

II Meeting of July 15, 2020

Present were Lunn Sawyer, Chair, Theodore G. Fletcher, Secretary, and John Izenour. (Michael Forbes was present on Zoom but unable to participate because of technical problems.) Also present were Jay & Jennifer Perruzzi, John Williams was present through Jon Pottle, Counsel, John Larson, Town Code Enforcement Officer, Justin van Dongen, Town Manager, Jesse Dunbar, and various other attending town residents.

1. The Chair reviewed the timeline of the Perruzzi Appeal (Perruzzi II) and the Board reviewed the record
2. The Perruzzis, counsel for the Williams, the Code Enforcement Officer, and the Town Manager explained efforts to arrive at agreeable readings of the current lighting on the Williams's parking lot.
3. The Board then engaged in a discussion on just what the Board could decide at this juncture, given the changing nature of the factual situation and all that had passed in the time since the CEO's February decision.
4. Finding: The Board finds that the lighting at the Williams's parking lot was not in compliance with the ordinance at the time on February 22 when the Southwest Harbor Code Enforcement Officer issued a suspension of his prior cease and desist letter, and also was not in compliance when the parties met with a lighting engineer on May 11, 2020, whom all parties and the Town had agreed upon. The Board further finds that the Code Enforcement Officer's finding of compliance in reliance on a letter from Fortier Electric was issued in error. (Fletcher/Izenour, 3-0)
5. Motion: The Board of Appeal remands the appeal to the Code Enforcement Officer, to reconsider the lifting or suspension of his Cease and Desist order, issued on February 28, 2020, in light of the Board of Appeal's findings that the lighting was not in compliance at that time. (Izenour/Fletcher, 3 – 0)

Respectfully submitted, Theodore G. Fletcher, 22 July 2020

*This matter is captioned "Perruzzi II" to distinguish it from a prior appeal (the Perruzzi/Wolak Appeals) heard in December 2019.