am saying yes. There is a feasible alternative.

- 811 Mr. Hamilton: Okay. John?
- 812 Mr. Marshall: We are supposed to be looking at this prior to something being built.
- 813 Mr. Hamilton: Well.
- 814 Mr. Marshall: And rather than, after the fact.
- 815 Mr. Hamilton: That's correct.
- 816 Mr. Marshall: And my tendency would be to look at this as how can we help, and mistakes have been
817 made, how can we help. This was definitely an inquisition and hardship, but we're supposed to be looking
818 at this prior to. And in looking at it prior to, there does appear to be multiple alternatives. And I hate to go
819 that way, but I don't see an alternative.
- 820 Mr. Hamilton: Okay. Ellen?
- 821 Ms. Lemire: I agree.
- 822 Mr. Hamilton: And I agree as well. There were alternatives to this particular dilemma. Number five. "The
823 granting of a variance will not unreasonably adversely affect the natural environment."
- 824 Mr. Marshall: I don't see a problem with that.
- 825 Mr. Hamilton: Okay.
- 826 Ms. Lemire: I don't either.
- 827 Mr. Hamilton: Cabot?
- 828 Mr. Trott: Neither do I.
- 829 Mr. Hamilton: Okay. All right, so let me just review it. Question number one. You have to meet all five of
830 these. Number six does not apply as the property is not located in whole or part within the shore land area.
831 That doesn't apply. So, we have five criteria, each one of them has to be met before we are legally able to
832 grant you a variance. Number one is a tie which means it failed, 2-2. Number two was a tie which also
833 meant it failed. Number three was four to zero, which means it failed. And, number four was, it also
834 failed. And number five, it passed. So, we have a motion, and a second. Any other discussion before we
835 take a vote.
- 836 Ms. Lemire: I really wish we knew how far the slab was from the property line.
- 837 Mr. Hamilton: If the motion carries then we can make that, I mean, the motion is to deny.
- 838 Ms. Lemire: Mm-hmm.
- 839 Mr. Hamilton: If the motion is defeated, then we can make a condition of approval to, you know, have the
840 code enforcement officer measure that distance, and if it's an unacceptable distance, if it's ten feet instead
841 of nineteen, whatever it is, then the application would be denied.
- 842 Ms. Lemire: Mm-hmm.
- 843 Mr. Hamilton: Given the fact that we don't have enough information. However, our motion today is to
844 deny the appeal. And any other discussion? If not, would the recording secretary please take the vote.
- 845 Ms. Lukegard: Bill Hamilton.

846 Mr. Hamilton: I vote to deny.

847 Ms. Lukegord: Ellen Lemire.

848 Ms. Lemire: I do not vote to deny.

849 Mr. Hamilton: You vote to deny?

850 Ms. Lemire: No.

851 Mr. Hamilton: Oh, okay.

852 Mr. Marshall: I can't hear you.

853 Ms. Lemire: Not to deny.

854 Mr. Hamilton: Okay. John.

855 Ms. Lukegord: John

856 Mr. Hamilton: Oh, I'm sorry.

857 Ms. Lukegord: Yup.

858 Mr. Marshall: I don't want to, but I have to deny.

859 Mr. Hamilton: Cabot.

860 Ms. Lukegord: Cabot.

861 Mr. Trott: My vote is to deny.

862 Mr. Hamilton: The vote is four to one.

863 Ms. Lemire: Three.

864 Ms. Lukegord: Three to one.

865 Mr. Hamilton: I'm sorry, three to one, to deny the appeal. I'm sorry, your appeal has been denied. You
866 have forty-five days to appeal to Superior Court. And I will get you a Notice of Decision within seven
867 days. Thank you very much. And again, I'm sorry your appeal didn't (interrupted).

868 Mr. Penney: No, no, I appreciate your guys' time. Thank you very much.

869 Mr. Hamilton: Thank you.

870 **ITEM 4 – NOMINATION AND ELECTION OF OFFICERS**

871 Mr. Hamilton: Next item of business is the election of. (pause) Next item of business is nomination and
872 election of officers.

