

Town of Islesboro  
**Board of Appeals**  
Special Meeting  
February 20, 2025, 5:00 PM  
Town Office Meeting Room

APPROVED

4/10/26

**MINUTES**

Members Present: Chair Patrick O'Bannon and Peter Willcox

Members Present via Zoom: Tom Tutor, Susan West, Jon Kerr (5:03), and Ben Dove as a voting member.

Members Absent: Dylan Purington

Others Present: Town Manager Janet Anderson, CEO David Dyer, Kara Masters-Siekman, Terry Cowan,

Others Present via Zoom: Attorney Patrick Lyons, Attorney Kristin Collins, Tom Dexter

1. Call the Meeting to Order – Establishment of Quorum
  - Chair Patrick O'Bannon called the meeting to order at 5:00 PM, and a quorum was established with five members present.
2. Approval of minutes from November 21, 2024 and January 30, 2025

**MOTION BY P. Willcox, seconded by S. West, to approve the minutes of November 21, 2024. No discussion. Motion passed, 4 yes, 0 no. Ben Dove abstained.**

**MOTION BY P. Willcox, seconded by S. West, to approve the minutes of January 30, 2025. No discussion. Motion passed, 3 yes, 0 no. B. Dove and T. Tutor abstained.**

3. Review policies and procedures for a BOA appeal hearing
  - a. Town Ordinance Requirements
    - P. O'Bannon stated that the Board will be hearing an appeal on a decision of the Planning Board on an appellate basis, under Chapter 125, Land Use, and under Chapter 45, Development Review.
    - We may reverse the Planning Board decision only if their decision is "contrary to specific provisions of the ordinance, and contrary to the facts presented."
    - The appellant review, the body of evidence we use to hear to make the appeal, is limited strictly to the recordings and records of the Planning Board decision. There is no new material, no new evidence, introduced.
    - We can receive oral and written arguments from the applicant, the appellants, and the abutters, and we will try to set out a schedule for the written arguments, but those are based solely upon the records that were provided to the Planning Board in making the decision. No new information is considered.
    - We may remand the whole thing back to the Planning Board for additional fact finding, if we choose, and the parties may present their case through oral or documentary evidence.
    - Parties can submit rebuttal evidence and conduct cross examination at the appeal, and have the right to be represented by counsel.
  - b. Guidance from Maine Municipal Association
    - The Appeals Manual holds information on the process for holding the meeting.
    - We will determine if there is a quorum present, and whether we need to use alternate members of the Board of Appeals.

- We will determine whether or not the appeals in this case have been filed within the required deadline, and whether required notices have been given for the meeting.
  - We will then summarize the appeal, outline what type of jurisdiction we're going to be operating under (what type of review is going to be conducted), which ordinance gives us our jurisdiction, and whether this is an appellate or a de novo appeal. From everything he's read so far, P. O'Bannon feels this is an appellate appeal.
  - We will discuss whether anyone on the Board of Appeals has a conflict of interest, and whether the applicant has standing to appeal.
  - P. O'Bannon will explain the rules of the proceeding, and the extent of public comments and questions.
  - The Chair runs the meeting, recognizes board members and public speakers, entertains motions, rules on relevance of question, and maintains order.
  - The sequence of presentations:
    - The applicant goes first and has the right to make his presentation with no questions until he's finished. Questions are then provided to the Chair, and the Chair submits the questions to the applicant.
    - Presentations by the abutters are next. Questions go through the Chair.
    - There will be an opportunity for rebuttal statements, and comments from interested audience members.
- T. Tutor asked if we will have to go through the entire sequence of events for each of the 12 appeals, or if we will have one presentation, and then with all that information, go through the 12 appeals as a Board and rule on them.
  - Attorney Patrick Lyons advised that the Board can consolidate the appeals by the appellant. The majority of them were filed by a single appellant, out of two appellants.

#### 4. Access to Planning Board records

- Carrie Reed has scanned all of the documentation that was submitted to the Planning Board. We have it all online for the Board of Appeals to review.
- Patrick Lyons stated he will confirm the universe of the Planning Board's record, then will invite the Town's attorney, Kristin Collins, who had advised the Planning Board, to confirm that the record is complete. Once there's agreement there, he will provide access to the data room, called ShareFile, to all Board of Appeals members, the applicant, and the appellants, so everyone can be working from the same universe, which is the record. If anyone wants a printed copy of any materials, they can work with the Town staff.
- P. Lyons will work with the Chair to set filing deadlines for briefs, and we can have the parties upload their briefs to the ShareFile.
- The parties are also allowed to submit rebuttals. It's in the Chair's purview whether, in addition to the primary briefs, we allow the parties time to file reply briefs. We can set those time limits for the rebuttal replies. It might help streamline and clarify the arguments before the hearing.
- P. O'Bannon asked how long it might take for Board members to go through the materials and get a handle on it.
- P. Lyons replied that once we confirm that we have the record in its entirety, we can give everyone access. There are four dates we want to lay out for everyone to be aware of: when the record is final, the deadlines for the parties file briefs and reply briefs, and the hearing date.
- The briefs will be helpful to the Board in determining focus for specific aspects of the record. While the Board wants to be familiar with the entire record, not every aspect is on appeal.

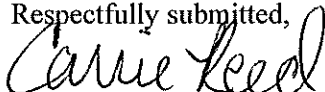
5. Schedule date for hearing

- P. Lyons recommends about a month between when the record is final and the hearing date. P. O'Bannon suggested the hearing be at the beginning of April.
- S. West asked, if it becomes clear that we need more time to understand the material, would it be possible to adjust the date of the hearing? P. O'Bannon stated that we can adjust if needed.
- P. O'Bannon stated that he and P. Lyons will hash out details in the next day or so, and will be in communication with everybody about the date of the hearing.

6. Adjourn

**MOTION BY P. Willcox, seconded by T. Tutor, to adjourn meeting at 5:25 PM. No discussion. Motion passed, 3 yes, 0 no.**

Respectfully submitted,

  
Carrie Reed

