



# **TOWN OF FREEPORT**

## **BOARD OF APPEALS MINUTES**

**Monday, August 4, 2025**  
**Beginning at 6:30 P.M.**

**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**30 Main Street, Freeport, Maine**

**Attending:** James Arrison, Guy Blanchard, Ronald Davis, Jordanna Feely, Vice Chair  
Shannon Garrity, Pauline Levasseur, Chair Preston Noon, Nick Adams, CEO,  
Alex Sirois, CEO and Town Attorney Amy Tchao

Chair Noon called the meeting to order at 6:30 p.m. He called for approval of the Minutes

### **1. Minutes**

- a) April 7, 2025

Ms. Feely pointed out that her name was misspelled as Feeny. The Recording Secretary apologized.

**MOVED AND SECONDED:** To accept the Minutes as amended. (Garrity & Levasseur)

**VOTE:** (6 Ayes) (1 Abstention: Blanchard) (0 Nays)

### **2. Tabled Matters, Unfinished, or Remanded Business:**

- a) Organization of the Board, Elect Chair, Vice Chair, and Secretary

**MOVED AND SECONDED:** To do this at the end of the meeting. (Garrity & Levasseur)

**VOTE:** (7 Ayes) (0 Nays)

### **3. New Business Public Hearings:**

Before starting, Mr. Adams explained that there are two applications at the end of the agenda that we agreed to table. They are all here so he wanted to make sure that we are all in agreement to

table at this time so they don't have to sit through the whole meeting. He prepared a letter based on our conversation. For the record, Moose Crossing was tabled to September 8.

**MOVED AND SECONDED:** To table the Moose Crossing applications to September 8.  
**(Davis & Arrison) VOTE:** (7 Ayes) (0 Nays)

- a) To consider an administrative appeal of a building permit issued by CEO, for Carolyn M Hoffman, 71 Spar Cove Road, Tax Map 27, Lot 9ETC, Book 40868, Page 192. Chair Noon believes we have representation.

Attorney Erick Wykoff explained that he is here on behalf of the applicants, Paul and Maureen Manetti.

Before getting into the application, Mr. Blanchard disclosed that he lives in that neighborhood so these are his neighbors and future neighbors but he feels he does not need to recuse himself from this application. He can weigh in impartially.

Attorney Amy Tchao asked if she could make a procedural recommendation and Chair Noon agreed. She explained that this matter has come to us with a Planner's Memo from Alex Sirois and it was addressed and noted there was a question about the timeliness of the appeal which is a jurisdictional issue and so she invited the applicant and if the permittees' representatives are here to address that issue first rather than the merits as we may or may not need to get to the merits, depending on where you are on that so that is her recommendation.

Attorney Wykoff asked if Attorney Tchao would like him to put on his client to describe the timing? Attorney Tchao replied no, as their representative he should address the issue of jurisdiction and address the timeliness issue. She doesn't think the testimony is warranted at this point. The question is whether the Board has jurisdiction to hear the appeal? Attorney Wykoff wanted to be clear the Board is not interested in having testimony and is interested at this time having him describe the factual background behind the timing of the appeals. Is that his understanding? Attorney Tchao explained not necessarily. She guesses the question is do you challenge whether this appeal was filed timely under the Ordinance? Attorney Wykoff explained that on February 12, 2025 his clients had no notice of the permit being issued or the application for it. They learned about the existence of the permit on April 23, 2025 and spoke with Officer Sirois at the Town about that. That was the occasion that they observed that the garage was at issue and the permit was being destroyed and Mr. Manetti contacted the Town to ask about that. He learned that the permit had been issued and also learned that the Town's view was that they were not entitled to receive notice relating to the permit. They then filed application for an Administrative Appeal on May 22<sup>nd</sup> which was 29 days after learning about the existence of the permit. He guessed to Attorney Tchao's point, the permit was issued in February 2025 and his clients didn't learn about it until February 23 and filed for an application for an appeal 29 days later. There is a good cause for the timing of the filing of the appeal and he would submit that his clients are entitled to the benefit of a Good Cause Exception to the deadline of 30 days for seeking an appeal.

