

AGENDA FOR THE BOARD OF ADJUSTMENT AND APPEALS MEETING
DECEMBER 19, 2022 @ 5:00 pm

CONVENE MEETING

REVIEW AND APPROVE MINUTES OF THE 12/1/22 HEARING

CONTINUING THE GALLAGHER APPEAL

DISCUSS NEW BUSINESS

HAYDEN LETTER ASKING BOARD TO RECONSIDER 12/1/22
DECISION*

BUTLER LETTER ASKING BOARD TO RECONSIDER 12/1/22
DECISION†

OTHER LETTERS ASKING BOARD TO RECONSIDER 12/1/22
DECISION§

ADJOURN MEETING

*APPENDIX A

†APPENDIX B

‡APPENDIX C

§APPENDIX D

Clerk

From: Town admin
Sent: Tuesday, December 13, 2022 11:14 AM
To: Clerk
Subject: FW: Makee property on Cottage Road



Viktorija G. Wood | Town Administrator
Town of Chebeague Island
192 North Road
Chebeague Island | Maine | 04017
P: 207-846-3148
E: townadmin@townofchebeagueisland.org
www.townofchebeagueisland.org

From: George Hayden <hayden.george@gmail.com>
Sent: Wednesday, December 7, 2022 9:05 PM
To: centrallanding@gmail.com; samhidval@gmail.com; charleshall@chebeague.net; ted.runge@gmail.com; Town admin <townadmin@townofchebeagueisland.org>; Code Office <codeoffice@townofchebeagueisland.org>; michael.makee@hotmail.com
Cc: george. hayden <hayden.george@gmail.com>
Subject: Makee property on Cottage Road

Dear Town of Chebeague,

I would like to request reconsideration of the Board of Adjustment and Appeals' decision of December 1, 2022. I feel the Board's interpretation of the Coastal Bluff map (SZO Appendix B) was incorrect. I have lived on Cottage RD for many years and there is a distinct break in the coastal shoreland between the Oderda and Todd's property which means that there are no coastal bluffs at the Makee's property. In fact, the shore frontage of Makee's property is all beach and sand.

The notes of the Coastal Bluff Map say, " Beaches and dunes do not form bluffs, except along the seaward dune edge as a result of erosion. This map does NOT identify erosion trends on beaches or sand dunes."

So not only does the decision seem wrong, but because the decision comes after construction is largely complete, the cost of this decision could be in excess of 1 million dollars of liability to us, the taxpayers of Chebeague.

I am sorry that new construction often changes the ocean views that people have come to enjoy over the years, but its not their land. They dont pay the taxes on it and have no right to try and start a homeowners association of island properties.

Thanks for considering my thoughts,

George Hayden

71 Cottage Road

Town of Chebeague Island
192 North Road
Chebeague Island, ME 04017

Phone: 207-846-3148

www.townofchebeagueisland.org

Fax: 207-846-6413

MEMO

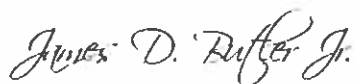
To: Board of Adjustment & Appeals
CC: Vika Wood, Town Administrator
From: Jim Butler, Code Enforcement Officer
Date: 12/7/2022
Re: Request Board of Adjustment & Appeals to Reconsider their Decision

You are hereby notified that I am officially requesting that the Board of Adjustment & Appeals reconsider their decision pertaining to the BOAA Appeal Permit Np. 22-SZ-2 Located at 107 Cottage Road Town of Chebeague Island Tax Map I03 Lot 14. This decision was made on December 1, 2022.

Under Maine State Statute Title 30-A §2691 Section 3-F. The board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

There are many items that the board asked for including legal opinion on the shoreland zoning ordinance, questions of the property owner, questions for the Appellants legal counsel, and additional questions of the Code Enforcement Officer. The board did not allow for any of those things to take place and in which I believe the decision was made prematurely and inaccurately. Additionally, the finding of facts had been pre-prepared and rehearsed. Additional testimony and facts need to be heard by the board to allow for a fair and accurate decision.

