



BOARD OF APPEALS MEETING MINUTES

Wednesday January 13, 2016
Town Hall Meeting Room
6:30 p.m.

Call to Order

Chair Russell Gagner called the meeting to order

Introduction of Board Members

Regular Board Members Present:

Russell Gagner; Ron Vigue; John Campbell; Ken Poirier

Regular Board Member(s) Absent:

Diane Morrill

Alternate Members Present:

Pat Boisvert

Staff Members Present:

John Stoll, Town Planner

Pledge of Allegiance

Old Business

- Application for Variance –William Richards. SW intersection of Diamond Hill Rd and Little River Rd Tax Map R18, Lot 14.
 - Applicant requests expansion of building envelop from 30 feet to 60 feet.
 - Decision to Reconsider

The Board discussed the January 6, 2016 decision to approve a variance request by William Richards. The applicant submitted an application requesting a 45 foot front setback when in reality he was requesting a 20 foot setback. Abutting property owners were noticed to a 45 foot front setback rather than the 20 foot setback. There was concern that some members of the Board actually thought the variance request had been

denied when they left the meeting. Board members were also concerned that the application did not include an abutter list or a narrative addressing the State of Maine Hardship test for a variance.

In addition to missing application requirements Board members expressed concern about performance standard voting procedures. The Town Planner was asked to submit a memo outlining some proposed procedures to assist the Board with future decision making. The Board continued to discuss procedures and decision making.

The Board discussed a memo from a memo from Town Attorney Bryan Dench explaining the procedure for reconsidering an application. The Board concurred with Attorney Dench that someone from the prevailing side of the original vote should make the motion to reconsider. The original final vote to approve is included here for reference:

[For Reference Only Vote Taken 1/6/16]

Ron Vigue made a motion that the Board of Appeals grant the variance request of William Richards to have a 20 foot front building setback where a 75 foot front setback is required. On a second from Diane Morrill

**VOTED – 3-2
Motion Passed
Variance Granted**

In favor: Ron Vigue; Diane Morrill; Ken Poirier

Opposed: John Campbell; Russell Gagner

[For Reference Only Vote Taken 1/6/16]

There was concern that a member of the prevailing party, Diane Morrill, was not in attendance so the Board decided to vote with only the four voting members in attendance who voted on the original decision. The Town Planner advised the Board that if it decides to reconsider he will be asking them to cite relevant facts and draw logical conclusions with each decision made.

Motion: Ron Vigue (prevailing side) made a motion that the Board of Appeals reconsider the decision made January 6, 2016 regarding the application for a variance submitted by William Richards.

Second: Ken Poirier (prevailing side)

**VOTED – 4-0
Motion Passed**

In Favor: Russell Gagner; Ron Vigue; John Campbell; Ken Poirier

Opposed: None

The Board will reconsider this application January 27, 2016 at 6:30 pm.

Approval of Minutes

- January 6, 2016

Postponed until January 27, 2016

Adjournment

Motion: Ron Vigue made a motion to adjourn

Second: Ken Poirier

**VOTED 4-0
Motion Passed**

In Favor: Russell Gagner; Ron Vigue; John Campbell; Ken Poirier

Opposed: None

The Board of Appeals adjourned at approximately 7:30 p.m.

Minutes prepared by Town Planner John Stoll, for consideration at the Berwick Board of Appeals next meeting

Signed as Approved by the Board

Russell Gagner, Chair

Date