Attorney Tchao asked if he has a position on whether this Board has the authority to issue a Good Cause Exception? She asked if he reviewed their Ordinance or does he take a position one way or another? Attorney Wykoff said that out of intellectual honesty, there were instances on record that does not contain a provision relating to a Good Cause Exception. It is not contained in the Ordinance. He knows the law court has issued decisions in which it recognizes the possibility of Good Cause Exceptions in the absence of a provision in the Ordinance and if the Board is interested in having him have his client provide evidence, he would be happy to do that. Attorney Tchao added that that may be premature. On the issue of the legal question of whether this Board has jurisdiction, she did hear that his clients filed an appeal not timely, within 30 days of actually discovering the alleged violation. Attorney Wykoff clarified that his clients filed their application for repeal within 30 days of discovering the existence of a permit but it would be more than 30 days after the permit was issued.

Attorney Tchao asked if there is anyone here on behalf of the permittee that would like to speak to that issue? Hearing none, Attorney Tchao advised that she thinks this is a legal question the Board should be addressing because rather than hearing testimony or propers about what notice the appellant got or did not get, the issue under the Board's Ordinance is that the Ordinance itself does not provide for its own Good Cause Exception. In other words, this Board does not have jurisdiction to entertain a late appeal. Once a 30-day appeal expires, you as a Board do not have authority under your Ordinance to say, "oh, there might be exceptions to that rule. We can go 45 days; we can go longer if the circumstances warrant." What Attorney Wykoff is asking is would you like to hear about those circumstances? Her belief is that the law is quite clear and this Board has addressed this issue before in the past couple of years that the Law Court has said that where the jurisdiction of the Board does not extend explicitly to the Board ruling on Good Cause Exceptions. That is for the Court and not for this Board. On a jurisdictional matter like that, she does not feel it is appropriate to take testimony. She thinks you should be ruling on the question of whether you have jurisdiction and then the appellant can take the next step. In other words, it is sort of an exhaustion of a remedy step that there may be. You may see this case again. It may be remanded to you but the next step is the court and is the only body that can grant a Good Cause Exception to the 30-day appeal.

Mr. Arrison asked if the Board needs a motion that we do not have jurisdiction based on the timeliness of this application? Chair Noon agreed. Mr. Adams added that he prepared the Findings of Fact for the Board. The Board does not have to go with all the Findings of Facts but this is similar to the last couple of cases that have come in where they filed them after 30 days after a permit has been issued and the Board voted on it each time. The motion he had was voted on by whatever the vote was, the Board voted that the Administrative Appeal with the referenced names and addresses were not filed within the required 30 days of the building permit 2025-205 issued by the CEO pursuant to Chapter 21, Article VI, 601.G.4 of the Town of Freeport Zoning Ordinance, Chapter 65, Article 4, 409.D of the Town of Freeport Zoning Ordinance. It was the exact same letter issued by the Board.

Attorney Tchao felt the Board should add a sentence that the Board finds that it lacks jurisdiction based on timeliness grounds and capturing it in the Notes of Decision is a good

idea. Attorney Wykoff asked if he could speak for one moment? Attorney Tchao agreed. He wanted to point out that the Ordinances provide the applicant permission to proceed DeNovo and the Board could choose safe testimony. In the event the Board is not interested in doing that, he has a letter prepared that he would like to provide that is proper of evidence that would be provided if his clients were permitted to testify relating to the timeliness of the appeal and also relating to ways in which they contend the Town violated some ordinances in issuing the permit and also relating to violations of the permit that they contend exist on the part of the permittee. He would like to provide that letter if he may, so it can be in the record.

Attorney Tchao said that the Planner's Memo is part of the record and she believes that if the Appellant's attorney wants to provide a letter to the Board so it becomes part of the record, that is within the Board's discretion to allow that to come into the record. She does not advise the Board to allow testimony if your decision is going to be that you don't have jurisdiction but as a matter of what is in the record, she feels it is fine to allow him to provide the letter. Chair Noon asked if the Board needs to vote to accept the letter into the record? Mr. Adams asked if the Board could ask what it is before voting on it? Attorney Wykoff explained that he drafted a letter to the Board describing circumstances related to the filing of an application for an administrative appeal to direct you to this concept of the timing of it and why it was timed the way it was and also describing ways they contend the Town violated its Zoning Ordinance when it issued the permit and also describing ways in which they perceive the permittee is violating the terms of the permit by their actions.

Mr. Adams objected to written testimony to what they are trying to argue. Stuff about timeliness he feels is for the Superior Court to decide. For additional written evidence to be entered the day of the meeting with none of us seeing it, he thinks his office would object to having any additional input that the Board is not going to vote on. Dr. Davis wanted to second Mr. Arrison's motion but it sounds to him that it is a different matter.

