

**City of Ellsworth**  
**Special Board of Appeals Minutes**  
**March 14, 2019**

The special meeting of the Ellsworth Board of Appeals was attended by Members Jeffrey Toothaker, Jeff Clark, Bruce Sawyer, and Jarad Wilbur. Also in attendance were Code Enforcement Officer Dwight Tilton and City Attorney Roger Huber.

Call to Order  
[6:35PM]

**AGENDA ITEMS TAKEN OUT ORDER**

3. **OLD BUSINESS:** *Review and vote on the Findings of Fact and Conclusion of Law for the denial of the administrative appeal heard on February 7, 2019, which was the continuance of the October 22, 2018, meeting remanded back to the Appeals Board by the City Council at their December 17, 2018, council meeting. The September 12, 2018 request of Judith H. Blood who is appealing the September 10, 2018 issuance of a permit to Webber Oil/Webber Development Corporation to demolish the old Ticonic/Ellsworth Community Center building located at 10 Bangor Road, (Tax Map 143 lots 2 & 4) in the U (Urban) zone. Together with the December 7, appeal of Judith H. Blood appealing the September 10, 2018 issuance of a permit to Webber Oil/Webber Development Corporation to demolish the old Ticonic/Ellsworth Community Center building located at 10 Bangor Road (Tax Map 143 lots 2 & 4) in the U (Urban) zone.*

Old Business

Mr. Huber passed Mr. Toothaker a copy of the final version of the Findings of Fact. Mr. Toothaker inquired if Ms. Blood had seen a copy and she indicated she had seen the draft copy as long there were no changes made since the first rendition. Mr. Huber confirmed the only change he made was removing "Draft" from the pages.

**Mr. Toothaker motioned to sign the Findings of Fact prepared by Mr. Huber. Jeff Clark seconded the motion. The motion passed with all Members in favor.**

Motion to sign the Findings of Fact

Ms. Blood spoke up and thanked the Board for hearing her appeal and she appreciated having it remanded back to the Council. She was disappointed the City Council chose to take no action.

Ms. Blood asked if the clock started running as of the signing of the Findings of Fact and Mr. Huber stated he thought the clock started running the night the Board made the decision (February 7, 2019). Mr. Toothaker said that he viewed the timeframe from when the Board adopts the Findings of Fact.

After the adoption of minutes, Mr. Toothaker asked Mr. Huber if he agreed that the time starts after this meeting. Mr. Huber indicated the Law Court has said that the timeframe starts from when the Board makes a decision, whether it is a written decision or not. Mr. Huber also stated there are Board's that continue matters and a decision is not finalized until it is done in writing.

**Mr. Toothaker motioned that the Board adopt the procedure with the decision appeal period commencing at this meeting once the written Findings of Fact were voted on because he wanted to review the findings first. Mr. Clark seconded the motion. The motion passed with all Members in favor.**

Motion to begin 45-day timeframe after signing of Findings of Fact

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**2. ANNUAL ELECTION:** *Board of Appeals Chairperson and Secretary, per City of Ellsworth Code of Ordinances, Unified Development Ordinance ~ Chapter 56 Article 13 – Board of Appeals.*

Mr. Toothaker asked if there was a nomination for the Chairman of the Board. **Mr. Sawyer motioned to reelect Mr. Toothaker. Mr. Clark seconded the motion. The motion passed with all Members in favor.**

Mr. Toothaker mentioned that Mr. Salisbury would be interested in continuing as the Secretary for the Board. **Mr. Toothaker motioned to reelect Mr. Salsbury as Secretary. Mr. Sawyer seconded the motion. The motion passed with all Members in favor.**

**Election of Board Members-Elected are: Jeffrey Toothaker – Chairperson  
Stephen Salisbury – Secretary**

**1. ADOPTION OF MINUTES:** *from the February 7, 2019 meeting.*

**Mr. Toothaker motioned to adopt the minutes from the February 7, 2019 meeting. Mr. Sawyer seconded the motion. The motion passed with all Members in favor.**

**Adoption of minutes**

**4. NEW BUSINESS:** None

**New Business**

**5. ADJOURNMENT:** [at 6:41PM] **Mr. Toothaker motioned to adjourn. Mr. Sawyer seconded the motion. The motion passed with all Members in favor.**

**Adjournment**

Date \_\_\_\_\_  
**Steve Salsbury, Secretary  
Ellsworth Board of Appeals**

Board of Appeals Meeting (3-14-2019) streaming on  
City of Ellsworth Website: [https://www.facebook.com/ellsworthme/videos/639424819823385/?epa=SEARCH\\_BOX](https://www.facebook.com/ellsworthme/videos/639424819823385/?epa=SEARCH_BOX)  
YouTube: <https://www.youtube.com/watch?v=TqgoewSsiH4>