

**Board of Appeals
January 20, 2022**

Members Present:

David Coleman- Chairman
Steve McLean
Brad Libby
Howard Burnham

Public Present:

Dr. Merrill Farrand
Dottie Richard

There was discussion that could not be heard.

Dave Coleman: It has been moved and seconded that the Public Hearing for Farrand vs Limerick Planning Board be moved to February 9th at 7PM at the Brick Town Hall. And the discussion that we're having there is a lot of work, I guess that needs to be done to move it here but there is quite a concern about spacing. Steve McLean: It shouldn't be at the Municipal Building it should be here in the wide open space where everybody could be spread out. This is not getting any better. So we don't want to go down there and have too many people and then cancel it down there to then move it up here. That's my motion and it was seconded. Mr. Coleman: Is there any other discussion? None opposed, so that's a vote. Dr Farrand, I will get in contact with you within a day or two I guess prior just like we did before to make sure that if there's been any more communications or any other paperwork that you have a copy and the Girard's and Mr. Ordway as well. *There was a comment made by Dr. Farrand that could not be heard.* Ben McCall is listening in on the phone and I don't think he has an issue with that date. I will obviously have to clear it with them, with the Girard's and Mr. Ordway to make sure that they have been medically cleared. My assumption, this is just me, is that Mr. Girard's test was confirmed positive tonight he will probably be in quarantine for at least 10 days and assuming a negative test he will be available. Mr. McLean: So this will be three weeks out so maybe he has to quarantine for 14 days. *Dr. Farrand made a comment that could not be heard.* Mr. Coleman: Right he did indicate in his letter that if Mr. Ordway was not able then another attorney would attend. It sounds like he is going to make an effort to be here himself or have representation. Brad Libby: Given the Covid thing we're dealing with and may continue to deal with, is it possible? Is it allowable for those parties to participate remotely? Mr. Coleman: Glad you brought that up, that's gonna be on the agenda next. Mr. Libby: I noticed. I thought it was appropriate to mention. Mr. Coleman: Good, segway. As long as Dr. Farrand is satisfied with where we are at on rescheduling we will move on to the next item. Ben, if you're all set. Ben McCall: I am all set. Mr. Coleman: Okay, Thank you sir. Appreciate it. So under our new business, under correspondence I did receive an additional letter from Ed Shultz regarding Dr. Farrand's appeal and I will get a copy of that to you guys. I just recieved it. And then we have this remote participation policy. Now I invited Dottie to come talk about what happened last night

cause I wasn't able to go to your Public Hearing about it, but more or less this is a Remote Participation Policy that was written by MMA and tailored by the Limerick Planning Board and I believe it was adopted last night. Dorothy Richard: So you are required to have a Public Hearing to adopt this policy, that part I don't understand but there is a lot of moving parts to the policy. Mr. Coleman: Right and is that something that came out of this MRS 403B. I admit it I haven't read it yet today cause we literally just got it today. Ms. Richard: I had a copy of it. Mr. Coleman: Well I'll pull that all apart and put it together. I think this is something that we want to put on our agenda as long as the rest of the board members agree. Mr. McLean: Absolutely. The frustrating thing here is the Planning Board did it, they should have been involving all the boards, all the committees in the town. We could have done one Public Hearing. Ms. Richard: It has to be done Board by Board. Mr. McLean: Well I mean we could still have one Public Hearing and have different boards there presenting theirs to the public. Ms. Richard: Well not all the boards want to adopt it either but there is only the three of us anyways that it would really apply to. You could actually have the Public Hearing right before the February 9th. I don't think there's anybody who is going to speak against is that would show up because now they'd be able to be at home, it would have to be on zoom. If it's a hearing that people are going to be able to speak at then it has to be accessible to the public on zoom. With the livestream people can type a question into the computer and Stephanie can see it and she can relay it but that's not acceptable for a Public Hearing. Mr. Coleman: Yeah I mean at that point it becomes difficult to determine whether it's somebody within town or outside town. I don't know how you would vet that. Ms. Richard: Well anybody at a Public Hearing is welcome to speak. So even if they are on zoom they would have to identify themselves. It could be the same on the computer. For any one member, if all the members were here and you weren't doing it on zoom. Mr. Coleman: Yeah I mean we can go through those semantics in the hearing and re-review it. I mean this Board hasn't had really an opportunity to look at it or tailor it anyway. Ms. Richard: But if you wanted to set the Public Hearing for that night because I really don't think anyone's going to speak against it and it would just be a quick thing. I read it last night and that was it. Our Public Hearing was four minutes long and then after that any meeting that you would have that may go after that you hopefully by then we have more of the logistics worked out because if the combination of live and zoom hasn't been worked out yet because we tried doing that last year before we needed to have this policy in place. The member that was on zoom could see us but couldn't hear us and it was so confusing trying to do the zoom watch the tv because zoom is real time the tv is a five second delay. The computer, if you're watching it on livestream can be up to a thirty second delay depending on who you have for your carrier. Mr. Coleman: There are growing pains to it but I think it's worth doing given the era we're in. I worked with it for years so it doesn't bother me but the delays are minimal. I don't know what the rest of the Board's feelings are. Howard Burnham: Do we have anything in writing what she's talking about? Dr. Farrand: As you know I am very supportive of this. I've been to the Selectmen meeting and I've been to the Planning Board to say that the public wants to be involved at times. What happened last night at the Planning Board and with the approval is the only comment I will make is if at your next meeting you approve it and the mechanism exists from that moment on unlike the Planning Board last night there was no preparation for how that was going to go and if the public is ever in any room at almost any committee I watch the public even during a non-public comment time is often given the opportunity to participate and ask a question, for clarity. For example, the last

