

Baldwin Board of Appeals

21 October 2016 meeting minutes

Members present: Al St. Saviour, Jon Bishop, John Doyle, Dan Pierce, Ron Parker, Laurie Downey

Meeting called to order at 7 pm.

Motion to approve Al St. Saviour as chair, John D. as vice chair, and Laurie D. as secretary. Motion seconded, vote taken: 6 Yes, 0 No. Was noted that there can only be 5 voting members, others members are alternates who can vote if another member is absent. Normally there are two alternates. Dan Pierce agreed to be an alternate.

Since there are new members joining the Board, Al S. asked for introductions, how long each member has lived in Baldwin.

Procedures

Members who have been on the Board - Al S, Jon B. and Dan P.- were asked for ways that the work of the Board could be improved. Suggestions:

- More notice of meetings
- Better flow of information
- Co-chairs take responsibility for getting information out in a timely way
- If there are complex issues and questions come up, have a workshop to discuss.

Norman Blake (Chair of Planning Board) offered the suggestion that we can go ahead and have hearings. If questions come up, can continue hearing to "date certain" in order to have questions answered, but be sure to publicize it properly. Can always ask questions of CEO.

We all need to receive copies of Baldwin's Land Use Ordinances - Danielle will arrange for this.

Maietta

Immediate issue is the appeal from Maietta of their notice of code violation. All members will receive a packet that will include the notice and the appeal letter.

Town lawyer David Lourie will not be able to advise us on this case because he helped CEO Wes Sunderland write the notice of violation. If we want a lawyer, will have to find another.

There was some uncertainty expressed about where procedures for the Board are outlined. Article 7 of the Baldwin LUO gives a barebones description, but what about more detailed guidelines? We do not have bylaws. Al suggested that we get copies of the Maine Municipal Association bylaws template to consider. John agreed to get copies of this template. We discussed getting either an MMA staff member or a lawyer in to discuss general procedure with the Board before the hearing on Maietta. Selectman Bob Flint offered to call David Lourie to ask for referrals. There was some discussion over whether this meeting needed to be public; the eventual consensus was that it should be.

Norman B. said that David Strock, the Planning Board secretary, would provide us copies of the Maietta conditional use permit.

There was agreement that the CEO should be at our meetings, if possible. Laurie D. will make up an email notice list and add Wes to the list. Jon does not use email, so will be contacted by either phone or snail mail.

Al S. then described the gist of the appeal, that Maietta has not met the terms of the Conditional Use Permit (CUP). Norman B. said that if they haven't operated for more than two years, the permit is void - so that is a potentially complicating factor.

By Tuesday 10/25 information packets with copies of the initial CUP, amendments, and notice of violation will be ready at the Town Office for pick up. Al S. will come to the office Monday to help get packages together.

other items:

Norman offered some thoughts to the Appeals Board, from his years on the Planning Board. Article 7 of the LUO should be our guide. Be "passingly familiar" with the rest of the LUO, always have it with you at meetings. Use emails ONLY to communicate meeting dates, pass along documents, etc. but not for discussion or offering opinions on cases. The Board of Appeals exists to remedy errors and to issue variances. Our work has to meet legal standards. Everything we do has to stand up in Superior Court, and exhibit consistency. All decisions have to be based on the LUO. Good idea to consult with the MMA, and the Planning Board is also very willing to help.

We need a file cabinet or drawer in the Town Office. Public should be able to access all files. Bob will discuss this with Danielle.

Bob also thanked all members for agreeing to serve.

upcoming business

Informational meeting will be scheduled for mid November, once lawyer is contacted. A notice will be posted in the Shopping Guide. The Maietta hearing can then be held in early-mid December.

Meeting adjourned 8:15 pm.

Submitted by Laurie Downey
Secretary