

MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation & Forestry
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MINUTES

REGULAR MONTHLY MEETING

Princeton Elementary School, 289 Main Street, Princeton
August 13, 2014

COMMISSIONERS PRESENT

Gwen Hilton, Chair	Michael Theriault	Bill Gilmore	Paul Underwood
Robert Dunphy, Vice-Chair	Everett Worcester	Charles Pray	

STAFF PRESENT

Nicholas Livesay, Executive Director	Karen Bolstridge, Bangor Regional Representative
Samantha Horn Olsen, Planning Manager	Stacie Beyer, Senior Planner
Jean Flannery, Permitting and Compliance Manager	Mary York, Augusta

OTHERS PRESENT

Lauren Parker, Assistant Attorney General See attached Sign in Sheets

Note: Commission votes are recorded in the following order:

number voting in favor of a motion – number voting against a motion – number abstaining – number absent

ADMINISTRATIVE MATTERS

Introductions

Introductions were made by members of the Commission, its staff, and the audience.

Minute Approvals

June 11, 2014 Minutes; **Commissioner Pray** motioned to approve the minutes; **Commissioner Underwood** seconded; **Vote: 7-0-0-2**

July 9, 2014 Minutes; **Commissioner Dunphy** motioned to approve the minutes; **Commissioner Pray** seconded; **Vote: 7-0-0-2**

DIRECTOR'S REPORT

Nick Livesay provided the director's report, noting:

- At the start of the meeting he circulated the anticipated calendar;
- On the staffing front, Marci Moody was recently hired as a part-time Office Associate II and Marcia Spencer-Famous rejoined the Commission in a part-time contract position; the hiring process for a vacant 30 hour/week Sr. Planner position is close to conclusion;
- Staff have prepared a handout that county registries could include when copies of recorded deeds are mailed to property owners; a copy was handed out to Commissioners; and
- Staff have been working to collect requested subdivision data.

PLANNING MATTER

Rangeley Plan; review of revised 5-year Evaluation and Progress Report; Samantha Horn Olsen

Samantha presented the final 5-year Evaluation and Report on the Rangeley Prospective Zoning Plan. The areas with gray shading are substantive changes; other minor changes are not highlighted. No comments were received from Commissioners. She outlined the plans for public comment on the evening of the 9th.

Commissioners requested that the Plantations receive a copy and a letter inviting them.

Commissioner Worcester asked about the build out analysis, and the ability to tie building permits to subdivision permits. Samantha reviewed the current status of the data. Commissioner Worcester indicated that this is very important information. Samantha outlined steps the staff can take to improve that data collection statewide, but also the Commission could prepare to do a more complete build-out analysis in the Rangeley region as we get closer to the next evaluation.

Commissioner Gilmore suggested we could use tax records. Commissioner Hilton made the point that a permit doesn't necessarily mean they constructed a building, but tax records would. The Commissioners discussed the availability and update schedule of tax records. Samantha stated that if we were going to obtain a structure inventory, we would consider a number of different methods to get that information, including tax records, windshield surveys, aerial imagery, etc. We would evaluate the cost and effectiveness of different methods.

Commissioner Worcester said that going forward, we can capture data about permits and it will be very time efficient. Samantha explained current staff efforts to research and capture subdivision information.

PLANNING/PERMITTING MATTERS

Accessory Structures; discussion of prior rulemaking and consideration of any future action; Jean Flannery

Jean Flannery provided a brief overview of the accessory structures and the rule change that took place in 2012. She then opened up the topic for further discussion. Nick Livesay mentioned that at the prior Commission meeting there was discussion of whether or not we should consider a permit-by-rule process, some other similar process, or a simple permitting process for accessory structures. He also went on to say that there was discussion of how to capture the tax values of these properties. Jean also mentioned that she had spoken with the Maine Revenue Service to see how frequently they were assessing properties in the UT. MRS indicated that currently they are on a five year interval for inspecting in the UT and that they mail out reminders in the tax bills each year indicating to property owners that they need to self-report any new structures.

Commissioner Pray stated that he thinks we are seeing more compliance today than you used to with the tax bills being sent out due to the reevaluation process is much shorter now.

Commissioner Underwood asked about ADA ramps, and if they need a permit by rule and discussed when they get taken down. Jean replied that with ADA ramps our main concern is when they do not meet the standard setbacks and discussed how those situations are handled.

Commissioner Hilton noted that two years may have not been enough time to fairly evaluate the new process and that looking at the MRS information to do a spot check might be a good idea. Jean mentioned that a new expectation was also added this year for staff to conduct a pre-construction site on every project that is putting in a permanent foundation to insure that the setbacks are being met.

Commissioner Worcester questioned if we are not collecting data how will we know where we are at in 5 years. He wanted to know if we knew numerically how many of these structures have been built. Nick responded that we are

not in a position to know how many structures there are or exactly where they are. He also said that it is hard to evaluate compliance at this point in time; generally we learn about violation in two ways, we either get calls from people telling us or we drive by and see them.

Commissioner Underwood discussed that he is concerned about us becoming the town cop and running a radar trap. He doesn't think it is realistic to catch it all because even towns don't catch it all. He understands that eventually it will get caught in a reevaluation that is conducted. He indicated this shouldn't be a number one priority and that solid planning is a better way to create better compliance than enforcement.

Commissioner Dunphy discussed the building code need for permitting and that he feels that every structure over 100 square feet should have a permit or some notification process, possibly with no fee. He says maybe we should permit everything to prevent certain situations from occurring.

Commissioner Dunphy asked why there shouldn't be a fee to go check structures out there. He went on to say that if we can't check all violations why should we do any. Jean stated that to-date she was not aware of any violations that were caused by this specific rule change, not to say that there are not any, just that none that had been brought to her attention where the violation was created because of this rule change.

Commissioner Worcester stated that maybe a form could be created that someone could send in, and then every couple of years staff could take 5 to 10 percent of them randomly and conduct site visits. Jean mentioned the well drilling card that is sent in to the Maine Geological Survey and that something similar might be an option.

Commissioner Dunphy said it would need to be put in the rules as people don't even obtain permits when they need to. He stated that it needs to be something like a building notification so there are records. Nick clarified that rulemaking would be needed.

Commissioner Worcester suggested to move on and to give it more thought.

Commissioner Theriault said that we have been discussing that we want to have accountability for structures, know what is being built, and be able to insure that the rules are followed, so the question is, what is the easiest way to do that without making too much work. He indicated that a one page document is what he would like which includes the property owners name, address, phone number, email address, the book and page number of the deed, location of property, an aerial view, and what they plan to do with the size of the structure. He then suggested that they sit down with staff to review it.

Commissioner Dunphy stated that would be a building notification form, a one page form.

Commissioner Hilton stated that we have had a good discussion, but understanding staff resources, maybe staff can go back and think this through, and then come up with some options. Nick spoke to say that what he was hearing was a suggestion for staff to consider some form of building notification form, the information that might go into it, and how that could be accomplished through rule-making.

Flood Prone Areas; discussion of the National Flood Insurance Program, status of FEMA mapping, and the LUPC's regulation of floodplains; Samantha Horn Olsen and Stacie Beyer.

Stacie Beyer provided an overview of floodplain management. She discussed the functions and values of floodplains and the potential impact to the functions and values from development in the floodplain. The presentation also included information on FEMA's role, the local community's role, and in particular, the LUPC's

role in floodplain management. She briefly explained the LUPC regulations for construction of residential dwellings in the floodplain.

Commissioner Worcester asked if we have any numbers on how many exceptions for residential dwellings have been approved by the LUPC since 2005. Samantha Horn Olson provided the Commissioners with information about letters of map amendment and map revision for the downeast counties and Aroostook County. Staff did not have a specific count for the number of special exceptions granted, but offered to get that information for the Commission. Based on information from Karen Bolstridge, Samantha indicated that a few special exception approvals are issued each year. Commissioner Worcester concluded that it doesn't happen very often. Commissioner Underwood pointed out that with engineering advancements, it isn't necessary to fill in a floodplain to build a house. Other technology exists to elevate a structure. Nick Livesay described two different considerations for construction in the floodplain- the engineering considerations necessary for building a structure that is safe from flooding, and the regulatory permitting considerations. In the LUPC service area, building in a floodplain requires special exception approval, and as part of that process for a residential dwelling, you have to demonstrate that there isn't an alternative site on your property. He explained that the question for discussion later in the agenda is whether you can place fill on your property, and remove yourself from the floodplain and the special exception review process.

Commissioner Pray asked about FERC zones on maps of impounded areas in unorganized territories. Staff was not familiar with the terminology. The zones may be related to the hydropower licensing process. Nick explained the zones may be showing the FERC project boundary. Samantha indicated that the staff can get more information on these zones for the Commission.

Stacie also provided an update of the FEMA map revision project that is underway. FEMA is updating its Flood Insurance Rate Maps for all populated coastal areas across the US, including all coastal counties in Maine. Stacie explained the difference between the current maps and the new maps, and described what is shown on the different types of FEMA maps. In addition, she described the current status of the mapping project for each county, the steps in the process, and the LUPC's role. The LUPC will need to update its regulations to incorporate the new maps within 6 months of FEMA issuing a letter of final determination. Lastly, she explained the letter of map change (letter of map amendment and letter of map revision) process that is also available to landowners.

Commissioner Pray asked about the red lines shown on the preliminary map for Pickering Island, Hancock County. Stacie replied that the lines look to be the boundary between the AE zone and VE zone on the map. Commissioner Dunphy indicated the lines designate the limits of wave action.

Commissioner Underwood asked about how elevation data is obtained from ortho imagery. Samantha explained the LiDAR system and Stacie referenced other topographic map data available for use in floodplain mapping. Since this agenda item was for information only, there was no vote taken.

Plassmann (BP15219); discussion of request to fill and grade in the floodplain to increase the base flood elevation and facilitate construction of a dwelling, Argyle Twp., Penobscot Cty.; Samantha Horn Olsen and Stacie Beyer.

Samantha Horn Olsen presented a specific question of rule interpretation relating to filling and construction of a residence in a flood prone area. She explained that the LUPC has a pending application, but the Commission is not acting on that application at the meeting. Staff requested guidance on how to interpret the applicable regulations, so the landowners can prepare their application appropriately.

Samantha explained the difference between LUPC mapped P-FP sub-districts and FEMA mapped special flood hazard areas (SFHAs), and that P-FP requirements in LUPC regulation apply to both mapped P-FP sub-districts and mapped SFHAs. She reviewed P-FP special exception criteria, some specifics of the application submitted by

Angela and Johnathan Plassmann of Argyle, and an alternative permitting approach proposed by the Plassmanns. She also reviewed several considerations related to the alternative approach, allowing the submission of 2 separate applications- one for fill and grade, and, subsequent to FEMA issuing a LOMR-F, a second one for construction of a residence on the filled area. If the Commission takes the alternative approach; when it comes time to build the residence, the special exception criteria would not apply, because the filled area would then be removed from the floodplain.

Commissioner Dunphy asked if the determination that the fill is above the BFE must be done by an engineer. Samantha replied that engineering information will be needed and Stacie added that, for FEMA to issue a LOMR-F, there will need to be an engineering certification that the fill is above the BFE.

Commissioner Worcester asked who they would need to get the fill and grade permit from, and Samantha replied, us.

Based on staff research, Samantha explained that FEMA does allow fill and construction of dwellings in the flood fringe of the floodplain, and provided information on the meaning of these terms. In addition, she explained that municipalities also allow this, but there appears to be very little activity. FEMA will consider issuing a LOMR-F provided the LUPC certifies that any future building on the fill is "reasonably safe from flooding."

Commissioner Hilton asked, what would keep someone from filling in the floodplain and then later coming back wanting to build a house on it. Samantha explained that the kind of engineering needed to get FEMA approval is substantial. Staff would wonder why a landowner would do that with no designs for a residence down the road.

Commissioner Worcester asked what we would do if the landowner sold a portion of their parcel to someone else.

Commissioner Underwood asked if floodplain and flood prone is the same thing. Samantha answered yes. He also asked if the yellow hatched area is the flood fringe. Karen Bolstridge provided that the blue line for the P-SL sub-district on the Plassmann map is at 250 feet from the river, so it also indicates the boundary between the floodway and flood fringe in this case. Commissioner Underwood explained that anything in the flood fringe will have to be engineered for structural support. Samantha clarified that if the fill is engineered and results in the ground level being above the BFE, the structure will not have to be engineered to meet special flood hazard requirements. The landowners do not have the option to do a special foundation in a flood prone area, because, the way the regulations read, they would have to show they don't have any alternative. Their options are to build further back or construct a hill. In creating the hill, they will have to engineer the fill so it won't wash away and the LUPC will need to certify to FEMA that the hill won't wash away. Commissioner Underwood commented that he didn't think we should certify that.

