

## ADMINISTRATIVE APPEAL

### Findings of Fact:

The appellant is Keith Gillis, 31 Parlin Road, York ME. The property in question is located at 60 Nubble Road, York Beach ME Map 27, Lot 101-C. It is in the Res 5 Zone and is owned by Thomas Bergeron, 688 Andover Street, Lowell MA 01852.

Copies of Application for Administrative Appeal dated December 15, 2016; Letter from CEO Amber Harrison dated October 24, 2016; Letter from Keith Gillis to Amber Harrison dated October 29, 2016; Shoreland/Building/Use Permit #2016-0771 issued November 18, 2016; Shoreland/Building/Use Permit Application dated October 17, 2016; foundation certification by Easterly Surveying dated March 22, 2014; Town of York Impact Fee Program dated September 25, 2016; Agent Authorization dated April 28, 2016; GIS Quick Map of the area in question; Board of Appeals Findings of Fact of the October 24, 2012 meeting; Letter from Kenneth Gardner to Bill Dignan dated August 10, 2010; Building/Use Permit Application dated July 16, 2013; Message from Town of York CEO to Keith Gillis dated August 14, 2009; emails from Keith Gillis to Amber Harrison dated December 16, 2014; undated letter from Albert Kleeberg; Ltr from Tim DeCoteau dated Feb 8, 2017, and Warranty Deed are all made part of the record.

The appellant requests an Administrative Appeal in regards to a decision by the Town of York Code Enforcement Office. The building permit in question #2016-0771 was approved on November 18, 2016. The appeal was filed on December 15, 2016, within 30 days, and is timely. Board members concluded that the appellant has standing.

The relevant sections of the Zoning Ordinance are §5.1.9 A & B and §5.5.2.

This appeal was heard on February 8, 2017. A video recording of the meeting was made as part of the official record.

Relevant facts are: 1) Appellant is appealing a building permit issued by the CEO on November 18, 2016 which authorizes the construction of a single family dwelling with no wetland fill. 2) The foundation for the dwelling was constructed in accordance with a building permit issued in September 2013 and passed inspection. 3) Appellant's property has been subject to flooding which he attributes to wetland filling and development on the subject property. 4) The BOA determined that they can consider only the November 2016 permit which is the subject of this appeal and that no previous actions can be considered. 5) The BOA concluded that since the foundation has already been constructed, construction of the dwelling on that foundation will not exacerbate the appellant's flooding problem. 5) The CEO did not err in issuing the permit since the authorized construction will not do any further harm.



**MOTION** by Mr. Moulton, seconded by Mr. Manougian, to deny the appeal.

**VOTE: PASSED 5-0**

In favor: Mr. Manougian, Mr. Swant, Mr. Lascelles, Mr. Moulton and Mr. Kraus

Opposed: None

Judgment on Findings of Fact: April 12, 2017

Approved: 4-0-1 (**In favor:** R. Lascelles, J. Kraus, M. Swant, V. Manougian; **Opposed:** NONE;  
**Abstained due to absence:** L. Moulton)

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