

BOARD OF APPEALS

April 11, 2018

7:00 PM

York Library

15 Long Sands Road, York ME 03909

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

Board members not present: Leon Moulton and Associate Member Britton Garon

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

1. **MATTER UNDER CONSIDERATION:** EDWARD W. LITTLE, 11 MEETING HOUSE LANE, YORK MAINE 03909 requests an Administrative Appeal in regards to a decision by the Town of York Code Enforcement Office concerning an Accessory Dwelling Unit.

Property Owner: Catherine Stehman-Breen

Ref: Map 56, Lot 08.

Property location: 5 Meeting House Lane, York ME

There were no conflicts of interest on the Board. Regular members Mr. Lascelles, Mr. Swant, Mr. Carr and Mr. Woods and Associate Member Mr. Manougian constitute a quorum and will be voting on this appeal. The appellant has standing as a part owner of this small private way and is affected by any traffic over the ROW. He is a full-time resident.

Present:

Appellant Edward Little

Amber Harrison, Town of York Code Enforcement Officer

Timeliness was discussed. The permit was issued by the CEO on November 7, 2017 and the appeal was filed on February 22, 2018. Mr. Little said he didn't know about the permit until January 24, 2018 when he learned that this is an ADU. He felt that applicants should notify the abutters when a permit is granted and cited Chapter 18 of the ordinance. The work was started on the structure after the time period for filing an appeal had expired. Ms. Harrison stated that the original permit was issued on June 27, 2017 to convert it to an ADU and construct a

bathroom, an amendment was approved on November 7, 2017 to add a deck, and another amendment was approved on January 16, 2018 for an addition to the bedroom. §18-A.4.E addresses voluntary notification of abutters by applicants. Inspections were done on 1/29/18, 3/2/18 (plumbing), 3/14/18 (framing) and 3/19/18 (insulation and electrical).

Mr. Lascelles stated that the permit was outside the 30 day window and the appellant couldn't have known about it. Mr. Manougian asked if the permit was posted on the property. Ms. Harrison did not know, but said the contractor does a lot of work in town and is familiar with the requirements. Mr. Swant referred to the MMA Manual section on timely appeals, and quoted that the Board of Appeals cannot change the appeal period. If the appellant misses the deadline, the Board must deny the appeal. Superior Court would probably also dismiss the appeal for not being timely filed. Ms. Harrison read from §18-A.4.B regarding advance notification to abutters of construction in the Shoreland Zone. A proposed ordinance change would go to the Town Planner and Planning Board before being submitted to the residents for a vote.

Motion by Mr. Swant, seconded by Mr. Carr, to deny hearing the appeal of Edward Little in that the appeal was not filed in a timely manner. Passed 5-0 (Mr. Manougian, Mr. Carr, Mr. Swant, Mr. Lascelles and Mr. Woods FOR)

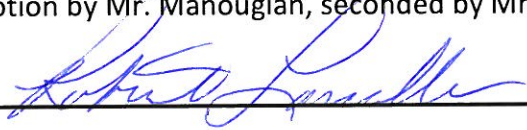
2. CODE BUSINESS

The office has received one appeal for the April 25 meeting.

3. OTHER APPEALS BOARD BUSINESS

None

Motion by Mr. Manougian, seconded by Mr. Kraus, to adjourn. Passed unanimously.



Robert Lascelles, Chairman

Board of Appeals