

BOARD OF APPEALS

April 25, 2018

7:00 PM

York Library

15 Long Sands Road, York ME 03909

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

Board members not present Chairman Robert Lascelles and Leon Moulton.

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

1. **Findings of Fact** -April 11, 2018.

Administrative Appeal of Edward W. Little

The voting members were Mr. Manougian, Mr. Carr, Mr. Swant, Mr. Lascelles and Mr. Woods.

Motion by Mr. Swant, seconded by Mr. Manougian, to approve the draft Findings as written.

Passed 4-0-1 (Mr. Manougian, Mr. Carr, Mr. Swant and Mr. Woods FOR, Mr. Lascelles abstaining due to absence.)

2. **Matter Under Consideration:** Joseph J. Jason, 115 Elmwood Boulevard, York, PA 17403, Denis O'Connor, 30 Glen Lane, York ME 03909, Michael Kofman, 646 York Street, York ME 03909, Peter Dutton, 22 Eureka Avenue, York ME 03909, and Daniel Raposa, 660 York Street, York ME 03909 request an Administrative Appeal in regards to a decision by the Town of York Code Enforcement Office concerning the lifting of the Notice of violation retroactive to July 12, 2017. Property in question is located at 632 York Street. Map 46, Lot 17-A.

Regular members Mr. Swant, Mr. Carr and Mr. Woods and Associate Members Ms. Garon and Mr. Manougian constitute a quorum and will be voting on this appeal.

Mr. Carr reported that the appellants sent e-mails asking the Board to postpone hearing this appeal. Mr. Raposa cannot attend tonight as his father is in the hospital. All appellants agreed to the postponement.

Motion by Mr. Manougian, seconded by Mr. Woods, to postpone hearing this appeal to the next meeting. Passed unanimously. (Mr. Swant, Mr. Carr, Mr. Woods, Ms. Garon and Mr. Manougian FOR)

- Matter Under Consideration:** Edward W. Little, 11 Meeting House Lane, York ME 03909 requests a Reconsideration in regards to a decision by the Town of York Board of Appeals concerning an Accessory Dwelling Unit. Property in question is located at 5 Meeting House Lane and is owned by Catherine Stehman-Breen. Map 56, Lot 08.

There were no conflicts of interest on the Board. Regular members Mr. Swant, Mr. Carr and Mr. Woods and Associate Members Ms. Garon and Mr. Manougian constitute a quorum and will be voting on this appeal.

Present:

Appellant Edward Little

Amber Harrison, Town of York Code Enforcement Officer

For the Board to entertain a reconsideration, members must determine if a major factual error was made or if the Board acted beyond its jurisdiction. Mr. Swant had made the original motion to deny hearing the appeal and felt that the Board did not make any errors. The original appeal was well beyond the 30 day time limit. He was willing to hear from the appellant if there was any new information on timeliness. Mr. Kraus referred to the MMA manual which states that if an appellant misses the deadline for the Appeals Board, the appellant can then appeal to Superior Court. Mr. Manougian said the Board is required to follow the zoning ordinance.

Mr. Swant asked Mr. Little to explain the procedural error he thought the Board had made. Mr. Little said the 30 days began when the permit was issued, but the procedural error couldn't be discovered until it happened. Mr. Swant noted that was 30 days after the permit.

Motion by Mr. Swant, seconded by Mr. Manougian, that the Board should deny the appellant's request for the reconsideration, in that the Board of Appeals did not err in a factual matter or follow an improper procedure. Passed unanimously. (Mr. Swant, Mr. Carr, Mr. Woods, Ms. Garon and Mr. Manougian FOR).

Mr. Little asked if abutters are notified when occupancy permits are issued. Ms. Harrison said the ordinance requires abutter notifications only if construction is within 125' of the high tide mark and when permits are closed.

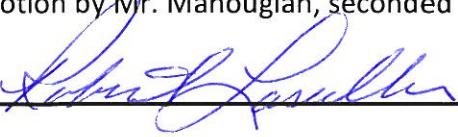
4. Code Business

Ms. Harrison reported that Brown v. York was heard in Superior Court, and the court upheld the Board of Appeals' decision.

5. Other Appeals Board Business

None

Motion by Mr. Manougian, seconded by Ms. Garon, to adjourn. Passed unanimously.

 5/9/2018

Robert Lascelles, Chairman

Board of Appeals