**MOVED AND SECONDED:** To dismiss the appeal for lack of jurisdiction based on timeliness grounds and without accepting the letter that is being offered. (Arrison & Davis)

Attorney Wykoff explained that he is perceiving if the Board votes that it has jurisdiction, you may not be able to receive the letter. That is why he is offering it to the Board now. Dr. Davis added that if we have to deal with it again if it comes back from the courts, wouldn't we have to review the letter anyway? Attorney Tchao clarified that the appellant is asking if you are prepared to discuss whether you would like to receive the latter or not. You have an objection from the Codes Enforcement Officer and you have a proper letter and the question on the table is do you want to discuss if you want to accept the letter either by motion or otherwise or do you want to go straight to a vote on dismissing the appeal for lack of jurisdiction?

Vice Chair Garrity asked what purpose Attorney Wykoff believes he has for submitting that letter? He advised that when they go to Superior Court, there will be a record there and no one argues that we haven't exhausted the remedies and have provided the recommendation he will provide. He wants to be sure there is a record there for the court to have so the court will see that he tried to put it in. He doesn't want to waive any arguments. Vice Chair Garrity asked if that is covered by

what was previously submitted that is part of what we received? Attorney Wykoff answered no, under the Ordinances this Board is to hear DeNovo and it can receive any witnesses it chooses and evidence it wishes to receive. He is sensing that this Board is not interested in doing that and he is making a proffer of what a testimony would be in the event they were permitted to provide evidence. It would be in the record going to Superior Court. Dr. Davis asked if the Superior Court would decide whether or not it is okay for us to hear the appeal? The Court is not going to gather all the evidence and making a decision as to whether it is done properly? If that is the case, he doesn't see the relevance. Chair Noon advised Attorney Wykoff that he is in the Minutes on record. Attorney Wykoff agreed he is in the Minutes and also that the Board is recusing what he is offering. That is what the Minutes will say.

Mr. Arrison clarified that the Minutes refer that if we pass this motion, we have decided that we do not have jurisdiction to hear any of it which would include that evidence which would be how he would be understanding it. Attorney Wykoff did not see any down side to the Board taking the letter, to be honest. It is in the record and he can see no down side for the Board. Mr. Blanchard added that the court does not have to consider it if it is part of the record. Ultimately if they are just deciding a jurisdictional issue, they can just ignore everything that is being submitted that is part of this package. It is not up for us to decide that point. It is up to the judge. Ms. Levasseur pointed out that she would prefer to be voting on our jurisdiction and not include the letter because of the fact that it is presented to us right now. It is not something we would have had time to read through and integrate into all of the other information we have.

Chair Noon asked if the Board needs to vote on acceptance of the letter before we go to jurisdiction? Vice Chair Garrity advised that if we vote that we don't have jurisdiction, that would close it to receiving the letter. Others agreed. Chair Noon clarified that the Board is voting on the motion that we believe the Board does not have jurisdiction. Mr. Blanchard clarified that if we believe the Board does not have jurisdiction, we would vote affirmatively. Attorney Tchao added that the Board would be voting to dismiss the appeal on jurisdictional grounds based on the untimeliness of the filed appeal. **VOTE:** (7 Ayes) (0 Nays).

Vice Chair Garrity asked if the Board wants to read the Findings of Fact into the record that we don't have jurisdiction:

Attorney Tchao advised that the Board can do that but the Notice of Decision is due in 7 days but if it is all done here and she thinks there is going to be a sentence added at the end. Mr. Adams added that at the end of the sentence by a vote of 7/0, therefore, the Board finds that it lacks jurisdiction based on timeliness. The next sentence is about the next appeal process. This Board's decision is appealable. If they make a vote on that as presented and have the Chair sign it, we can print it off and have the Chair sign it. He asked if the Board wanted to keep everything in there or just specify: By a Vote of 7 Ayes/ 0 Nays, the Board voted to deny it and he would cross out all the permits.

Attorney Wykoff wanted to clarify one thing on the record. The Board received a memo from the Codes Enforcement Officer and he wanted to make sure what you have has been corrected in terms of when it was filed. He wants to be sure it says May 27 and not May 26. The Board agreed. He thanked the Board for its time.

Attorney Tchao mentioned procedurally is Chair Noon planning to read the Notice of Decision into the record and take a vote on the Notice of Decision so the Chair can sign on behalf of the Board tonight? Chair Noon agreed.

**Findings of Facts:** By a unanimous vote, the Board voted that the Administrative Appeal for the above referenced address was not filed within 130 days for the building permit 2825205 issued by the Codes Enforcement Officer pursuant to Chapter 21, Article 601.G.4.A of the Town of Freeport Zoning Ordinance and Chapter 65, Article 4 for an ID of the Town of Freeport Shoreland Zoning Ordinance. Therefore, the Board finds that it lacks jurisdiction based on timeliness. On those grounds the appeal has been denied.

**MOVED AND SECONDED:** That the Written Notice of Decision that the Chair just read will be printed out today and signed by the Chair so it can be provided to the appellant. (Garrity & Levasseur) **VOTE:** (7 Ayes) (0 Nays)

- b) To consider a setback variance for dwelling, one-family, for Bradeen Properties LLC, 19 Turkey Ridge Lane, Tax Map 18, Lot 60-2, Book 35794, Page 225

Matthew Bradeen pointed out that he does not have a letter or an attorney but has pictures because his description might be confusing. He is requesting a setback variance of about 8' to a sideline for a house he built on Turkey Lane. He purchased the property in 2018 with the intention to build a house there and sell it. He identified a need for more affordable housing in this area. He lives in Yarmouth. His main business has been buying, renovating and building houses but recently started building new houses for all first-time affordable home buyers. He knows there is a lack of affordable housing in this area. Once he finally got his plan to build this house, he went to the property and planned where the building would be. The survey was done by the seller and he sketched in where the house currently sits. He intentionally tucked it into the corner because the Board can see on the right-hand side that the AMTRAK line is the right-side abutter and the back yard was going to be very close to the train tracks. He wanted the back yard for safety purposes. No one wants to live near train tracks so he pointed to the side he wanted to be as close as possible. It had been surveyed and the pins were there. He located every pin and marked them. He showed his excavator where the pins were and told him to set back to 50'. He measured and came up with 75'. They were good. On the 2010 survey, the property was listed as Robert B. Toothaker, Jr. at the end of the right-of-way. It is a different shape because this was before they had split it when he was going to buy it. The pins are indicated to be in place on that survey. There are no extra pins called out on Parcel A. He built a three-bedroom, two bath ranch of 1,300 sq. ft. and put it up for sale and found a buyer that is excited to move to Freeport. During the process of his purchasing the house, it was discovered by the mortgage line survey that the house is 8.2' too close to the sideline. Instead of being 50' from the corner of one of the bedrooms, it is 41.8'.

The next page after the 2010 survey, it is labeled Survey 2025 and shows it is actually the corner of the garage and the corner of a bedroom that are too close per the 50' sideline and front-line setbacks. He is not sure what happened because he measured carefully and did a lot of research and called a bunch of surveyors. One surveyor came out and identified an errant pin or a recently moved or placed pin. It was

the only pin he was able to find. He did find a pin under the ground under a pile of rotten wood so the entire time he had been measuring off the wrong pin. He doesn't know what happened. It was a pin not called out in 2017 in preparation for him buying it. It was not ever identified in the 2010 survey which included the entire neighborhood. The entire development is three or four blocks there on Turkey Ridge. On the last page, there is a close-up of that pin that he found and marked. You can't see the pin because it is under that wooden stake which was what he had driven for the excavator to measure from. You can see a pile of chipped wood for erosion control. There is evidence of a piece of rebar under there but it is not in the right spot. It is closer than this one. This pin does match the pins in other corners of the property but most of them are new rebar with a true surveyor's cap. The ones that are not, match this pipe/pin pictured in the last page on the left. He thinks there are a lot of benefits for the variance to be granted. He believes in the affordable housing shortage in this area and knows it is in Yarmouth and Brunswick. He has another piece of property in Brunswick and is waiting to build another house very similar to this. This was not an attempt to move the house to get a better view. There is no benefit to him to have this house be 8' to the left rather than within the 50' setback. The buyer who wants to buy the house really wants to be in Freeport. He is here today and stuck with him. He is a small business owner and wants to relocate his business from Windham to Freeport. He offered to answer questions.