873 Mr. Rankie: Mr. Chairman.

874 Mr. Hamilton: Yes.

875 Mr. Rankie: Not quite a point of order but a reference, if you would, under our ordinance, Boards,
876 Commissions, and Committees, Section 2-103 A, Election of Officers. I had to look it up online. I
877 didn't have it with me, so I'm just going to have to set some dot, dot, dots. It says, election of officers,

878 dot, dot, dot, subsequent to the Board of Selectmen action to fill vacancies. So, in light of the fact that
879 Ellen hasn't asked for another term which they should have approved if she asked for another term
880 immediately, until they fill the vacant seat, which I've been informed there are some applicants for, I
881 think it could be proper for us to hold off elections until that time, after reading this 2-103 A.

882 Mr. Hamilton: Could you read it again for us please?

883 Ms. Lemire: What is the section, Charlie?

884 Mr. Rankie: Thank you, Ellen. It's Boards, Commissions, and Committees, Section 2-103 A.

885 Ms. Lemire: That's on the town webpage, right?

886 Mr. Rankie: Yuh, it is. I have a copy in my other book, but I don't have it with me.

887 Mr. Hamilton: Could you read it again for us, please, for the section.

888 Mr. Rankie: Ellen, you can do it, can't you?

889 Ms. Lemire: Yuh, I'll read it.

890 Mr. Rankie: Thank you.

891 Ms. Lukegard: Charlie, is there then a number? Section 2-103 A and then a number?

892 Ms. Rankie: It's 2-103 and then you look down the column and it's A.

893 Ms. Lukegard: Which says election?

894 Mr. Rankie: It talks about election of officers.

895 Ms. Lemire: Is this the ordinance governing Boards, Commissions, and Committees?

896 Mr. Hamilton: Yes.

897 (Members scrutinize section 2-103 A.)

898 Ms. Lemire: Charlie, we're not finding what you're looking at. I don't think we're talking about the
899 same ordinance.

900 Mr. Rankie: Well, I don't know what you're talking about, Ellen, but I hope you trust me. I mean, I
901 read it today but I'm not as good as what I saw. Kearsten and Sarah do with their computers. I don't
902 dare go off this page, I might lose it. But it specifically states that election of officers should be
903 subsequent to the Board of Selectmen's action to fill vacancies. It tells time certain to do it but then
904 states that it should be subsequent to the Board of Selectmen filling vacancies. Now, if you don't like
905 that I'm prepared to (pause).

906 Ms. Lukegard: It's two. It's Section A, under Election, it's number two. "Any adult resident of the
907 town is eligible to apply to serve on boards appointed by the Board of Selectmen." Wait, I'm sorry. It's
908 a bit farther.

909 Ms. Metz: So, the only thing that I am seeing for vacancies is A, 5. Vacancies on some boards must be
910 filled as described by applicable state law, other board vacancies filled by election or appointment as
911 determined by the Board of Selectmen or the legislative body of the town.

912 Mr. Rankie: Kearsten, look at the place where it says that boards, committees, and commissions should
913 consist of chairman, vice chairman, secretary, and sometimes treasurer. And then it goes on about
914 electing officers, if my memory serves me.

915 Ms. Metz: I see A-6, Vacancies on appointed boards other than anniversary term expirations, as caused
916 by resignation, shall be filled by the Board of Selectman as soon as possible after posting.

917 Mr. Rankie: No, that's not it.

918 Ms. Metz: Not it still?

919 Ms. Lukegord: Is it three?

920 Ms. Lemire: Page four. Is it at the top of page four, five, Procedures.

921 Mr. Rankie: When I looked at said Section 2-103, parentheses A, or A was in a column, I believe down
922 below, that section and then there was A, B, C.

