

**BRIDGTON BOARD OF APPEALS
MEETING**

Downstairs Meeting Room

**September 5, 2019
5:00 p.m.**

The Bridgton Board of Appeals was called to order at 7:15p.m. by Mark Harmon, Vice Chair. Those in attendance were: Sharon Smith Abbott, Secretary; Mark Harmon, Vice Chair; Bruce Hancock; Kevin Raday; Kappy Sprenger, Alternate; Dick Danis, Alternate. John Schuettinger, Chair was absent.

Pledge of Allegiance

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

n/a

Approval of Minutes - None

OLD BUSINESS - None

NEW BUSINESS -

Administrative Appeal-Planning Board Decision

Applicant: Susan Hatch, Sigvard and Judy Von Sicard and Save Kennard Street.

Property Owner: Saunders Mills

Location: 12 Bacon Street Map 22 lots 85, 86 and 87.

Represented by: David A. Lourie, Attorney at law

Sharon Abbott stated My concern is that you're looking at a very new appeals board.

I am the only one here who has ever actually seen an appeal. And I've seen quite a few in my 27 years, but john is the principal chair and has been for many years. He's very knowledgeable and this is an important case and we want to do justice to it and do it right. Not that I don't have confidence in my fellow board members, but we want to do a proper job. So therefore, we're going to suggest that we have the meeting be continued until next month on the regularly scheduled appeals board meeting, which is the fourth Thursday of the month. By then John should be able to attend.

Anyway, so that's the plan. Not that you're not going to be able to present your thoughts.

James Katsiaficas, Attorney at Perkins/Thompson stated I'm an attorney and representing the Board of Appeals tonight, because the town attorney has represented the planning board, and will be addressing

this board. On behalf of the planning board, we want to make sure that this board, which is the impartial board appeals as neutral counsel from outside it has no connection with any of this process to advise the board. My goal is to be the neutral advisor to the Board of Appeals tonight, the chairs has asked for explanation of how to proceed this evening. Council has met before; it may look like a bunch of umpires getting together during a rain delay. But what we were trying to do is figure out a way to make it fair. the chairs not here tonight, as board members have explained. They would like to have the benefit of the chairs experience in these sorts of matters in order to go forward with the full appeal. However, a lot of you have turnout tonight. So, because of that, in order to do the right thing, each member of the public has a right to comment under the board's bylaws. The board will take the comment from the public tonight and then we'll postpone the remainder of the proceedings, so that the attorneys can then come back and present their argument. The board can begin deliberations.

The board wants to give everyone a fair opportunity to speak up and so the board will allow five minutes per person rather than taking three minutes. If everyone here we're going to speak we would be here all evening. Before we start on that my advice to the board is this. I understand some of you may have spoken to the planning board. When the planning board holds a hearing, it's open to the public. It's open to public comment and testimony. So, your freedom to address that criteria and pretty much to say what you will within reason, is right here. This is an appellate board; the board is hearing an appeal from the planning board. What it can hear is a little more restraint. The board's role here tonight is not to hear this matter all over again for de novo as the Latin is. It's not going to hear comment on everything and hear, the whole case committed they cannot take new evidence, new documentary evidence, new testimony. What it is charged with doing is looking at the record of the proceeding, and that's why you carry this it's not just a weightlifting program is this is the record that has been assembled by Brenda on behalf of the town of what was placed before the planning board and what this board is charged with doing is looking at that record, listening to the argument, listening to the comments, and then determining was there an error of law with the Planning Board decision? Was the planning board's decision arbitrary and capricious? And is there substantial evidence in the record to support the Planning Boards decision? That's the limited scope of review here. It's not to hear an argument over again, to hear the whole application and new, it's to look at the record of what was before the planning board and accept comments and legal argument as to whether that planning board decision is marked or supported by substantial evidence in the record and if it was arbitrary and capricious. That's it. And so, this board has the authority to affirm the decision of the Planning board or to reverse the Planning Boards decision. If it finds that the findings aren't supported sufficiently, and it needs more explanation than it is remanded to the planning board for additional findings. That's all. So, when you make comments this evening, we ask that the comments be

focused on those areas that are before this board. No new evidence, no new testimony, no new documentation but that was submitted to the planning board. State why you believe that the point that the signing warrants decision was there was not erroneous, as a matter of law didn't have substantial evidence, or for might have been arbitrary or capricious. So those are the things that you'd be asked to speak. Five minutes should be sufficient. If, at the end, after everyone's spoken, somebody still feels it there's something more to get out there. That will be at the discretion of the chair or the Vice Chair who's acting as Chair this evening.

Members of the public spoke as the Appeals Board Listened.

Catherine Dipietro-submitted comments in writing. See attached.

Doug Oakley- submitted comments in writing. See attached.

Mark Harmon closed the public comments and asked for a motion to postpone the remainder of the proceedings to Thursday, October 24, 2019 at 5:00 p.m.

Sharon moved to accept that motion. A second was made by Bruce. 5 members approved 0 opposed.

Other Business -

1. other-none

Adjourn - 6:00p.m.

Respectfully submitted,

Brenda Day, Administrative Assistant
Town of Bridgton