

Minutes of Frye Island BOA meeting June 8, 2007

Present – Paul White, Tim McCarthy, Bobbi Arani (?), Frye Island Attorney (name) *Pinko*
Mr. & Mrs. Paul Lyons – Applicants

Subject – Request for 2.5 foot setback variance for lot 1737.

7:39pm – Meeting called to order by Tim McCarthy

Motion presented by Rich Kaplan that we approve Tim McCarthy as Chairman for this meeting.

Seconded by Bobbi

Passed unanimously

Motion presented by Bobbi that we table election of permanent Chairman of the BOA until such time that additional members of the BOA would be present to vote.

Seconded by Tim McCarthy

Passed unanimously.

- Chair explained to applicants the criteria & process that was about to take place.
- Chair asked applicant to explain his request for variance.
- Mr. Lyons read his explanation and rationale from prepared text.
- Mr. Kaplan asked the applicant how long he has owned the property.
- Mr. Kaplan asked if applicant was aware of the setback requirements, applicant answered in the affirmative but not aware of ledge.
- Referred to pictures of property.
- Mr. Kaplan asked if there were any abutters present. None
- Mr. Lyons presented a letter/e-mail from abutter stating that he has no issues with Mr. Lyons request.
- Mr. McCarthy asked that Mr. Lyons address each of the four criteria for granting a variance.
- Mr. Lyons did so, see application for further detail.
- Mr. McCarthy asked Mr. Lyons if he could purchase additional land from abutter for resolution.
- Mr. Kaplan asked town attorney for legal advice on reasonable return.
- Town Attorney advised and added that the first criterion is the most difficult.
- Mr. McCarthy asked when Mr. Lyons realized he had a setback issue.
- Mr. Lyons stated after the foundation and 2nd floor deck was in process and other substantial work on the home.
- Paul White confirmed that he advised Mr. Lyons to cease work on the home.
- Further discussion regarding time line continued.
- After much discussion it was asked of Mr. Lyons if neighbor would grant him required footage.
- Further discussion on legal options for settlement of the issue.
- Mr. McCarthy & Mr. Kaplan commented on options and obvious problem of granting this variance.

- Mr. Kaplan Asked Mr. Lyons to ask his neighbor for a legal deeded "swap of 2.5 ft. from each of their properties.
- Mr. Lyons responded "...why do I have to do that?..."
- Mr. McCarthy explained that if that is accomplished there would be no need for a variance and if it wasn't, his request for a variance would be difficult to grant.
- 8:28pm Mr. Lyons asked if he could speak privately with John Crosby, BOA agreed.
- 8:32pm Mr. Lyons reentered the room and requested the BOA to table the request for variance until such time that he could speak to his abutter.
- Town Attorney then informed Mr. Lyons of the requirements for legal documents etc.
- Paul White, CEO, stated that he will lift stop order but fully expects legal documents supporting the land agreement with abutter.
- Mr. Kaplan moved that variance be tabled until such time as notified by CEO that issue was resolved or not resolved.
- Seconded by Mr. McCarthy
- Passed unanimously
- BOA discussed old business
- Mr. McCarthy read 9/16/06 meeting minutes, Mr. Kaplan moved to approve seconded by Bobbi, all approved.
- BOA requested documentation of Insurance coverage from Town of Frye Island. Bobbi will follow up with Tow Manager.
- BOA set future meeting dates as follow;
All Friday evenings at 7pm – 7/13, 8/10, 9/14, & 10/2.
No meeting will last longer than three hours.

8:47pm Mr. Kaplan moved to adjourn meeting, seconded by Mr. McCarthy, all agreed. Meeting Adjourned.

Report to the Board