



# BOARD OF APPEALS MEETING MINUTES

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

## Call to Order

*Chair Russell Gagner called the meeting to order.*

## Pledge of Allegiance

## Introduction of Board Members

### **Regular Board Members Present:**

Russell Gagner; John Campbell; Ron Vigue; Diane Morrill; Ken Poirier

### **Regular Board Member(s) Absent:**

None

### **Alternate Members Present:**

Pat Boisvert

### **Staff Members Present:**

John Stoll, Director of Community Development & Planning; Joseph Rousselle, Code Enforcement Officer

## Old Business

- **Request to revisit** Administrative Appeal of Code Enforcement Officer's Decision – Philip Lemay
  - RE: Building Permit Issued at 183 Cranberry Meadow Rd. (R-37, 10)

Russell Gagner invited the appellant to discuss their case on the particular question “should the board hear the appeal?”. Mr. Gagner shared with the board the possible outcomes: to either make no motion, make a motion with no second, or make a motion and second to reconsider and then hear the case.

Mr. Pierson stated the reason of the appeal is that at the last hearing, there was no real discussion about the town ordinance for a waiver of good cause.

Mr. Pierson apologized to the board for not getting the submission to the board sooner.

Mr. Pierson confirmed the heart of the issue is about notice. He said that this pertains to Article 10.5 and 10.6 in the ordinance. 10.5c says the way he reads is to have the board give the appellant an opportunity to make the case. 10.6 requires the board to make factual findings, Mr. Pierson states the draft minutes does not include any fact findings just a decision.

Mr. Gagner responded by saying that the board did discuss factual specifics, and gave the Lemay's an opportunity to speak.

Ron Vigue pointed out that the permit is signed at the bottom where it says a posted sign should be posted 48 hours after the signing. Mr. Pierson states that the permit was not posted as required. It is the property owner's responsibility and not the Code Enforcement Officer's. Mr. Pierson said that a picture provided does not show any posted sign, and this was after construction.

Mr. Gagner asked when Ms. Ellia asked the Lemay's to purchase property. Mr. Pierson confirmed that the request happened a year before construction.

Mr. Pierson argued that the Lemay's acted rapidly in addressing the construction in a 10-day period.

Mr. Poirier asked what harm the building would do to the Lemay's. Mr. Pierson responded by saying that the non-conformity needs to be worked out. That the new construction does not conform with the ordinance.

Mr. Gagner summarized the options the board has. To either make no motion, make a motion with no second, or make a motion and second.

**Motion:** John Campbell makes the motion that the applicant does have standing to appeal.

**Second:** Pat Boisvert attempts to second (cannot second due to being an alternate member)

*John Campbell withdrew his motion.*

**Approval of Minutes**

- Wednesday, October 26, 2016

**Motion:** Russell Gagner made a motion to approve the minutes of October 26, 2016 as presented.

**Second:** Ron Vigue

**VOTED – 5-0  
Motion Passed**

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

Opposed: None

**Adjournment**

**Motion:** Russell Gagner made a motion to adjourn the meeting

**Second:** Ron Vigue

**VOTED – 5-0  
Motion Passed**

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

Opposed: None

*The Board of Appeals adjourned*

Minutes prepared by Town Planning Technician James Bellissimo, for consideration at the Berwick Board of Appeals next meeting

Signed as Approved by the Board

\_\_\_\_\_  
Russell Gagner, Chair

\_\_\_\_\_  
Date