923 Ms. Lemire: Okay, so 5, Procedures 1, reads, "Each board shall elect officers, as a minimum consisting
924 of a chairperson, vice-chairperson, and a secretary. The board may appoint a treasurer, if needed or
925 desired. Election of officers shall take place annually at the first regular meeting of the board
926 subsequent to the Board of Selectmen's action to fill vacancies as prescribed above or as soon as
927 possible thereafter."

928 Mr. Rankie: That's it.

929 Mr. Hamilton: Okay. Good, I found it too. So, let's postpone this until the board's pleasure.

930 Ms. Lemire: Well, no, no. So, the Select Board was notified of a vacancy, they advertise it for fourteen
931 days, and then out of the applicants that apply, they select appointments. And then, at that point, you
932 can do the elections.

933 Mr. Hamilton: Right.

934 Ms. Lemire: I mean, continue as you are, until then, because it's only a short period of time.

935 Mr. Rankie: That means you're the secretary.

936 Ms. Lemire: Pardon? What did he say?

937 Mr. Hamilton: That means you stay the secretary.

938 Ms. Lemire: No, I'm done. Tonight's my last night. Sorry.

939 Mr. Hamilton: Okay, so given that discussion, let's wait until we have some new members, and we will
940 hold the election of officers at that point. Is that agreeable to everyone?

941 Mr. Trott: I don't think we have to have a vote on it.

942 Mr. Rankie: Thank you.

943 Mr. Hamilton: Thank you.

944 **ITEM 5 – REVIEW AND APPROVAL OF PREVIOUS MINUTES**

945 Mr. Hamilton: Okay, review and approval of previous minutes.

946 **Ms. Lemire moved, and Mr. Hamilton seconded to approve the minutes. The motion passed.** The
947 vote was three to approve with two abstaining as they were not at the meeting on the date the minutes
948 were recorded.

949 **ITEM 6 – OTHER BUSINESS**

950 Mr. Hamilton: (to Ms. Metz) Why don't you go ahead.

951 Ms. Metz: I just want you guys to know that I sincerely have appreciated working with you. If you do not
952 know, I am leaving the town of Eliot. So, I just wanted to make it clear that you guys are a fantastic
953 board. I'm very fortunate for what I have learned from you. So, I look forward to seeing you before I
954 leave but this is my last board meeting.

955 Mr. Hamilton: We are going to miss you, Kearsten. You've done a fabulous, fabulous job. I've never
956 worked with anyone better. Thank you so much.

957 Ms. Metz: I appreciate it. Thank you.

958 Mr. Rankie: Mr. Chairman, I do have a couple of items but if I could, if you'd indulge me. Kearsten, your
959 level of professionalism was really appreciated and I'm sure whomever it is that recruited you is going to
960 benefit from it. But it's you, you're good stuff. Thank you.

961 Ms. Metz: Thank you, Charlie. I appreciate it.

962 Mr. Hamilton: Okay. Next item of business. On Wednesday the 13th of July, there was a summit that the
963 town manager called. A series of, basically, workshops that all the boards were invited to attend, and I
964 asked, I know Cabot was at the morning session. I was at the morning session. And Ellen was at the
965 afternoon session on Wednesday, and I was also at that session. I'd like them to give us really just a brief
966 summary as to what was (interrupted).

967 Mr. Marshall: (referring to the audible testing of the EFD siren) Your only opposition at the moment.

968 Mr. Hamilton: I know, I know.

969 Mr. Trott: I can speak loudly. I did attend the morning one with Bill, and I think definitely these summits
970 are going to be a great thing. It was nice to be able to, for the few of us that attended, we talked to
971 Christine Bennett on, this is what most of that one was about, it was with the Planning Board and the
972 vision of town, if I'm using the right terms. But they like to do, and the big thing I got out of that, I think,
973 is they going to be a real help, is they want to do a subcommittee, they want to go out and they want to
974 talk about what changes they're looking forward to in town. And, as far as the Planning Board, getting
975 input from PD, Fire, Board of Appeals, anybody else that might have some kind of thought to the change
976 of an ordinance, and I think that's a great idea. So, that was the big one that I saw. Other things that were
977 discussed about was the policies of the town and looking into those from Wendy's side of things. So, I
978 thought, it was a great opportunity. They are short, brief discussions but open doors for future stuff.

979 Mr. Hamilton: Great. And in the afternoon, that summit was conducted by our town clerk and the
980 afternoon session was led by our planner, Jeff. And Ellen just give us a brief summary of that.

981 Ms. Lemire: One of the big things I pull away from this is that, and I was saying it to Bill, this is the
982 beginning of the creation of a firm vision for the town. There are things that we need to address in our
983 ordinances but there's also, one of the big things we need to address is communication between the
984 different pieces of town, municipal, all the different departments. I think for me one of the big pulls was

- 985 that the Board of Appeals is a somewhat segregated board from everybody else. They don't deal with
986 ordinances the way the rest of the boards, departments, and committees do. We adjudicate decisions made
987 on those ordinances. So, we need, in terms of all of these things, we need to be cognizant of the changes
988 that are happening and be paying attention before they are voted on so that from our perspective, they are
989 things that are workable. Do you understand what I'm trying to say?
- 990 Mr. Hamilton: Yuh.
- 991 Ms. Lemire: So, another that I thought about with this is that this board does not do any kind of
992 workshopping on the ordinances we have some authority to adjudicate, and they change all the time. And
993 sometimes we're not going to know that. We're not going to know the changes and so we need to be
994 paying attention to those things. Paying attention to things that are voted on at town hall. This is either a
995 good thing or a bad thing but how is it going to impact our board. We need to be filtering, using that filter
996 all the time when we see things coming and once we see them passed. We also need to be paying
997 attention to what the state is doing.
- 998 Mr. Marshall: That's pretty hard to keep up with sometimes.
- 999 Ms. Lemire: It can be.
- 1000 Mr. Marshall: I mean there's usually two or three encyclopedia-sized books.
- 1001 Ms. Lemire: Well, and maybe at some point, you should have a standing subcommittee, or someone
1002 appointed on the board who can monitor some of that stuff. I don't know. I mean we're not as impacted,
1003 directly impacted by that as opposed to the planning board, that's for sure, or the select board. But there
1004 are things going on in the legislature that could impact us. I just want you to be aware of that.
- 1005 Mr. Trott: There's the one that Christine as talking about that just passed.
- 1006 Ms. Lemire: In 2023, that's going to be, it is a big one.
- 1007 Mr. Trott: It is.
- 1008 Mr. Marshall: In light of that, Kearsten are you still there?
- 1009 Ms. Lemire: Yes, she'll be here until the end of the meeting.
- 1010 Ms. Metz: Yes, sir, I am.
- 1011 Mr. Marshall: Did you get the additions out for my code book?
- 1012 Ms. Metz: That is a great question. It has been one crazy couple of weeks.
- 1013 Mr. Marshall: I understand.
- 1014 Ms. Metz: Please let me know today or tomorrow and I will get to those and make sure everybody has
1015 those before I leave on Thursday.
- 1016 Mr. Hamilton: That would be great.
- 1017 Mr. Trott: You're the best, Kearsten.
- 1018 Ms. Metz: Oh, you guys are so sweet.
- 1019 Mr. Hamilton: Okay, anybody else for new business or other business.

1020 Mr. Rankie: I do, Mr. Chairman.

1021 Mr. Hamilton: Okay.

1022 Mr. Rankie: With respect to the hearing we just had and without speaking about anything specific, I do
1023 think that it's imperative that the Board of Appeals does something through the chairman for number one,
1024 recognizing that the package was incomplete. Certainly, I knew that I was going to ask your permission to
1025 step down but at seven in the morning on Tuesday, I sent an email to our code enforcement officer who I
1026 believe I copied you on the face of it.