Vice Chair Garrity asked him to verify that the pictured pin is the one he found. Mr. Bradeen advised that it is confusing because to the left there is a piece of wood in the ground that is a closeup of the other picture. Vice Chair Garrity mentioned that she is wondering about the class of the different surveys. Mr. Bradeen advised that the 2017 survey is a real survey that was recorded. It was done in preparation when he bought the property but he did not know who did it. The 2010 survey Mr. Bradeen got from a neighbor but never verified if it was recorded but it is stamped. Ms. Levasseur mentioned the 2025 survey from Maine Line and asked Mr. Bradeen if he went for a second opinion? Mr. Bradeen explained that he did not. The Mortgage Line Survey was like Livingston and Hughes who checks to see that your house is within your property before getting a mortgage are the ones who said "you have a problem." He didn't use or submit their survey because he was told the town did not recognize them. It was a mortgage line survey and is not a real survey. He is not a surveyor and this is his third or fourth second opinion but the 2017 survey is a real survey that was recorded.

Chair Noon asked if there are additional questions for Mr. Bradeen? Dr. Davis mentioned that he assumes the Board has the authority to make a decision on this. Chair Noon assured him it was a good question. Mr. Bradeen advised that he did explore other alternatives. He offered to purchase .003 acres for \$10,000 from a neighbor but she has not called him back. Her father-in-law was upset because he feels the drainage was changed on the property. They have not returned his calls.

Dr. Davis clarified if the official request is going to be to offer a variance for this dwelling? He asked if that is correct? The Board agreed. Dr. Davis asked if there is an opinion from the Codes Officer or Town Attorney? Mr. Adams advised that in accordance with his office, the variance is completely up to the Board to meet the merits of the Ordinance. Town Attorney Tchao added that the Board is looking under Section 601.G.2.C of your ordinance and there are five standards for granting a setback variance for a single-family dwelling. She invited the Board with the Chair's assistance to go through those standards perhaps starting with the determination that this is a single-family dwelling because this is a special kind

of setback variance of no more than 20%. Going through the five standards as well as the threshold requirements that this be a single-family dwelling that is no more than 20% of the setback requirement would be a good discussion.

**MOVED AND SECONDED:** To open the public comment period. (Noon & Garrity)

Vice Chair Garrity asked Mr. Adams if he received any calls or letters? Mr. Adams advised that an abutter within 200 feet got a notice and came in and looked at the application but did not have a problem.

**VOTE:** (7 Ayes) (0 Nays)

Mr. Adams advised that he prepared a draft Findings of Facts that is in front of the Board versus to determine that no one has conflicts or anything else like that and then you would want to go down each one of the criteria.

**MOVED AND SECONDED:** To close discussion from the public and open discussion from the Board. (Noon & Garrity) **VOTE:** (7 Ayes) (0 Nays)

Vice Chair Garrity mentioned that with Counsel's advice, this will be to address a single-family year-round residence. She noted the Board was not specifically told that but asked Mr. Bradeen if he would like to address that? Mr. Bradeen agreed it will be a single-family house and the buyer will be living there full time. Hearing that, Vice Chair Garrity would say this is a year-round single-family home.

Chair Noon started with No. 1. The need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood.

**MOVED AND SECONDED:** The need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood. It seems like a very specific spot and does meet Condition 1. (Arrison & Davis)

Vice Chair Garrity noted that as the Chair has asked for discussion, she said it is the unique circumstances of having two sets of pins for lack of a better term, that were identified and then another set that was unearthed that makes it unique. **VOTE:** (7 Ayes) (0 Nays)

Chair Noon moved on to No. 2. The granting of the variance will not alter the essential character of the locality. His feeling on this is that it is the end of a road and backed by train tracks on the corner. Ms. Feely mentioned she didn't hear anything that said it would alter the essential character of the locality.

**MOVED AND SECONDED:** To accept No. 2. (Noon & Feely) **VOTE:** (7 Ayes) (0 Nays)

Chair Noon moved on to No. 3. The hardship is not the result of action taken by the applicant or the prior owner. Mr. Arrison would not say which way he is leaning on this right now. The only point of clarification he needs on this. To him this is the point if we had 10 of these in front of us, in 10 different parts of town, how would we determine where is the error and where is the action that is causing the problem? We have been given some evidence for that but he wants to be clear that when we make this decision, we are making it based on this evidence so when we make other decisions, we are consistent with that. He thinks this is the crux. Vice Chair Garrity does not believe that this is the result of the applicant. She thinks it is unknown who did it. Was it a prior owner? She does not know. She thinks the Board would be hard pressed to figure out who it was. It could have very well been a neighbor but agrees this is the hardest one to prove.

Chair Noon added that the Board had this situation happen on Route One and on this Maine Line letter it says please note that the full boundary survey and survey plan was not included in the scope of services which does raise a flag for him personally in terms of pins and such. Mr. Adams pointed out that there was a plot plan submitted that showed the house met the setbacks. He thinks it was because the stamped survey was the only two lines in question. The other lines are far enough away. He added that it is unknown who set the second pin but Vice Chair Garrity does not believe it was this owner.