night's Planning Board meeting there was a subdivision that was reviewed and the whole committee had plans that the public couldn't see what they looked like to see if the revisions that were asked about at the prior meeting by the Board were in there. So that still remains a mystery to me but if you have approval next cause the public says yes we would like this participation you have to have a mechanism in place that day to make this really work and we all certainly need to protect our community and protect those members that would like to be away from the risk of Covid So I'm very supportive and excited to see this come forward plus it gives you the mechanism and Dave I understand you are sometimes out at times sometimes for weeks at a time. There is time crunches that happen, had this been a regular appeal it would have had to be heard within 35 days. I've forgotten, that wouldn't necessarily be easy to do without having this mechanism in place and I can't believe as you said that the electronics couldn't be figured out so this can be a viable option for the community to participate in town voting and that's what we need more of not less of. Thank you. Mr. Coleman: I'll leave it on the agenda and I will send out the soft copy of this, I have it in email. I was trying to send it tonight but I couldn't get it done and we'll leave this on the agenda. The other item that I don't have on the agenda for you guys is in March is our meeting. I'm sorry Cheryl. Cheryl Edgerly: I guess I'm going to be odd man out just because electronics is great for the future and it is good for circumstances with Covid and everything but there are a lot of people out there that it doesn't work well. They are watching their tvs because they don't have computers and I don't know what the answer is but it's a two way street there. It's not just because electronics are better. Mr. Coleman: I'm going to work on scheduling a meeting for March, a regular meeting, whether any of this other work spills over to that but that will be the first meeting after Town Meeting on the 13th is Town Meeting. March 13th, no 11th and 12th, so the next regular meeting we could do around the 23rd of March but I would like to schedule our March meeting so we can have our election of officers and I am imploring one of you to please take the Chairman mantle from me. I can't do it this coming year, I know I have too much on my plate to do it. Mr. McLean: March 23rd. Mr. Coleman: Yeah if it's agreeable. Mr. Burnham: I may not be available. Mr. Coleman: We can move it either way. Dottie you don't have the calendar with you, the 2nd and the 4th are Planning Board for Wednesdays. *Dottie Richard made a comment that could not be heard.* Mr. McLean: Yeah but you could do it on a Tuesday. Mr. Coleman: So the 1st and the 3rd. So the 16th is taken, so we could move it to like the 15th, which is a Tuesday. The 8th or the 15th, we can't do the 8th. So the 15th or the 22nd. Mr. Burnham: No, I just had to reschedule a procedure today because of this meeting. I'll know in a couple of days. Mr. Coleman: Well we can argue about that then but somewhere between the 15th and like the 24th or something like that we'll get everything together and we'll be able to do election of officers and if we haven't taken up this remote participation policy, hopefully we can do it then. Mr. McLean: Yeah I think we can. Mr. Coleman: Do you think we can wedge this in? Mr. McLean: I think we oughta have the hearing we're having and stick to that and we can call a meeting and get this over with. Mr. Coleman: Okay. I'll put this on the agenda for March as well as the election. Mr. McLean: Cause we have nothing else pending. Mr. Coleman: And we have minutes from March 31, 2021. It was the Desvergnés hearing. I have to say that that was the last batch of minutes that Courtney did and I'm not looking forward to doing any minutes. We need to find another secretary. Have they made any progress with the Administrative Assistant? No, okay. I have been my own secretary and that's why you guys got everyone on Tuesday cause I was quarantined until Monday. Mr.

McLean: Has everyone seen these minutes? Mr. Burnham: Nope. Mr. McLean: So we'll probably oughta table them until the next time. Mr. Coleman: Okay. So we'll table those minutes. Mr. McLean: One of the big questions here is the variance, on this appeal, he still has to get a variance cause it still doesn't meet the setbacks. Mr. Coleman: It didn't. Code Enforcement. Mr. McLean: Well no it was still one meter but it's still better than what it was. it was going to be out in the right-of-way and they moved it sideways but it still requires a variance. Mr. Burnham: Which one are you talking about Steve? Mr. McLean: That's the one with the shed down. Mr. Coleman: No no this is the one over. Mr. McLean: Okay. That's the other one. Mr. Coleman: But I'll table them. I resend those. That's all I have. Mr. McLean: So you'll check with CIA and Shawn to see if that'll work out. Mr. Coleman: Tentatively we will schedule it for February 9th at 7:00PM. Mr. Burnham: Have you got everybody's email? Mr. Coleman: I do. Mr. Burnham: Just so everybody gets all the stuff ahead of time.

Steve McLean motioned to adjourn until February 9th at 7. Brad Libby second. All were in favor.

Respectfully Submitted

Courtney Davis