

SOUTHWEST HARBOR BOARD OF APPEAL

APRIL 22, 2020 AND JULY 15, 2020

MINUTES AND FINDINGS OF FACT FOR THE PERRUZZI APPEAL (PERRUZZI II)*

I. Meeting of April 22, 2020

The Board met on April 22, 2020 by Zoom. Present were Lunn Sawyer, Chair, Theodore G. Fletcher, Secretary, Michael Forbes, James Geary, Vice Chair, and John Izenour. Also present were Jay & Jennifer Perruzzi, John Williams, Jon Pottle, Counsel for John Williams, John Larson, Town Code Enforcement Officer, Justin van Dongen, Town Manager, members of the press, and various other attending town residents.

The Board considered two aspects of the Perruzzii appeal: first, that the Williams parking lot did not conform to storm water standards required under the ordinance; and, second, that the lighting at the parking lot did not meet requirements under the ordinance specifically that the lighting was not adequately shielded beyond property boundaries and that it was too bright.

Jennifer and Jay Perruzzi presented their appeal of the CEO's temporary suspension of the Cease and Desist letter he issued.

Motion: The Board finds that the parties have standing and that CEO's acceptance of letters of compliance for the lights and the resulting suspension of his Cease and Desist Letter constitute an action ripe for appeal. (Geary/Izenour, 5-0)

After considerable discussion the Board the passed the following:

Finding: The Board the finds that storm water plan, developed by Greg Johnson, P.E., as presented to the Planning Board meets the requirements of the Zoning Ordinance. (Izenour/Geary, 5 – 0)

Motion: The Board denies that aspect of the Perruzzii appeal elated to stormwater. (Izenour/Geary, 5-0)

The Board then heard conflicting testimony and read several letters written by electricians and presented to the Board concerning the lighting at the parking lot.

Motion: The Board moves to continue the Hearing to a later date to allow the parties to meet with appropriate and technical qualified lighting engingeers to determine what the current levels of the lighting levels are, and then to present those finding to the Code Enforcement Officer for confirmation of compliance. (Geary/Fletcher, 5-0)