

**BRIDGTON BOARD OF APPEALS  
MEETING**

**Downstairs Meeting Room**

**November 20, 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; Marita Wisner, Alternate. Absent were: 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 Marita Wisner, Alternate, and Julie Whelchel, Alternate, to act in the capacity of absent regular members.

**Approval of Minutes - October 23, 2014**

**Vice Chair Smith Abbott moved** to approve the minutes as amended. Member Wisner 2<sup>nd</sup>. 4 Approve / 0 Oppose / 2 Abstain (Member Whelchel and Member Jones - not present for the meeting)

**Old Business**

**PUBLIC HEARING**

**Administrative Appeal - Planning Board Decision**

**Applicant: Rev. Paul Veit**

**Property Owner - Susan Tuck, Thomas Sutherby, Damin Sutherby, John and Joanne Harmon**

**Project: Telecommunication Facility - New Cingular Wireless PCS, LLC (dba AT&T Mobility LLC) and American Towers LLC**

**Location: 214 Hio Ridge Road; Map 13 Lot 53B**

**Represented by Rev. Paul Veit**

**Member Wisner moved** to reopen the Public Hearing.

Vice Chair Smith Abbott 2<sup>nd</sup>. 5 Approve / 0 Oppose

Member Jones said I will recuse myself as I have for past discussion on this issue.

Chair Schuettinger said we received a letter from Mr. Veit withdrawing the application for appeal. John read the letter for the record (copy attached).

Mr. Hobbins said I would like to ask Georgiann Fleck, Deputy Town Manager, if she could disclose, if it is not attorney client privilege, whether or not she had a discussion with Attorney Richard Spencer who is legal counsel for the Town of Bridgton. Ms. Fleck said regarding?

Mr. Hobbins said regarding the withdrawal? Ms. Fleck said yes. Mr. Hobbins said did Attorney Spencer provide information of a legal nature with respect to the status of the appeal if he withdraws it regarding the status of the Planning Board decision that was favorable by unanimous decision? Ms. Fleck said we did not go into discussion regarding the Planning Board decision. I merely informed Attorney Spencer of the letter of withdrawal submitted by Mr. Veit. Mr. Hobbins said did he state to you what other alternatives Mr. Veit could have with respect to the Planning Board decision? Ms. Fleck said it is my understanding that the Planning Board decision stands and he would not be able to proceed to Superior Court. Mr. Hobbins said his legal decision was that Mr. Veit has foreclosed his opportunity by withdrawing his appeal before this Board and has he been informed of that? Ms. Fleck said no, once the Board of Appeals formally accepts the letter of withdrawal he will be along with any options he might have. Mr. Hobbins said and the options are that he could not proceed to Superior Court in order to prosecute his case? Ms. Fleck said correct. Mr. Hobbins said is it possible for the Planning Board to send him a letter informing him of the decision of Attorney Spencer. Ms. Fleck said the Planning Board has completed their process by reviewing the application and rendering a decision so it is now the jurisdiction of the Appeals Board.

Vice Chair Smith Abbott said is it possible for Mr. Veit to change his mind? Chair Schuettinger said not once we accept his letter. Mr. Hobbins said my concern is he has been withdrawn without prejudice so I want him to be aware that this is the final decision.

Chair Schuettinger said we will draft a letter and forward it to Attorney Spencer for review prior to mailing it to Mr. Veit.

Member Mawhinney said because this is a "gray area" is it possible to give Mr. Veit a call and send the letter later? Chair Schuettinger said no I think it should be done formally through the mail.

Chair Schuettinger closed the Public Hearing at 7:31p.m.

Member Mawhinney moved to accept Mr. Veit's letter of withdrawal.  
Vice Chair Smith Abbott 2<sup>nd</sup>. 5 Approve / 0 Oppose / 1 Abstain (Member Jones)

**New Business** - None

**Topics for Discussion** - None

Chair Schuettinger adjourned the meeting at 7:31p.m.

Respectfully submitted,

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Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton