



WESTBROOK ZONING BOARD  
TUESDAY, FEBRUARY 9, 2020  
WESTBROOK MIDDLE SCHOOL



**WESTBROOK ZONING BOARD OF APPEALS  
TUESDAY, FEBRUARY 9, 2021  
MINUTES**

**Present: Aaron Burns (Chair), Michael Lemay, Nancy Milton Heath, Philip Brown (Vice-Chair), Sherri Quint, Michael Foster (Alternate), Karen Axelsen (Alternate)**

**Absent:**

**Staff: David Finocchietti, Code Officer, Linda Gain, Office Coordinator**

**Legal Staff: Mark Bower, Jensen Baird Gardner and Henry, on behalf of David Finocchietti, James Katsiaficas, Perkins Thompson, on behalf of the Zoning Board**

*MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 ext. 1220 and [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us).*

**Aaron Burns** called the meeting to order.

**1. Call to Order**

**\*\*Notation: Voting members - Aaron Burns (Chair), Michael Lemay, Philip Brown (Vice-Chair), Sherri Quint, Michael Foster (Alternate)**

**Nancy Milton Heath (Recused)**

**January 12, 2021 Continuation**

**Aaron Burns** introduced the item.

- 2. Administrative Appeal, Beagle, Steeves & Ridge, LLC on behalf of Coyne Operated Properties, LLC, 9 Cumberland Street, is appealing the July 30, 2020 decision from David Finocchietti, Code Enforcement Officer, for the decision/interpretation of the Land Use Ordinance regarding uses and development of the merged portion of Tax Map: 040, Lot: 013, Zone CCD and Tax Map: 040, Lot: 211. Zone IPD**

**James Katsiaficas** presented the draft Findings of Fact and Conclusions of Law/Notice of Decision by State of Maine.

**Aaron Burns** explained Westbrook ZBA workshop procedure

**James Katsiaficas**

**Aaron Burns** the Board will workshop the following Zoning Board of Appeals Findings of Fact and Conclusions of Law/Notice of Decision for the Administrative Appeal of Coyne Operated Properties, LLC ("Coyne") from a Code Enforcement Officer Determination/Decision issued July 30, 2020 (the "Decision") regarding a portion of Tax Map 40, Lot 211. Zone IPD

**City of Westbrook  
Zoning Board of Appeals  
Findings of Fact and Conclusions of Law/Notice of Decision**

**Re: Administrative Appeal of Coyne Operated Properties, LLC ("Coyne") from a Code Enforcement Officer Determination/Decision issued July 30, 2020 (the "Decision") regarding a portion of Tax Map 40, Lot 21 1.**

The Zoning Board of Appeals ("ZBA") has received and reviewed the above-cited administrative appeal (the "Appeal") and after hearing and deliberation on November 10, 2020, continued to January 12, 2021 and to February 9, 2021, decides as follows:

**Findings of Fact**

1. On or about August 26, 2020, Coyne Operated Properties, LLC filed this appeal of a decision of the Code Enforcement Officer dated July 30, 2020, regarding the uses and development of Lots 13 and 211 of Tax Map 40.

**The vote is 5-0 in favor**

2. This matter came before the City of Westbrook Zoning Board of Appeals ("Board") for hearing on November 10, 2020 conducted as a Zoom videoconference.

**The vote is 5-0 in favor**

3. Present at the hearing were the Appellant, Matthew Coyne of Coyne Operated Properties, LLC ("Coyne"), and the City of Westbrook Code Enforcement Officer, David Finocchietti ("CEO"), both of whom were represented by counsel. The ZBA was represented by Attorney James Katsiaficas. ZBA Members who conducted the hearing and participated in deliberation and the decision were Chair Aaron Burns, Vice Chair Philip Brown, Sherri Quint, Michael Lemay, and Michael Foster.

