

IN RE: APPEAL OF DEPARTMENT ORDER L-28397-4E-A-N

Jeffry Spinney, Licensee. Pier System and Boat Ramp, Alna

MOTION TO CONTINUE APPEAL HEARING

Appellants/abutters hereby move that the Board of Environmental Protection continue the hearing regarding the above appeal for 60 days. Three appeals of local Planning Board and Code Enforcement Officer decisions related to this project are pending and they, along with two ongoing violation investigations, are inextricably linked to the issues of this pending appeal and may render this appeal moot for lack of a local permit. In order to prevent the Board from spending time on an appeal for a project that may become moot, the appellants/abutters request continuance of this matter.

After having previously denied a permit for the project that is the subject of this appeal, the Town of Alna Planning Board orally voted to approve Jeffry Spinney's local shoreland zoning application for a similar but different project on Dec. 10, 2020 and issued its required written decision on Jan. 5, 2021. On Jan. 6, 2021, the appellants/abutters and two aggrieved neighbors filed separate appeals of the Planning Board decision.

An abutter and two aggrieved neighbors also filed an appeal to the Alna Board of Appeals on Jan. 13, 2021 of the Alna Code Enforcement Officer's Dec. 17, 2020 document purporting to grant Jeffry Spinney a permit for this similar but different project.

In addition, appellants/abutters filed a notice of violation and request for investigation relating to Jeffry Spinney's construction of the disputed boat ramp on Dec. 27, 2020 to the Alna's Code Enforcement Officer on Dec. 28, 2020 and to the DEP on Dec. 29, 2020. No reports following these investigations have yet been issued.

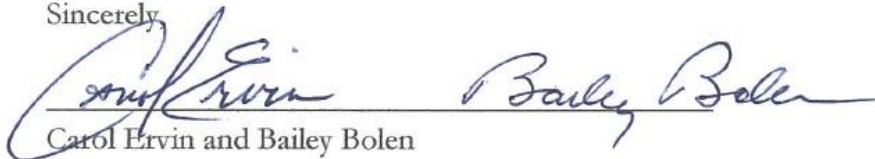
The Alna Board of Appeals is currently in the process of scheduling hearings on the three appeals. These hearings and the subsequent decisions by the Board of Appeals will likely take place in late January or early February, 2021.

Jeffry Spinney previously requested and was granted two 60 day continuances to pursue local issues which are now directly tied to the pending appeals. Appellants/Abutters did not object to those continuances. In order to prevent the Board from hearing an appeal for a project that may become moot, the appellants/abutters request a 60 day continuance of this matter.

Dated: Jan. 18, 2021

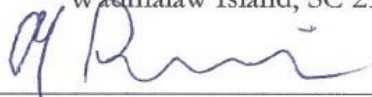
By: Appellant/abutters

Sincerely



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