

SOUTHWEST HARBOR BOARD OF APPEAL

20 JANUARY 2021

MINUTES

The Board of Appeal met via Zoom on January 20, to hear two appeals by Joel Wolak and by Raiser and appealing the decisions of the Planning Board concerning acceptance of the buffering plan for the John and Marty Williams Parking Lot and access to Three Rod Road. These decisions are, in part, after remand from prior decisions of the Board of Appeal. Present were Lunn Sawyer, Chair, James Geary Vice-Chair, Theodore G. Fletcher, Michael Forbes, and John Izenour. Also present were Joel Wolak, Craig Raisner and Lee Ann Rhodes, John Williams and counsel for the Williamses, Jonathan Pottle, Esq., Justin Dornegan, Town Manager, John Larson, Code Enforcement Officer, and Jesse Dunbar, the Assistant Code Enforcement Officer, and Benjamin (“Lee”) Worcester, Planning Board Member. Members of the press and public were also present on the video-conference call.

1. As an initial matter the Board determined 1) that under the Ordinance, the two appeals were to be heard under appellate standards, and 2) that two the appealing parties had standing.

2-A: Wolak Appeal: Joel Wolak appealed the determination of the Planning Board that different levels of buffering could be used along different sides of the Williams parking lot, that the buffering plan as presented included enough specific detail upon which a determination could be made, and whether the parking lot in conformity with the plan.

2-B: Raisner/Rhodes Appeal: Mr. Raisner and Ms. Rhodes appealed the Planning Board’s approval of the buffering plan in so far as it permitted ingress and egress to and from the William parking lot along Three Rod Road at a point close to Main St. This point is labeled on the plan as “6 Three Rod Road.” This lower access to the parking lot lacks screening for the Raisner/Rhodes house at 384 Main St, and Raisner/Rhodes contend that car lights shine into their house and the buffering plan was inadequate to provide buffering or screening along Three Rod Road.

3. After a couple hours of extensive presentation of arguments and discussion, including an offer of compromise and whether the Board of Appeal had the authority to make the determinations it was being asked to make, the following motion was made by Fletcher and seconded by Geary:

The Board agrees to continue the hearing of these appeals for no more than ninety (90) days, with a limited remand to the Planning Board for consideration of an amended plan, following an opportunity for a negotiated agreement between the appellants Wolak and Raisner/Rhodes and the owners of the subject property, the Williamses.

The Board of Appeal approved this motion on roll-call vote of 5-0.

4. The Board held an organizational meeting following the Hearing. The Chair announced his impending resignation, as a result of a move in the near future. The Board discussed the continuing tenure of long-term members, and other membership ideas for proposal to the Town Manager and Select Board.

Respectfully submitted, Theodore G. Fletcher, Secretary for the Board of Appeals,

27 January 2021.