

**BRIDGTON BOARD OF APPEALS
MEETING**

Board of Selectmen's Room

**July 24, 2014
7:15p.m.**

The Bridgton Board of Appeals was called to order at 7:15p.m. by John Schuettinger, Chair. Those in attendance were: John Schuettinger, Chair; Sharon Smith Abbott, Vice Chair; Gregory Jones; Robert Mawhinney; Julie Whelchel, Alternate. Absent were: Marita Wiser, Alternate; Vacant Position Regular Member.

Pledge of Allegiance

Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary

Chair Schuettinger appointed Julie Whelchel, Alternate, to act in the capacity of absent regular member.

Approval of Minutes - June 12, 2014

Member Whelchel moved to approve the minutes as submitted.

Vice Chair Smith Abbott 2nd. 4 Approve / 0 Oppose / 1 Abstain (Jones - new to the Board and not present for the meeting).

Approval of Minutes - June 26, 2014

Vice Chair Smith Abbott moved to approve the minutes with the revision as discussed. The motion failed due to a lack of members that were present for the meeting. This item will be added to the next agenda for consideration.

Old Business

Administrative Appeal - Issuance of a Building Permit by Rob Baker, Code Enforcement Officer for the Town of Bridgton

Applicant: Peter Malia Jr., Agent for Peter and Bonnie Motel

**Property Owner: Kevin Murrin, Moose Pond/99 Cedar Drive
Bridgton Tax Map 60 Lot 7**

Represented by Peter Malia, Hastings Malia, P.A.

Review and Accept Findings of Fact and Conclusions of Law

Chair Schuettinger said Member Wiser is not present and she was the third member that voted on this application at the previous meeting. Therefore, I am going to defer to Section VII.F of the Appeals Board By-Laws which states "No member shall vote on the determination of any matter requiring public hearing unless he/she has attended the public hearing thereon or unless he/she familiarized him/her self with such matter by studying the record." Primarily the Findings of Fact and Conclusions of Law and two members were present at the first Public Hearing held on May 22, 2014. Most of the testimony was given at that meeting and the only reason the meeting was continued was because we

had questions for the Code Enforcement Officer who was not present. In my opinion, as Chair, I feel that it is appropriate to allow other members of the Board to vote on this decision. It is up to the attending Board members to determine if they are familiar with this matter in order to vote. Member Whelchel said I would like to abstain because even though I have read the Findings of Fact and Conclusions of Law I did not attend the site walk which was an integral part of the process. Member Mawhinney said I did not attend the site walk but I have read the Findings of Fact and Conclusions of Law and therefore feel that I have familiarized myself enough with the application to vote.

Chair Schuettinger read the Findings of Fact and Conclusions of Law for the record.

Member Mawhinney moved to accept the Findings of Fact and Conclusions of Law and therefore deny the appeal submitted by Peter and Bonnie Motel. Vice Chair Smith Abbott 2nd. 3 Approve / 0 Oppose / 2 Abstain (Member Jones - not present for the meeting and Member Whelchel not present for the site walk).

Chair Schuettinger said the applicant has 45 days to appeal our decision to the Maine Superior Court.

New Business - None

Topics for Discussion

- A. New Member - Gregory Jones, Regular Member
- B. Revised/New Ordinances for your notebooks

Chair Schuettinger adjourned the meeting at 7:29p.m.

Respectfully submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton