

Town of Boothbay Harbor
BOARD OF APPEALS
Thursday, August 25, 2022 Meeting Minutes

Chair Wolf called the Board of Appeals to order at 6:15 p.m. once a quorum was present.

Members Present: R Cohen, L Rebel, W Wolf (Chair)

Town Staff: Geoff Smith, Code Enforcement Officer

The Chair confirmed the presence of a quorum with 3 members in attendance.

ELECTION OF OFFICERS

1. Members discussed the election of officers. Chair Wolf asked if any member wished to volunteer to serve as Chair or Secretary. She shared that Ms. Bourette had consented to serve as Secretary again, if nominated. *It was moved and seconded (Rebel, Cohen) to elect Wendy Wolf as Chair and Rosemary Bourette as Secretary. Motion passed (3-0).*

OLD BUSINESS

1. Approval of January 13, 2022 minutes: *It was moved and seconded (Rebel, Cohen) to approved the minutes as presented. Motion passed (3-0).*
2. Discussion of PretiFlahery letter from attorney Kristin Collins representing Joseph and Jill Doyle dated August 23, 2022 regarding the January 13, 2022 Board remand order. The correspondence noted that in the intervening seven months, the Planning Board has not taken up the remand.
 - Upon receipt of the letter, Chair Wolf requested guidance from town attorney John Cunningham on the Board of Appeals legal authority and options that the Board might exercise in this matter. Members of the Board discussed the various options outlined in the correspondence from Mr. Cunningham.
 - The Board had also received a letter from Perkins Thompson attorney Joe Siviski, representing the Boothbay Harbor Waterfront Preservation group that noted any “discussion of the merits of this appeal without proper advance notice to all parties would be inappropriate.”
 - The Chair pointed out that the Appeal is still in effect, pending review of the remanded Planning Board action. Therefore, the Appeals Board would not be discussing the Appeal, but rather confine its discussion to determining how to request a status update on the remand order from the Planning Board.
 - Mr. Rebel noted that he was not certain there had been a “delay” in acting on the remand since there may be other extenuating circumstances that might have tabled action on the remand.
 - After further discussion, *it was moved and seconded (Wolf, Rebel) to send a written inquiry to the Planning Board requesting that the status of the remand and the reply to the Board of Appeals be discussed at their September 14, 2022 meeting, and a written reply to the Board of Appeals regarding this matter that includes information on when the Planning Board anticipates it can act on the remand be provided within forty eight hours of the Planning Board meeting. Motion passed unanimously (3-0).*

NEW BUSINESS

1. Approval of Board of Appeals Order of Remand

Pursuant to the Maine Law Court's mandate, the case of the Town of Boothbay Harbor and Harbor Crossing was remanded back to the Board of Appeals, with the Board of Appeals instructed to remand the matter to the Code Enforcement Officer. *Accordingly, in the matter of 28 McKown LLC and Chandler Wright v. Town of Boothbay Harbor and Harbor Crossing, LLC, it was moved and seconded (Wolf, Rebel) that pursuant to the mandate of the Law Court and the remand order of the Superior Court, the Board of Appeals remands this matter to the Code Enforcement Officer for proceeding consistent with the Law Court's opinion. Motion passed unanimously (3-0).*

Adjourn: There being no further business, the meeting was adjourned at 6:31 pm by a unanimous vote.

Respectfully Submitted,
Wendy J. Wolf
Chair, Board of Appeals