

BOARD OF APPEALS

November 8, 2017

7:00 PM

York Library

Long Sands Road, York ME 03909

Chairman Robert Lascelles called the meeting to order at 7:00 PM. Board Members present: Michael Swant, Joe Carr and Associate Members John Kraus, and Victor Manougian.

Board members not present: Ted Mottola, Leon Moulton and Associate Member Britton Garon.

Videotapes of the meeting are available in the Town Clerk's office for review.

**1. Findings of Fact-October 25, 2017**

Administrative Appeal of Michael and Denise McNeice

The voting members were Mr. Mottola, Mr. Carr, Mr. Swant, Mr. Manougian and Ms. Garon.

Motion by Mr. Swant, seconded by Mr. Carr, to accept the draft Findings as written. Passed 3-0-2 (Mr. Swant, Mr. Carr and Mr. Manougian for. Mr. Mottola and Ms. Garon abstaining due to absence.)

- 2. Matter Under Consideration:** Catherine Chaisson, P.O. Box 611, South Lancaster MA 01561 requests a General Variance in regards to a decision by the Town of York Code Enforcement Office concerning shoreland setbacks.

**Property Owner:** Catherine Chaisson

**Ref:** Map 30 Lot 78-B

**Property Location:** 20 A Street York ME

There were no conflicts of interest on the Board. Regular members Mr. Lascelles, Mr. Swant and Mr. Carr and Associate Members Mr. Manougian and Mr. Kraus constitute a quorum and will be voting on this appeal. The appeal was timely filed on October 18, 2017 and Ms. Chaisson has standing as the property owner.

**Present:** Attorney Greg Orso representing Ms. Chaisson

Amber Harrison, Town of York Code Enforcement Officer

The Board discussed the requirement in §18.8.2.4 of notifying the MDEP and the York Conservation Commission, in addition to the abutters, before the hearing. MDEP was notified; the Conservation Commission was not. Tonight's discussion might have to be continued until the Commission is notified and has the opportunity to comment. The Commission usually does not appear, but the notification requirement is part of the ordinance. Board members weighed the options of waiting until the next

meeting, or seeing if all four criteria for granting the variance are met and then contacting the Conservation Commission. Ms. Harrison noted that the Conservation Commission meets the second Wednesday of the month (next meeting December 13). The Board of Appeals will not have a second meeting in November due to the holiday. Mr. Orso suggested postponing hearing the appeal until December 13 in case the Conservation Commission has any issues.

Motion by Mr. Carr, seconded by Mr. Kraus, to continue this appeal until the first meeting in December in order to obtain input from the Conservation Commission.

Discussion: There are two items to consider: whether the four criteria for granting the variance are met, and satisfying the requirements of §18.8.2.4. Input from the Conservation Commission might affect the Board's vote on two of the four criteria. The motion passed 5-0 (Mr. Lascelles, Mr. Swant, Mr. Carr, Mr. Manougian and Mr. Kraus for). The hearing will be continued to December 13.

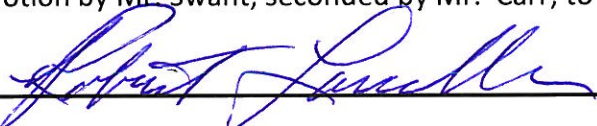
### **3. Code Office Business**

Ms. Harrison asked if Board members are interested in having I-pads. Funding would come from the IT budget. She will bring some I-pads to the December 13 meeting. If members are interested she will arrange a training session. Appellants would still have to submit paper copies.

### **4. Board of Appeals Business**

None

Motion by Mr. Swant, seconded by Mr. Carr, to adjourn. Passed unanimously.

 12/15/2017

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Robert Lascelles, Chairman

Board of Appeals