**The vote is 5-0 in favor**

4. Counsel for each party presented legal argument, and Mr. Coyne and the CEO each presented testimony, and each submitted exhibits to the Board as follows:

### **Coyne's Evidence**

- a. Application for Administrative Appeal to the Zoning Board of Appeals, dated August 25, 2020.
- b. Letter from CEO to Attorney Alan Beagle, dated August 12, 2020.
- c. Letter from Attorney Beagle to CEO, dated August 6, 2020.
- d. Letter from CEO to Attorney Beagle, dated July 30, 2020.
- e. Letter from Attorney Beagle to CEO, dated July 24, 2020.
- f. Email chain between Attorney Beagle and City of Westbrook Director of Planning and Code Enforcement, Jennie P. Franceschi, P.E., dated June 4, 2020 through July 16, 2020.
- g. Letter from Attorney Beagle to CEO, dated October 6, 2020 (with attachments).
- h. Release Deed from PTC to Coyne Operated Properties, LLC, dated July 31, 2020.
1. Survey Plan prepared by Survey, Inc., dated August 18, 2020.
- J. Six (6) photos of the premises.
- k. Excerpt of City of Westbrook Tax Map 40.

### **CEO's Evidence**

- a. Memorandum from CEO to ZBA, dated September 25, 2020.
- b. Excerpt of City of Westbrook GIS map showing vicinity.

**The vote is 5-0 in favor**

5. Coyne is the owner of the property located at 9 Cumberland Street in Westbrook, which is designated by the City Assessor as Map 40, Lot 13 (hereinafter, the "Coyne Lot").

**The vote is 5-0 in favor**

6. The Coyne Lot is located in the City Center District (CCD) under the City's Land Use Ordinance. With a lot size of 25,700 square feet, and street frontage of 168 feet, the Coyne Lot is a conforming lot in the CCD.

**The vote is 5-0 in favor**

7. Adjacent to the Coyne Lot is a 4.3-acre parcel of land owned by Portland Terminal Company, designated by the City Assessor as Map 40, Lot 211 (hereinafter, the "PTC Lot").

**The vote is 5-0 in favor**

8. The PTC Lot is located in the Industrial Park District (IPD) under the Ordinance. Since 200 feet of frontage is required in the IPD, with only 85 feet of street frontage on Cumberland Street, the PTC Lot is a nonconforming lot.

**The vote is 5-0 in favor**

9. On June 4, 2020, Attorney Beagle emailed the Planning Director regarding Coyne's plan to purchase a 24,000 square-foot portion of the PTC Lot and merge it with the Coyne Lot for purposes of development. In response, the Planning Director stated City's position that the PTC lot is a nonconforming lot; therefore, the proposed lot split would not be permitted because the remaining portion of the PTC Lot would not meet the Ordinance's frontage requirement, and therefore would be an illegal lot.

**The vote is 5-0 in favor**

10. After a further inquiry from Attorney Beagle, on July 13, 2020, the Planning Director sent an email reiterating the City's position that the PTC Lot could not be divided as proposed and advised Attorney Beagle to request an interpretation from the CEO.

**The vote is 5-0 in favor**

11. On July 24, 2020, Attorney Beagle sent a letter to the CEO, requesting an interpretation as to whether the PTC Lot could be split as proposed.

**The vote is 5-0 in favor**

12. On July 30, 2020, the CEO provided a letter of interpretation to Attorney Beagle (the "CEO Decision") with the following conclusion:

If the split occurs, the remainder of (the PTC Lot] would no longer be a single lot of record but instead would become a 'new lot' and now have to meet the current requirements for the Industrial Park District for a 'lot', as required by Section 202.13 of the Ordinance. The remainder of (the PTC Lot] would not meet the frontage requirement and the changes would cause it to lose its lot of record status. For this reason, the proposed division of the lot is not allowed under the provisions of the Ordinance.

**The vote is 5-0 in favor**

13. On July 31, 2020, Coyne and Portland Terminal Company went forward with the proposed lot split, and Coyne purchased roughly 24,000 square feet of the PTC Lot (the entire area fronting on Cumberland Street), by deed recorded in the Cumberland County Registry of Deeds in Book 37106, Page 1.

**The vote is 5-0 in favor**

14. On or about August 26, 2020, Coyne filed an appeal of the CEO's interpretation that is quoted above in Paragraph 12.

**The vote is 5-0 in favor**

### **CONCLUSIONS OF LAW**

1. **Jurisdiction.** Under Section 703 of the Land Use Ordinances of the City of Westbrook ("LUO"), the Zoning Board of Appeals ("ZBA") has jurisdiction over appeals from decisions of the Code Enforcement Officer ("CEO") thereunder:

A person aggrieved by a decision of the Code Enforcement Officer, as provided by this ordinance, may appeal to the Zoning Board of Appeals. The person must file a notice of appeal with the Code Enforcement Officer within 30 days of the action taken. The notice must cite the decision appealed from, identity of the property involved, and state the specific grounds for the appeal.

The Appeal is an administrative appeal that alleges an error in the CEO's Decision regarding the interpretation set forth in his July 30, 2020 letter to Coyne, and so the ZBA determines that it has jurisdiction over this Appeal.

**The vote is 5-0 in favor**

2. **Timeliness.** Attorney Beagle filed an "Application for Administrative Appeal to the Zoning Board of Appeals" on behalf of Coyne on or about August 26, 2020, within 30 days from the Decision. That Application cites the decision appealed from, the identity of the property involved, and the specific grounds for the appeal. The Board of Appeals therefore determines that the Coyne Appeal, received by the CEO on or about August 26, 2020, is timely.

**The vote is 5-0 in favor**

3. **Standing.** Under LUO Section 703 quoted above, administrative appeals must be filed by "A person aggrieved." While the LUO does not define a "person aggrieved," a disappointed applicant for zoning interpretation would fall within the commonly understood meaning of that term. Therefore, the Board of Appeals determines that Coyne has standing as "A person aggrieved" to

bring this Appeal.

**The vote is 5-0 in favor**

4. At the November 10, 2020 hearing, the ZBA members voted to recuse member Nancy Milton Heath from participation in this Appeal for conflict of interest, and the Chair appointed Alternate Michael Foster to sit on the ZBA as a voting member for this Appeal.

**The vote is 5-0 in favor**

5. The parties and the ZBA recognize that the CEO Decision reversed the lot references in his Decision -- Tax Map 40, Lot 13 is the conforming 25,700 square foot lot in the City Center District Coyne already owns, and Coyne proposed to purchase a 24,000 square foot portion of an adjoining lot, Tax Map 40, Lot 211, and all proceed with that understanding in their review of this Appeal.

**The vote is 5-0 in favor**

6. The issue on appeal is whether the CEO correctly interpreted the Ordinance by concluding that the PTC Lot cannot be split as has been proposed (and completed). Appellant argues that the PTC Lot, because it is not a lot on a subdivision plan, is not a "lot of record," and that nothing in the LUO specifically prohibits the further division of a nonconforming lot. CEO argues that the LUO prohibits the division of a portion of the PTC Lot to leave a nonconforming remainder and prohibits a division of property not in accordance with the LUO.

**The vote is 5-0 in favor**

**Ordinance Provisions**

7. LUO Section 201 of the Ordinance defines "nonconforming lot" as follows:

A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**The vote is 5-0 in favor**

8. LUO Section 202.13 of the Ordinance defines "lot" as follows:

A lot is a parcel of land of at least sufficient size to conform to minimum zoning requirements for use, coverage, and associated factors, and to provide such yards and other open spaces as are herein required. The lot must have the minimum lot frontage for its particular zoning district fronting on a public or private right-of-way ....

**The vote is 5-0 in favor**

9. LUO Section 202.15 defines "lot of record" as follows:

A parcel of land with ascertainable boundaries described in a recorded deed [or] in a subdivision plan approved by the Planning Board, and meeting prior zoning requirements at the time this Ordinance was adopted.

**Aaron Burns** I think that the missing word "or" from the Ordinance

**James Katsiaficas** take it up next

**Aaron Burns** strike the word "or"

**The vote is 5-0 in favor**

10. The ZBA interprets LUO Section 202.15, in order to avoid an inconsistent, illogical or absurd result, as containing a significant typographical error -- the omission of the word "or" shown in brackets in paragraph 9 above. The ZBA agrees with the CEO that the word "or" is necessary in order to give the sentence any rational meaning. The phrase "a recorded deed in a subdivision plan" does not make any logical sense. Further, the ZBA has always interpreted the term "lot of record" to include parcels of land with ascertainable boundaries described in a recorded deed without also requiring such parcels to be shown on a subdivision plan. Moreover, in the context of the LUO, Section 203. 5 A. and B. of the LUO refer to nonconforming lots of record that are part of subdivisions, implying that there are lots of record that may not be part of a subdivision.

**5-0 in favor as amended**

11. The PTC Lot is a "lot of record" because it has ascertainable boundaries that are described in a recorded deed, and it met prior zoning requirements at the time the Ordinance was adopted or amended. Coyne's reference to the LUO Nonconformance "Purpose" section, Section 203.1, which says "nonconforming vacant lots of record can be reasonably developed," is unavailing because that section depends upon the existence of a "lot of record." Here, as explained above, the PTC Lot lost its lot of record status after the lot split and the portion of the PTC Lot purchased by Coyne was not a lot of record, so this language is inapplicable. Under Coyne's interpretation, a nonconforming lot of record could be divided up any number of times, with each subsequent portion developed. That interpretation is not only inconsistent with the applicable LUO provisions, but it also undermines the purpose of the LUO's nonconformance provisions. Moreover, this would be an absurd interpretation of the LUO, which the Board must avoid. *Banks v. Maine RSA #1*, 1998 ME 272, ¶ 4, 721 A.2d 655 (noting that an interpretation of an ordinance must not create "absurd, inconsistent, unreasonable or illogical results.") (citation omitted). Similarly, Coyne's reference to LUO Section 203.2(A) is inapt because that section refers to an existing, nonconforming use of land. Under that section, if a nonconforming use exists on a part of the land or existing structure, the use may continue. Here, there is no nonconforming use of the PTC Lot; rather, it simply is a nonconforming lot, so that LUO Section 203.2(A) does not apply.

**The vote is 5-0 in favor**

12. The ZBA determines that the lot split of the PTC Lot that occurred on July 31, 2020 by way of the deed from Portland Terminal Company conveying the 24,000 square-foot front portion of the lot to Coyne resulted in the PTC Lot losing its "lot of record" status because it no longer had the boundaries that existed at the time the LUO was adopted or amended to make the PTC Lot nonconforming. As a result, it no longer is a nonconforming lot. The Law Court has held on multiple occasions that a nonconforming lot of record loses its "grandfathered" status when its boundaries are modified. *See Day v. Town of Phippsburg*, 2015 ME 13, ¶15, 110 A.3d 645; *Farley v. Town of Lyman*, 557 A.2d 197, 200-01 (Me. 1989).<sup>1</sup>

<sup>1</sup> *Day v. Town of Phippsburg* involved two non-conforming lots that merged in 1989, were separated 2 years later, and then the owner tried to rejoin them to form a buildable lot. The Law Court held that once the grandfathered status of the lots was lost by the unlawful division of the merged lot, the grandfathered status could not be restored by recombining the illegally separated lots. Similarly, *Farley v. Town of Lyman* involved the merger of two adjacent, undersized, commonly owned lots into a single lot that complied with applicable lot size requirements. The Law Court held that, after their merger, each lot lost its individual grandfathered status, and that that status could not be revived should the lots cease to be commonly owned. ~~(emphasis added)~~.

~~While the PTC Lot could have been built upon as a "lot of record" prior to the lot split, it could not be built upon after the lot split because it had lost that "lot of record" status.~~

**Aaron Burns** I am okay with all of 12, except for the last sentence as I think that it is not before us to determine if it can be built upon or not.

**Michael Lemay** so that is where my issue lies. My concern which has been all along, we took a lot and split it and now it is saying that if we agree that this was incorrect even if put the lots back together, you never be able to build on this lot again. My problem is not only are we making this decision for Coyne Properties but also making this decision for Portland Terminal Company and they have not been here to defend themselves. I know it is Public Comment, but we are making 4.3 acres of land in Westbrook as completely useless. I think Portland Terminal Company should come to defend themselves and be notified that the rest of the majority of this lot that is useless. We are done, they can not do anything with their land. This does not seem correct to make 4.3 acres useless.

**Aaron Burns** that issue is not before this Board.

**Linda Gain** Portland Terminal Company received notice on each meeting we have held, and we did not receive any responses by telephone, e-mails or written responses showing interest in this discussion.

**Aaron Burns** that is standard practice to notify all the abutters. I think we should re-draft #12 to limit to what we are moving on.

**James Katsiaticas** you could exclude the last sentence. It is not necessary to be there. The division of the two and lost its nonconforming status but you do not have to say it in here. Simply omit the last sentence in #12.

**Aaron Burns** I think that will address my concern on that.  
Amend #12 and strike the last sentence. All in favor to the amendment?

**The vote is 5-0 in favor as amended**

13. In addition, division of the PTC Lot was prohibited by LUO Section 202.22 because it was not in accordance with the LUO. See LUO Section 202.22 ("A structure may not be constructed or used, and land may not be used or divided, except in accordance with this Ordinance. All other construction, use or division of land or buildings is expressly prohibited except that which is already lawfully existing at the time this Ordinance is enacted.")

(emphasis added). Here, the legally nonconforming PTC Lot has **not** been divided in accordance with the LUO; the new lot does not meet the 200-foot frontage requirement for the IPD and, therefore, it violates LUO Section 202.22. As a result, the lot split that occurred by virtue of the conveyance in the deed on July 31, 2020, is prohibited under the LUO and therefore results in an illegal lot.

**The vote is 5-0 in favor**

14. Finally, the CEO's interpretation that the PTC Lot has lost its nonconforming status is not only consistent with applicable Ordinance provisions; it is also consistent with the applicable case law, given that "(the policy of zoning is to abolish nonconformi[ties] as speedily as justice will permit." *Town of Windham v. Sprague*, 219 A.2d 548, 552-53 (Me. 1966); see also *Day*, 2015 ME 13, ¶ 15, 110 A.3d 645 ("In light of this policy, zoning provisions that restrict nonconformities are liberally construed, and zoning provisions that

allow nonconformities are strictly construed.") (quoting *Brackett v. Town of Rangeley*, 2003 ME 109, ¶ 16, 831 A.2d 422); *id.* ¶ 15:

A grandfather clause, which allows the limited continuance of nonconformities, is included in zoning ordinances in order to avoid takings challenges. It is designed to strike a balance between a municipality's interest in abolishing non-- conformities and the interests of property owners in maintaining land uses that were allowed when they purchased their property.

In other words, the Ordinance's nonconformance provisions are there to protect rights anticipated at the time a property was purchased; here, at the time that Coyne purchased the portion of the PTC Lot, there was no right to split a nonconforming lot to create a new lot.

**The vote is 5-0 in favor**

**Aaron Burns** I suggest that we add a #15 the legal status of the remainder Portland Terminal Company lot is not before the Board and the Board renders no opinion on the buildability or grandfathered status of Portland Terminal Company lot.

**Michael Lemay** would this be an issue if this was in a different district or zone?

**Aaron Burns** yes

**Mike Lemay** where Roots Café is that one has no setbacks.

**David Finocchietti** City Center District

**Aaron Burns** this is more of a street frontage not a setback issue.

**James Katsiaficas** not enough in that zone, it might be enough in another zone but that is for another day.

**Michael Lemay** my thought is, what happens next, can this lot still exist? Can it be rezoned by a meeting of the City Council?

**James Katsiaficas** this Board can only solve the problem that is in front of it. It is up to the parties to work that out.

**Michael Lemay** but if we say the lot could not be subdivided, then the City Council will take that and say you have a lot that could not be subdivided can we even listen to you.

**Aaron Burns** that is a political decision.

**James Katsiaficas** for another day and another venue.

Jim, did you get #15?

**James Katsiaficas** the status of the PTC lot is not before the Board and the Board renders no opinion on buildability status.

**Aaron Burns** conforming or nonconforming status.

**James Katsiaficas** the legal status of the remainder of the PTC lot is not before the Board and so the Board renders no opinion on its buildability or on its conforming or nonconforming status.

**Aaron Burns** no opinion of the remaining PTC lot.

**Philip Brown** can we have it re-read please?

**James Katsiaficas** the legal status of the remainder of the PTC lot is not before the Board, so the Board renders no opinion on its buildability or its conforming or nonconforming status.

**Mark Bower** Mr. Chair, the CEO's Interpretation which is the subject of this appeal does get into that issue. It reads "The remainder of the PTC lot would not meet the frontage requirements and the changes would cause it to lose lot of record status". I thought that is what this Board was deciding and in paragraph 12 conclusions, you do get into that. I just do not want to have an inconsistency between paragraph 12 and paragraph 15.

**James Katsiaficas** what you could say it renders no opinion to its buildability.

**Aaron Burns** that works for me. Now it states:

[15. The Board renders no opinion on the buildability of the remaining portion of the PTC](#)

[H](#)Lot.

**The vote is 5-0 in favor**

### **Decision**

Given the findings of fact and conclusions of law set forth above, the Board must deny the administrative Appeal of the Appellant, Coyne Operated Properties, LLC.

**The vote is 5-0 in favor**

object to some of the findings as the Board has voted on, is not being supported by the evidence. I want to say that for the record to give the Board the opportunity to change any of those before the Findings are adopted.

