

FINAL
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**APPEALS BOARD**  
**MEETING MINUTES**  
**Newcastle, Maine**  
**March 10, 2015**

**Members Present**

Louis Rector, Chair  
 Kensell Krah  
 Stephanie Stephenson

**Members Absent**

Scott Brooke  
 Richard Simon

The meeting of the Appeals Board was called to order by Rector at 5:09 PM at the Newcastle Town Office on Main Street. **A motion was made by Stephenson, seconded by Krah and unanimously approved (3 yes – 0 no) to elect Rector as Chair. A motion was made by Stephenson, seconded by Krah and unanimously approved (3 yes – 0 no) to approve the minutes of September 23, 2013, with two amendments.**

**Business 1 of 2**

Lewis & Ina Heafitz  
 79 Main Street  
 Map 12 Lot 36

- Attorney Phil Saucier said he is representing Lewis and Ina Heafitz. Saucier said this is a jurisdictional question. Heafitz said the project was approved by the Design Review Committee and denied by the Planning Board. The Planning Board applied the Shoreland Zoning Ordinance. His clients want to build a small deck on the existing first floor roof.
- Town Attorney Peter Drum said the project was denied by the Planning Board on the basis that adding a roof deck would be an expansion of use within the 25 foot limit.
- Saucier said this project is the jurisdiction of the Town Code Enforcement Officer and not the Planning Board according to the Land Use Ordinance Chapter XI Shoreland Standards Table SS-1 "Land Uses in the Shoreland Zone" on page 139.
- Drum said the deck is an accessory structure but even if it were primary the Town Code Enforcement Officer decides according to the Land Use Ordinance. Drum said the town office personnel misdirected this project to the Planning Board. Drum said it should have gone to the Town Code Enforcement Officer. Drum said he will draft a decision for the next meeting of the Appeals Board.

**Business 2 of 2**

Sheepscot Village Rd, LLC  
 659 Sheepscot Road  
 Map 20 Lot 3

- Attorney Hylie West said he is representing Sheepscot Valley Rd, LLC. Also present was Xavier Cervera.
- West said his client is asking for an "after the fact variance". West said the porch was being built and former Town Code Enforcement Officer Stan Waltz put a stop

order on such. West said Cervera applied for a building permit and was awarded such. West said Cervera invested \$13,000 on porch. West said rumors circulated that the porch was not in compliance. West said the Planning Board had no further comment on this issue. West said Cervera had a permit and the Planning Board could do nothing about it. West said "Exhibit F" shows the neighbors have no issues with the porch. West said neighbors were given "Exhibit E" to examine.

- Cervera said a few years ago a neighbor was given a variance for an enclosed glass porch with no problem. Cervera said the porch he had built follows the original footing.
- Town Attorney Peter Drum asked for the dimensions of the new porch. Cervera said he did not have those figures.
- West objected to any information the Appeals Board is examining that he did not give them.
- Drum said the building permit was for "a replacement of the porch".
- All members of the Appeals Board agreed to accept the exhibits presented to them by West.
- **A motion was made by Rector, seconded by Stephenson and unanimously approved (3 yes – 0 no) to go into executive session at 5:50 PM.**
- At 6:24 PM the Appeals Board came out of executive session.
- Drum said the Appeals Board should look at three issues regarding a variance:
  1. Shoreland set back.
  2. All setbacks.
  3. Overall dimension of the porch.
- Drum advised the Appeals Board that porch dimensions, building dimensions, set back measurements and step lines are needed on the drawings.
- Appeals Board members agreed to continue this meeting due to the need for more information and research.
- **At 6:44 PM a motion was made by Rector, seconded by Stephenson and unanimously approved (3 yes – 0 no) to continue the Appeals Board meeting regarding the Heafitz and Sheepscot Valley Rd, LLC applications at 5:00 PM on a date to be determined in March.**

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Dr. Edmée Déjean, Recording Secretary