

Appeals Board Summary  
October 1, 2015

In attendance: Dorothy Sainio, Lowell Freiman, Charlette Henderson, Cathy Blake, James Kearney, Bob Temple Public in attendance: Wesley Daniel, Tom Johnston, Jon Springer, Henry Sainio, Ed Rotch

Lowell Freiman called the meeting to order at 7:00PM roll was taken.

Lowell Freiman appointed Charlette Henderson and Cathy Blake as voting members, for this meeting, in place of members Henry Chapman and Norman Casas not present tonight.

Lowell Freiman explained that we are going to look at the appeal request submitted by Mr. Rotch.

Lowell Freiman asked if anyone has a conflict of interest regarding Ed Rotch's appeal request.

Lowell Freiman read the two ordinances applicable to the Planning Board approval. *The first being the Town of Washington Land Use Ordinance and the second the Town of Washington, Maine Wireless Telecommunication Ordinance. The provisions of ARTICLE VIII SITE PLAN AMENDMENTS, APPEALS AND ENFORCEMENT, §2. APPEALS AND VARIANCES, A. Administrative Appeals grants the Appeals Board to hear an administrative appeal relating to the provisions of the Town of Washington, Maine Wireless Telecommunications. Lowell wanted included is §4 4.1 grants us the authority to hear an appeal.*

Lowell Freiman explained that the next order of business is to determine if the applicant has standing to appeal, meaning that the appellant has suffered direct and personal injury from the decision being appealed from.

Dorothy Sainio stated that after looking at all the information we have along with a legal opinion from MMA. He did not attend any of the Planning Board Meetings. Dorothy does not believe he has standing. James Kearney concurs. James read a portion of information given to the board; *However, any official wishing to appeal a decision of the planning board to the board of appeals must show actual participation for the record in the planning board's public hearing to satisfy the test for standing, just like any other citizen.* The information shows Mr. Rotch did not attend any of the Planning Board sessions nor did he send information. This is an after the fact issue.

Bob Temple provided the Board with copies of letters from Ed Rotch's attorney, Sarah A. McDaniel of Douglas McDaniel Campo & Schools and Bay Communications, LLC's attorney, Jonathan S. Springer, Esq. of Springer Law Office, PLLC. Lowell Freiman called a recess so the Board could read the letters.

When the meeting resumed James Kearney stated he did not believe Ed Rotch has standing because he did not participate at all with the discussions. Dorothy Sainio agrees. Lowell

Freiman states his inclination is to not see that standing has been established based on both legal opinions and lack of participation.

Given that this is an important issue Lowell Freiman gave Mr. Rotch and Jon Springer an opportunity to weigh in.

Lowell Freiman asked Mr. Rotch why he didn't attend the Planning Board meetings. Mr. Rotch stated he relied on the ordinance to protect his interest in co-location. James Kearney explained to Mr. Rotch that he'd need to protect his own interest and attend the meetings as required.

Jon Springer stated that the Planning Board did a very good job touching all the basis and that Bob Temple went above and beyond regarding the balloon test. He believes the process worked, he stands on his letter and doesn't believe Mr. Rotch has standing.

**Charlotte Henderson made a motion that Mr. Rotch's standing be denied, Dorothy Sainio seconded, all in favor.**

Lowell Freiman asked Mr. Rotch if he would consider withdrawing his appeal. Mr. Rotch stated he'd like some legal advice before he does. Lowell explained that we will not be going further because Mr. Rotch did not meet standing. Bob Temple stated that when standing is denied, it can be appealed to Superior Court.

**Dorothy Sainio made a motion to adjourn the meeting at 7:34PM.**

Respectfully submitted,

Mary Anderson

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