1027 Mr. Hamilton: Yes, I mentioned that at our meeting. Yes.

1028 Mr. Rankie: I asked her to give us the front setback in exact measurement and I'm not seeing it. I thought
1029 that she would appear today and tell us what it was, but I've been looking for it. And also, we were quite
1030 hard to change the application for fields and then to not have a complete package sent forward to us, it
1031 should have been short stopped in the code office. And we should never have received this thing
1032 incomplete. I think that's critical. And I just throw that out and ask for discussion among my fellow
1033 members.

1034 Mr. Hamilton: I think we've had this discussion before about incomplete applications and it's just going
1035 to be continuous, you know, a continuous thing. When we receive an application, we sort of have to
1036 assume that it's complete and then when it's not, as you pointed out. I didn't recognize it. You know
1037 because when I see the numbers that were put down in the application, were reviewed by, I assume, were
1038 reviewed by the code enforcement officer before it came to us, I assume those are correct numbers. In this
1039 case, the 19.6 feet was a correct number. So, I felt that that was complete. And as far as the sketch plan, I
1040 missed that one. But that's a definite. We definitely need a sketch plan to the correct dimensions. So, I
1041 will bring that up to the code enforcement officer again.

1042 Mr. Rankie: When I first saw this sketch that we had, yes, I'm a trained civil engineer but I mean I looked
1043 at it immediately and I saw setback from pavement. Now, our code officer does this every day. She
1044 should have seen that just as fast as I did. And also, we've put in there that it needs to be, it must be a
1045 scale drawing. So, in my mind, that's what she is being paid to do. A critical function that a code officer
1046 would be doing is making sure that a package that the Board of Appeals, us volunteers, is going to be
1047 complete before it is sent to us.

1048 Mr. Hamilton: I agree, Charlie. Yes.

1049 Mr. Rankie: (unclear)

1050 Mr. Hamilton: There's no question that I totally agree with you, and yet, I guess I felt that I could ask
1051 those questions to her tonight. And yet I was really surprised when I was told this afternoon that she
1052 wasn't going to be here. And I said, and she will be on Zoom, that's fine. And I understand that there's an
1053 issue with that, the power problem, I can certainly understand that too. But it is very disappointing that I
1054 couldn't get those answers. And that was a big problem. We'll just keep fighting it and hopefully we'll
1055 get more complete applications.

1056 Ms. Lemire: We need more staff.

1057 Mr. Hamilton: Thank you, Kearsten, for jumping in.

1058 Mr. Trott: Yes.

- 1059 Ms. Lemire: Yes, you are such a sweetheart.
- 1060 Ms. Metz: May I ask, Charlie, if that email was sent this week on Tuesday or last week on Tuesday.
- 1061 Mr. Rankie: This Tuesday morning, it was sent by me. And I copied Chairman Hamilton.
- 1062 Ms. Metz: Certainly.
- 1063 Mr. Rankie: Well, I think he mentioned that I got asked.
- 1064 Ms. Metz: He did, so I just want to make assurances that she was on an approved vacation this week. So,
1065 if it was sent this week, she may not have been accessible on the day that you sent it. So, I'm not making
1066 excuses in any way, shape, or form, but that maybe why you did not receive a response.
- 1067 Mr. Hamilton: Thank you for the clarification. Okay, anything else for business? Otherwise, if not, would
1068 anyone care to make a motion?
- 1069 **ITEM 7 – ADJOURN**
- 1070 Mr. Marshall: Move to adjourn.
- 1071 Mr. Hamilton: All right. Second?
- 1072 Mr. Rankie: I second that from a far.
- 1073 Mr. Hamilton: Motion moved and seconded to adjourn. All those in favor. We are adjourned. Thank you
1074 again. I would like to say for the record again, thank you Ellen, for all your service to the Board of
1075 Appeals. I'm sorry you're not going to be with us for another term. Appreciate the quality of your
1076 comments and thoughtfulness throughout all proceedings. Thank you.
- 1077 Ms. Lemire: You're welcome.



Bill Hamilton, Chair

Date approved: 10/27/22

Respectfully submitted,
Ann Lukejord, Recording Secretary