**Aaron Burns** it is preserved for the record that you are objecting to the some of the proposed findings as unsupported by substantial evidence in the record and you are also reserving your objections to the Boards legal conclusions to the extent of the inconsistent written and oral submissions of the previous meetings.

**C Alan Beagle** correct. I am also objecting to the process the Board has used to adopt the appellant having used the City Attorney draft the conclusions.

**Aaron Burns** I will point out for the record that Mr. Katsiaficas is the Attorney solely for the Zoning Board of Appeals and is not representing the City Administration. He is here to assist the Board with fact findings but is not representing the City's Administration that is Mr. Bower

**Michael Lemay** would he have an opportunity to point out where he feels they are incorrect? Would he be allowed to comment where he feels we went incorrect?

**James Katsiaficas** typically what happens is you have a public hearing and you hear from Counsel on both sides for their evidence and Board can ask questions of the parties Attorneys. Then the public hearing closes and you go into the deliberation, then at that point, neither Attorney nor the public has the right to speak to the Board. The maybe called upon from the Board members as you wish through deliberation.

In this case each side was allowed to provide their findings of fact and conclusion of law that this Board had before it. During your deliberation you went down paths and I put together findings based upon evidence submitted and saw what was provided in the record.

Their drafts and the drafts of the Board to work from have gone through that and may entertain comments from Counsel to findings and conclusions, you do not have to, it is not the usual procedure.

I understand that Mr. Beagle wants to preserve comments for the record and that has been done and certainly has the right to go to Superior Court and present whatever argument he wishes.

You can talk to him if you want, that is not the usual course of events.

**Aaron Burns** Board member wish to hear from either Counsel parties on a particular issue before the motion?

**Michael Lemay** Our Attorney wrote up the findings and I thought the other party would have written theirs.

**Aaron Burns** the other Attorneys did at the last meeting.

This document is the synthesis from Mr. Katsiaficas on behalf of the Zoning Board. The Board gave direction on which way we were going on the decision. We have to deliberate and conclude this issue in public. I am reluctant to re-open it except for further arguments, I think that time has passed.

We have a decision to make and we have heard both sides and have had two meetings where the parties presented evidence that was heard and this is the third meeting. At a certain point we need to make a decision.

Obviously I am one member but if the Board feels differently give me some guidance on that. We would have to have a motion to re-open the hearing.

**Michael Lemay** and that motion would have to come from one of us and not from someone else.

**Aaron Burns** you can ask and I will decide and if you do not agree you can move to overrule the Chair.

You are a voting Board member and you have the right to seek any information you want and I may or may not allow it.

Any other members have questions and wish to re-open, if we re-open we will need to re-open to both sides. I do not feel the need, I think we have heard the presentations and I think we are ready to make a decision.

Board affirmed

**Aaron Burns** I will entertain a motion to approve the Findings of Fact and Conclusions of Law stated in the record ad to affirm the Code Enforcement Officer's decision, deny the appeal ad adopt the Findings of Fact and Conclusions of Law in this Notice of Decision.

**James Katsiaficas** one last clause to authorize the Chair sign the final decision on behalf of the Board.

**Aaron Burns** do I hear the motion?

**Philip Brown** so moved

**2<sup>nd</sup> by Michael Foster**

**The vote is 5-0 in favor**

### **Motion and Order**

**On motion by Philip Brown, seconded by Michael Foster, by vote of 5 to 0, the Zoning Board of Appeals affirms the CEO's Decision, denies the Appeal, and adopts this "Findings of Facts and Conclusions of Law/Notice of Decision." And authorize the Chair to sign the Final Decision.**

Dated: February 9, 2021

By the City of Westbrook Zoning Board of Appeals

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Aaron Burns, Chair

**Aaron Burns** do we have to add the right to appeal within 45 days of the decision?

**James Katsiaficas** no, but there is a right to appeal to the Maine Superior Court under Rule 80 B, if you want to add that, that is fine but no harm.

**Aaron Burns** For the record you can appeal the Board's decision to the Maine Superior Court under Rule 80 B.

No other business before the Board, can I entertain a motion to adjourn?

**Philip Brown** so moved

**2<sup>nd</sup> by Sherri Quint**

**The vote is 5-0 in favor**

**Adjourn**

*THANK YOU, respectfully submitted by Linda Gain [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us)*