Commissioner Pray stated his assumption that the design is based on the current impoundments above the project and asked if there are any plans to remove any impoundments above the project under the Penobscot River Restoration Plan that would change the water flow. Samantha replied that she wasn't sure if there are plans to remove any upstream impoundments or if anyone has looked at what the new floodplain would be.

Commissioner Hilton stated that anything that happens, whether it is in the floodway or the flood fringe is something that should be a special exception at a minimum. She did not think the Commission should allow the alternative approach. She asked if the other route is a special exception and treating the whole thing as one project. Nick Livesay explained why the question was brought to the Commission. He also explained that staff will need to act on the building permit and it will need to be based on our existing rules in Chapter 10. Nick clarified there are two plausible interpretations that are both consistent with our rules. Is it effectively one project, meaning we apply the special exception criteria? The effect is they will have to build somewhere outside the flood hazard area. The other

interpretation that could be reasonably adopted is that we have two separate use listings and there are two separate projects; one is for filling and grading, and the second is for a stand-alone building permit. Nick further clarified that there are broader policy issues regarding construction in the flood fringe that the Commission could take on. However, he stated that the Plassmann application does not raise a pure policy question. The question before the Commission is how to interpret the existing rules in light of the Plassmanns' proposal.

Commissioner Underwood asked if it was correct that they are not proposing to fill any wetlands, and staff responded affirmatively. He stated that he didn't know how much or how deep the fill is. He expressed his opinion that the fill should be limited. He didn't see why it couldn't be possible to place fill if it is limited and environmentally sound. Nick responded that if the Commission determined this was one project, that won't prevent the Commission from embarking on a rule making that addresses the topic directly.

Commissioner Gilmore commented that if you establish what the BFE is, you will know what your fill requirements have to be. He expressed the need for care in considering fill in wetlands.

Commissioner Worcester asked if Assistant Attorney General Lauren Parker could address the issue of certifying to FEMA something that we are not qualified to certify. Lauren commented that she wasn't sure of all the legal ramifications. The LUPC doesn't have any standards for this. Someone could appeal the decision. That will raise questions as to whether that decision is a final agency action and whether it is appealable. She didn't know if there would be any recourse from FEMA for choosing to certify or not certify a particular fill project. Samantha replied that we would need to be careful that we did it according to FEMA requirements so we are not removed from the National Flood Insurance Program.

Commissioner Gilmore commented that any type of structure that we would allow would alter flow and change the floodplain capacity.

Commissioner Pray asked, what is to prevent a landowner from selling land so they would no longer have an alternative?

Commissioner Hilton asked what happens if there are several properties that do the same thing? Stacie explained how FEMA addresses this, taking into account the potential impact of filling in the fringe when they determine the boundary of the floodway. Samantha also explained FEMA's concern with residual risk. She stated that for the Plassmanns' project, the fill would be at least 5 feet at the deepest point, but clarified that the current Chapter 10 rules do not limit the amount of fill allowed in the floodplain.

There was discussion between Commissioner Worcester, Nick and Samantha about the number of special exception approvals issued by the LUPC. Commissioner Worcester pointed out that people will get around the special exception requirement by selling land outside the floodplain.

Commissioner Underwood stated that it makes sense to consider how much fill will be used.

Commissioner Worcester commented that we can take a position that there is an alternative building location and that is what our Chapter 10 standards talk about.

Commissioner Theriault, Nick, and Samantha had additional discussion about the possibility for the landowner to reduce the size of their parcel to eliminate alternatives and the special exception criteria, the potential for a larger policy discussion, and the need to apply the rules in existence today.

Commissioner Underwood clarified that the proposal does not necessarily involve the filling of wetlands.

Commissioner Hilton asked if the Commission understood the question before it. There was discussion between Commissioner Pray, Commissioner Worcester, and Samantha about the landowners' need to give the Commission information about the purpose of the proposed fill. Samantha clarified that we would need to certify any proposed building site on the fill as reasonably safe from flooding. The landowner would have to request that certification.

Commissioner Dunphy recommended that we approach FEMA and get information on what their requirements are. Samantha explained the background information that we received from the Maine Floodplain Management Program. Commissioner Dunphy stated that we can have the landowner's expert do the certification. He, Commissioner Gilmore and Samantha discussed how the certification process would work and discussed residual risk. Samantha confirmed that the final certification must come from the Commission.

