

**Board of Appeals
Notice of Decision – Second Appeal
Administrative Appeal from Bryce & Gail Molloy
For a Decision made by the Planning Board
At 542 Wallston Road**

Nature of Appeal

On October 4, 2016 Bryce and Gail Molloy submitted a second revised application for a ramp and float located at 542 Wallston Road to the Planning Board. The application was denied at the October 25th meeting. A second administrative appeal was filed on November 17, 2016 and the hearing was scheduled and held on December 15th at 7:00 p.m. at the Town Office in St. George. At the December 15th hearing the 2 appeals were consolidated.

Discussion

The Board of Appeals discussed the second appeal and determined that the Planning Board was comparing the use rather than the length/size of the ramp and float and Section 15(C)(5) was the only section in the Shoreland Zoning ordinance that was cited. The issue raised is whether the Planning Board misinterpreted the Shoreland Zoning Ordinance by making reference to uses and potential impacts of the float and ramp under Section 15(C)(5) that are beyond the actual length of the ramp and float as interpreted by the Maine Supreme Judicial Court in *Lentine v. Town of St. George*, 599 A.2d 76, 79, n. 2(Me. 1991).

Conclusion


The Board of Appeals concluded that the Planning Board misinterpreted the Shoreland Zoning ordinance by comparing the use rather than the length/size of the ramp and float. The application is remanded back to the Planning Board and they are to address the question of the law which is the length of the float in regards to Section 15(C)(5) .

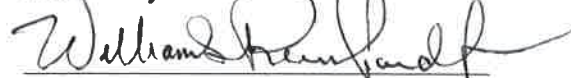
Decision

On a vote of 5-0, the Board of Appeals granted the appeal.

Date Dec 22, 2016


Steve Miller, Chairman


Fred Carey


William Reinhardt


Mark Bartholomew


Richard Cohen