

Board of Appeals - Notice of Decision
Administrative Appeals for a
Decision Made by the Planning Board
For the Wyeth Reading Room at 20 Horse Point Road

Nature of Appeal

There were six (6) appeals filed against the Planning Board decision regarding the Wyeth Reading Room on Horse Point Road in Port Clyde by:

- 1) Michelle Graham & Scott Sullivan
- 2) Sandra Dickson Coggeshall & Jonathan Coggeshall
- 3) Jeffery Riedl & Christine Riedl
- 4) Robert Hughes & Patricia Hughes
- 5) Anita Siegenthaler
- 6) Horse Point Road Group, represented by Attorney Patrick Mellor

The appeals made the following claims:

- 1) It was claimed that the Planning Board did not have a full and complete record.
- 2) It was claimed that a Planning Board member came into the process part way through the process.
- 3) It was claimed that traffic study did not review the safety of access between the site and road.
- 4) It was claimed that the condition placed on the project was illogical.

Summary

The Board of Appeals held a hearing on November 16, 2017, combining all six appeals into one hearing. The Board polled all appellants, who were in attendance at this hearing, if they consented to the combination of all appeals into one hearing, and all responded in the affirmative. Testimony was then heard from all appellants, with cross-examination and rebuttals. Due to the lateness of the evening, the hearing was adjourned to December 5, 2017, at 6:00pm. At that continuance of the hearing, the Board of Appeals discussed the previous meetings testimony, received confirmation from the Planning Board Chair and the Code Enforcement Officer that a complete record did exist in the town office and was available to the Planning Board and the public.

Decision

The Board of Appeals made the following decisions and conclusions:

- 1) It was claimed that the Planning Board did not have a full and complete record. It was agreed that the issue of a court reporter hired by the applicant not providing a copy to the opposition was not germane to the case because the town did have a complete record – a written record of the meeting in the form of minutes and there were also complete verbal recordings of the proceedings.
- 2) It was claimed that a Planning Board member came into the process part way through the process. It was agreed that the major part of the review took place after that member came on board, and that the complete record was available to him.
- 3) It was claimed that traffic study did not review the safety of access between the site and road. It was agreed that the Planning Board discussion on the issue was extensive on the issue of safety; that the firms conducting the traffic study are well respected; and that the Planning Board took into account the letters of people on the road, plus the comments by the Sheriff's Deputy.
- 4) It was claimed that the condition placed on the project was illogical. It was felt that the condition was not illogical, that a lot of permits are granted with conditions, and they are enforceable.

Conclusion

By a vote of 5-0 the Board of Appeals upheld the decision of the Planning Board and denied all six (6) appeals.

Date 12-11-17

Steve N. Miller
Steve Miller, Chair

Richard Cohen
Richard Cohen

Crystal Tarjick
Crystal Tarjick

Fred Carey
Fred Carey

William Reinhardt
William Reinhardt