

## RECONSIDERATION

### Findings of Fact:

The appellant is Edward W. Little, 11 Meeting House Lane, York Maine 03909. The property in question is located at 5 Meeting House Lane, York ME, identified as Map 56, Lot 08 and is in the Res 1-B District.

Copies of application for reconsideration, copy of Brackett v. Town of Rangeley decided 8/25/03, excerpts from Gagne v. Cianbro Corp. decided 7/13/81 are all made part of the record.

The appellant requests a reconsideration in regards to a decision by the Town of York Board of Appeals concerning an Accessory Dwelling Unit. There were no conflicts of interest on the Board. 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 of York ME.

The relevant sections of the Zoning Ordinance are §18-A.4.E and §18-A.4.B. MMA Manual page 56.

The reconsideration was considered on April 25, 2018. Videotapes of the meeting are available in the Town Clerk's office for review.

Relevant facts are: 1) 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. 2) The permit was issued by the CEO on 11/7/2017. 3) The appeal was filed on 2/22/ 2018. 4) The appellant learned of the permit and conversion to an ADU on 1/24/2018. 5) The work was started on the structure after the time period for filing an appeal had expired. 6) The original permit was issued on 6/27/2017 to convert the structure to an ADU and construct a bathroom. 7) An amendment was approved on 11/7/2017 to add a deck. 8) Another amendment was approved on 1/16/ 2018 for an addition to the bedroom. 9) Zoning Ordinance §18-A.4.E recommends voluntary notification of abutters by the applicant when a permit is issued. 10) According to the MMA Manual section on timely appeals, the Board of Appeals cannot change the appeal period. If the appellant misses the deadline, the Board must deny the appeal.

### MOTION:

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.

**Vote:** Passed 5-0 (Mr. Swant, Mr. Carr, Mr. Woods, Ms. Garon and Mr. Manougian FOR).



Reconsideration 4/25/2018 (cont.)

Judgment on Findings of Fact: 3-0-2

Approved: 5/9/2018

In Favor: (Ms. Garon, Mr. Swant & Mr. Woods) Opposed: (NONE) Abstained: (Mr. Carr & Mr. Manougian)

A handwritten signature in blue ink, appearing to be the initials 'RD' followed by a flourish.