

## Minutes of the Frye Island Board of Appeals August 15, 2014 meeting

Attendees Chairman Schutz, Andrew DiSalvo, Harry Ledgard, Bobby Aranyi, Tim McCarthy

Public Members in attendance; Jen and Brian Winslow and John Scarrit and his daughter.

The meeting was called to order by Chairman Schutz at 7:00 PM. Chairman Schutz noted we have one item of new business tonight.

Chairman Schutz inquired about the availability of minutes from the July meeting to approve. Member DiSalvo noted that he had not had a chance to transcribe but would do so as soon as possible.

Chairman Schutz noted that the first item of new business is an application for a setback reduction from Jen and Brian Winslow. Appellant explained that a setback reduction was needed to place side exit stairs required by the building code. The home had only front and side exits. Based on the septic and other town requirements, the only place they could put the house they had plans for placed the side exit to close to the line and therefore a setback reduction was required by the CEO in order to proceed. Appellant was hoping to get approval to start and get weather tight by island close.

Chairman Schutz then explained to the Appellant that due to a recent court decision, the ordinance enabling the FI Board of Appeals to grant setback reductions was declared to be not legal by the Cumberland County Superior Court. Chairman Schutz explained that the only thing the Board can grant at this time is a straight variance. Member Ariyiani asked several questions and the board determined that it was not possible to even consider a variance under MRS under this fact pattern. Chairman Schutz noted that the BOS/EC may be bringing up a fix for the town meeting but he wasn't sure as to the timing. He noted he would check with the Town Manager and CEO as well as the BOS/EC on this possibility. Member Aranyi questioned if the abutters would need to be notified again if a hearing was re-held this year. Chairman Schutz noted he would check with the office on this and follow up if necessary.

Member DiSalvo apologized to the appellant for not notifying them of the issue sooner, but the case had just recently been released. The Appellant was frustrated and asked about details of the case. Member DiSalvo noted it was brought by an islander. Member DiSalvo noted he could find details on the county website and how to find the case.

The board discussed the current status of the case and decided to table the application pending action by the BOS/EC so the appellant can have the case re heard this year if a new ordinance is approved and voted on at Town meeting before the island closes for the season. Member Ledgard made a motion to table, second by member DiSalvo, motion passed unanimously.

New Other Business-None noted and no appeals pending

Motion to adjourn at 8:00PM made by Member DiSalvo, second by Member Ledgard. All in favor, meeting was adjourned.