Respectfully,



Jim Butler
Code Enforcement Officer
Town of Chebeague Island
Codeoffice@townofchebeagueisland.org
207-357-2551

Michael and Mary Makee
107 Cottage Rd.
Chebeague Island, ME 04017
Phone Number (540) 645-8131
12/9/22

Board of Adjustment and Appeals
Town of Chebeague Island
192 North Rd.
Chebeague Island, ME

Board of Adjustment and Appeals (BAA),

We respectfully request reconsideration of your decision to reverse the Code Enforcement Officer's approval of a Shoreland Project Permit Application for "driveway extension and guest house site" (22-SZ-2) made on December 1, 2022. On November 17th, the BAA voted to continue, not close, its public hearing because the board felt it was missing critical information required before it could reach a decision. Additional information was requested from the Town Attorney, the Code Enforcement Officer, and the property owners.

We attended the December 1st hearing and were prepared to present the requested information along with other important material; however, we were not given the opportunity to speak or present. We believe that **we have been denied our due process to be heard during the de novo review of our Shoreland Project permit.** We are especially concerned that the appellant's attorney was able to submit a response (Appendix G of your decision) on December 1st, but we were not afforded the opportunity to present. The BAA has taken great care to "ensure that the appellants' right to due process is not denied," yet has **denied our right** to due process. We consider the submission and your acceptance of Appendix G as ex parte communications and continues to demonstrate a bias against us.

Under Maine State Statute Title 30-A §2691 Section 3-D: Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts.

We believe your conclusions and findings of fact are inchoate and we are prepared to provide additional evidence and testimony. Thank you for your reconsideration.

Sincerely,

Michael and Mary Makee

From: bucksea@aol.com <bucksea@aol.com>
Sent: Monday, December 5, 2022 4:54 PM
To: Town admin <townadmin@townofchebeagueisland.org>
Subject: Board of Adjustment and Appeals

Hi Vika - I would like to request that the Board of Adjustment and Appeals reconsider their decision made at the continued hearing on December 1 regarding 107 Cottage Road. At the conclusion of the November 3 session that board voted to allow continued testimony at the next session. At the beginning of the Dec. 1 session it was announced that the public portion had closed. This did not allow for any further important testimony which could have changed the outcome. Thank you for this consideration. Don Buxbaum

From: David R. Hill <drhill@chebeague.net>
Sent: Sunday, December 11, 2022 3:39 PM
To: Town admin <townadmin@townofchebeagueisland.org>; Michael Makee <Michael.Makee@hotmail.com>
Subject: Makee property

Dear Ms. Wood,

Due to the proximity to my niece's and her husband's property, I became interested in the Board of Adjustment and Appeals actions concerning the Makee property at 107 Cottage Road. I attended the first hearing and watched the second hearing on Zoom.

The decision rendered in that case appears completely flawed to me. I urge the Town to reconsider this decision and reverse what I consider to be a total miscarriage of justice.

Sincerely,
David R. Hill
13 South Road
Chebeague Island, ME 04017

From: Nancy Hill <nancyhill@chebeague.net>
Sent: Sunday, December 11, 2022 3:36 PM
To: Town admin <townadmin@townofchebeagueisland.org>;
Michael.Makee@hotmail.com
Subject: Makee Property, 107 Cottage Road, Chebeague Island, ME

It would behoove th Town of Chebeague to reconsider the decision of the Board of Adjustments and Appeals. I listened to to the testimony and can not understand how that board came to that decision. I have looked over all the information and do not understand the reasoning

I think that the optics of having a board member with a history of complaints about the Makees, is grounds enough to disqualify that member from participating.

Sincerely, Nancy Hill



Town of Chebeague Island

192 North Road
Chebeague Island, ME 04017
www.townofchebeagueisland.org

Date: December 8, 2022

To: Jeffrey and Norma Drew, James and Anne Gallagher, Appeals Board Members, Planning Board Members, Select Board Members, Code Enforcement Officer, and Owners of and Abutters of Map I-01-014 (107 Cottage Rd)

From: Sandra McLean, Chair, Board of Adjustment and Appeals

Re: Requests to Reconsider the Decision in the Application for Administrative Appeal of Permit #22-SZ-2, 107 Cottage Road, by Gallagher et al.

The Board of Adjustment and Appeals will hold a board meeting on December 19, 2022, at 5:00 P.M. at the Chebeague Island Hall Community Center to determine whether to reconsider its December 1, 2022, decision to enlarge the time for appeal and to reverse the Code Enforcement Officer's approval of a Shoreland Project Permit Application for "driveway extension and guest house site" (22-SZ-2).

All who receive this notice are invited to attend. A copy of the meeting materials may be viewed at townofchebeagueisland.org or at the Chebeague Island Town Office, located at 192 North Rd.