Commissioner Hilton called for a motion.

Commissioner Pray asked how we set the standard that landowners have to meet. Nick explained there are two possible motions. One of the motions is the Commission is going to interpret these types of projects as one project and the special exception criteria apply. The other option is to interpret the rules so that filling is project 1 and project 2 is construction which opens the door for going to FEMA. The applicant would provide engineering as to how they would achieve this filling. Then, we need to evaluate the fill so we can make the certification. FEMA has a guidance document on the factors that go into the sort of evaluation. We will need to decide if we have the ability to make the evaluation or if we need technical expertise to help, and how it would be paid for if we apply the second interpretation of our rule.

There was discussion between Commissioner Pray, Nick and Samantha on LUPC reviews related to islands, special exceptions, and the potential change in use of filled areas.

Commissioner Worcester made a motion that we treat the application as one project and there is an alternative building site, and that we should apply Chapter 10. Nick recommended that the Commission not include whether or not there is an alternative building site because they do not have enough of the application materials before them. Commissioner Hilton, Commissioner Pray and Nick discussed clarifying the motion and options available to the applicant.

Commissioner Underwood pointed out that there was no second to the motion. Commissioner Underwood and Nick talked about the option still available to place fill. Commissioner Underwood expressed an interest in modifying the regulations to allow a single application.

Commissioner Dunphy made a motion to allow filling in the floodplain as a single project requiring special exception approval. There was discussion of this motion. The motion was not seconded.

Commissioner Gilmore moved that LUPC staff require any applicant seeking approval for floodplain filling and then floodplain construction provide certified engineering documentation that provides reasonable assurances for both environmental and construction stability. Commissioners discussed the motion and the question before them. Samantha asked for clarification that the motion applies to option 1, allowing landowners to fill in the fringe and then construct a residence by treating the project as two applications, thereby avoiding the special exception criteria and having to move back. Commissioner Gilmore replied that is correct. The motion was seconded by Commissioner Pray.

Commissioner Gilmore motioned to approve the 2-permit process allowing landowners to fill in the fringe and then construct a residence; Commissioner Pray seconded; Vote: 5-2-0-2 (Commissioners Worcester and Hilton Opposed)

After the vote on the motion, there was discussion on the standards that apply to building in a floodplain. In option 1, construction of the building would be treated like any other building permit. The fill needs to meet engineering standards. Commissioner Underwood again expressed his interest for a new rule to allow combining the applications and for solid foundations under the structures.

REZONING MATTER

Steve Wood & Greg Peacock; consideration of request for Commission-initiated rezoning, Kingsbury Plantation, Piscataquis County; Jean Flannery

Jean Flannery introduced Steve Wood to the Commission. Mr. Wood stated that he represents J&S Guide Service in Kingsbury, and he was also speaking for Greg Peacock who was out of state at the time. Jean gave brief presentation on the rezoning request being put forward to the Commission by Steve Wood and Greg Peacock; discussion followed.

Commissioner Gilmore asked what effect it would have if the rezoning was not done as it had been this way for some time, and he wanted to know if we were stepping on the toes of the town officials for Kingsbury Plt. Jean responded that the Kingsbury officials are already aware and to her knowledge supportive of the change. Some members of the town were not aware that this area was zoned residential. The town was not able to petition for the rezone at this time because of the structure of their rules which requires them to introduce the matter at a town meeting and to have a vote, which wouldn't be until April of 2015.

Commissioner Underwood said that he was going to support the motion as the town is on board, and the he wants it to move forward.

Commissioner Gilmore asked if the County Commissioners were notified of the rezoning. Jean answered that they will be notified as part of the formal zoning petition notification process.

Commissioner Hilton asked what happens in the process after the Commission approves this. Jean responded that a notice will go out to all abutters within 1,000 feet as well as to the County Commissioners, Kingsbury Plantation and to the local Senator and Representative. Jean also clarified that it will come back to the Commission, tentatively in September, if staff are able to get it finished in time. Nick clarified that there are a few entities that can initiate rezoning such as the local government and the Commission.

Commissioner Gilmore asked Mr. Wood if he is currently guiding, to which Mr. Wood that he is. Mr. Wood clarified that he started guiding out of this property 7 years ago with the understanding that he didn't need a permit from LUPC, but he did need one from DHHS, which he did obtain. Commissioner Gilmore also asked Mr. Wood on whose land he was guiding; Mr. Wood answered he has permission from Plum Creek, Greg Peacock, Polanski and a few others.

Commissioner Dunphy motioned to approve staff recommendations; Commissioner Pray seconded; Vote: 7-0-0-2 Unanimous

APEAL MATTER

Ferretti (BP15225); appeal and request for review of staff denial of BP 15225, Amendment A Rockwood Strip Township, Somerset County; Jean Flannery and Karen Bolstridge

Jean Flannery presented a brief presentation for the appeal of the staff denial and request for Commission review which included a brief history with pictures of the Ferretti's property and the deck that was constructed too close to the road. Mark and Beth Ferretti introduced themselves. Mr. Ferretti stated that this all started as a misunderstanding when he went to Greenville to ask about putting a 30 foot by 80 foot barn up on his property. At that time he looked at his property on the map with the staff person and was told that where he was at in Rockwood, in the UT, he did not need a building permit. In his mind he said that the structure being the size it was and not needing a permit, he understood that he wouldn't need a permit for a deck. He stated the deck was 70% done at the time staff stopped in. Mark provided pictures and a letter from DOT that stated he was outside of the 33 foot right-of-way and that DOT did not have any issues with the deck. Mark discussed that the front location was really the only location he had to put the deck, based on where the bulkhead, chimney and well are located. He went to say that the road is owned by him and DOT took an easement many years back. He explained that the deck was finished, and he just needed to finish the screened in porch part. He went on to compare his home to the neighboring homes that are closer to the road. He wants the deck to enjoy the river since they cannot build on his property on the water side of the roadway.

Commissioner Underwood had a question about the lot lines on google earth. Commissioner Theriault and Jean clarified that the overlay lines don't always match up perfectly.

Commissioner Gilmore asked if there was a letter from DOT that said DOT is only concerned about 33 feet from the road. Jean clarified that DOT's right-of-way is 33 feet from the centerline of the road and the deck is not in their right-of way?

Commissioner Pray asked how many years ago DOT took the right of way, if it was 40-50 years ago, to which Mr. Ferretti replied it was.

Commissioner Underwood asked what was the original intent was of the 50 foot setback. Nick replied that the LUPC is similar to municipality where there are setbacks. Nick expects that the setback distance was set for safety and planning reasons. Nick said the question is not is the current setback in the Commission's rules correct, but was the staff decision the appropriate one. Nick said he is unsure what flexibility the Commission has to put aside the dimensional standards. He stated that there is a variance process, but reviewing a variance application is not what we are doing today.

Commissioner Pray stated that he thought the setback limits were for visual aesthetics, so people could drive by without seeing camps near the road. He also asked if a variance was an option, to which Nick answered it is, however, he did not see how Mr. Ferretti could meet the no reasonable return criteria.

Mr. Ferretti stated that where DOT goes from the centerline he is 48 to 50 feet from the center of the road, and he wouldn't have spent the money to build the deck if he knew this was going to happen. He was coming before the Commission to see if it could be understood that his area is not a high traffic area and is similar to the surrounding houses in the neighborhood.

Commissioner Pray stated that the DOT is in the right-of-way line where the LUPC requirement is not in regard to DOT's requirements, his concern is that we have fined other individuals for similar issues. He is concerned that if we make an exception here it will affect similar issues in the future.

Commissioner Theriault stated that Commissioner Pray is talking about precedents, and he wanted to include that a few months ago a property owner had built a camp 62 feet from the water instead of 100 feet, and he wasn't required to move it. Mr. Theriault asked if the Ferrettis finished their deck would we make them move it. This camp is over the distance required from the water; it is the road setback that is an issue. Commissioner Theriault asked about if a notice of violation was sent to them, what would be done in that case.

Commissioner Worcester stated that it is a deck in clear violation that was built without a permit. It is not needed living area and it should be removed.

Commissioner Dunphy motioned to approve staff recommendations; Commissioner Worcester seconded; Vote: 5-2-0-2 (Commissioners Theriault and Gilmore Opposed)

Mr. Ferretti asked if he could pay a fine. Nick stated that we could speak about the compliance options, and if we were unable to achieve compliance then an enforcement action would have to be opened.

OTHER MATTERS

None.

ADJOURN

Meeting adjourned at approximately 12:55 p.m. and was followed by a public hearing.