**MOVED AND SECONDED:** To grant this and vote yes. (Davis & Garrison) **VOTE:** (7 Ayes) (0 Nays)

No 4. Granting of the variance will not substantially reduce or impair the use of the abutting property.

**MOVED AND SECONDED:** To approve that this meets that criteria. (Garrison & Davis)

Vice Chair Garrity added that we did not hear from any abutters with concerns that this location of the house would adversely affect them. In looking at the plan, she does not know where the next house is but it certainly looks like there will be 42' between this house and any abutting house and all abutters were notified. We were not given any evidence that any abutters had concerns and it does not look like that on the drawings submitted.

**VOTE:** (7 Ayes) (0 Nays)

No. 5. The granting of a variance is based on demonstrated need and not convenience and no other feasible alternative is available. Ms. Feely advised that we would not want to request that the house be moved so she doesn't see any other feasible alternative. Vice Chair Garrity noted that the owner of the current property did approach neighbors to try to buy and fix this mislocated building issue and that was not amenable so there were efforts made to find an alternative.

**MOVED AND SECONDED:** That Criteria No. 5 has been met. (Garrison & Davis) **VOTE:** (7 Ayes) (0 Nays)

No. 6. A variance under the subsection is strictly limited and may be permitted only from the setback requirements for a one-family dwelling that is a primary year-round residence of the applicant. Chair Noon mentioned that the Board has heard testimony that it was. Mr. Adams pointed out that the house was constructed as a single-family dwelling and the new property owner will be a year-round resident.

**MOVED AND SECONDED:** That the Board said it heard testimony that it was. (Garrison & Davis) **VOTE:** (7 Ayes) (0 Nays)

No. 7. A variance under the subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the combined area of the dwelling of one family and any other structures to exceed the maximum permissible lot coverage. A variance under this subsection may exceed 20% of a setback requirement except for minimum setbacks from a wetland or water body required within the shoreland zones by rules adopted pursuant to Title 39, chapter 3, Subchapter 1, Article 2-B of the Maine revised statutes if the applicant has obtained the written consent of an affected abutting landowner.

Mr. Garrison had a question on this. Yes, we are definitely under the 20%. The problem is written that if the decision is written 41.8 and some neighbor challenges this, and it comes back and it gets measured to

41.7 which would still be within the 20%. Is there a way to word this that has the conditions clearly met to the best of our ability? If we make this decision, we don't have to worry about it coming back for the sake of a couple of inches? Mr. Adams advised that if there is a discrepancy between surveyors, that discussion goes to the court. We have a survey from a licensed surveyor that has stamped this so that is the information we have always used. If another surveyor comes and says it is another issue, it is a civil issue between the two. Attorney Tchao added that the Board can only make a decision based on the record before you tonight so if evidence comes in later of a dueling survey, arguably that evidence is too late to consider in your decision. Ms. Levasseur added that based on the statement, it can't exceed 20% so we are within that. Mr. Adams added that he has 9.44% and 8.36%. Vice Chair Garrity wanted to make sure that these numbers are to the overhang. Mr. Adams agreed.

**MOVED AND SECONDED:** Based on the information before us, Condition No. 7 is met. (Aarrison & Davis) **VOTE:** (7 Ayes) (0 Nays)

**Decision:** The Board reviewed the evidence and found that there was substantial evidence in the record supporting the granted approval of the variance and based on the above Findings of Fact and Conclusion, the Town of Freeport Board of Appeals voted unanimously to approve the setback variance for a dwelling one-family for a 47.2 front lot line and a 41.8 front southern side lot line setbacks for the required 50' front and side lot line setbacks as shown on Setback Verification Sketch drawn by Maine Land Development Consultants dated may 19, 2025, Exhibit A.

**MOVED AND SECONDED:** To accept the decision. (Davis & Garrity) **VOTE:** (7 Ayes) (0 Nays)

Mr. Adams advised that he will prepare the document within a week and it needs to be recorded at the Registry or we will have to go through the whole process again.

Mr. Adams asked for a motion for the Chair to sign the Certificate and Findings of Fact based on our discussion. Chair Noon mentioned he is more than happy to do it.

**MOVED AND SECONDED:** That the Chair be authorized to sign the Certificate and Findings of Fact based on the Board's discussion. (Aarrison & Davis) **VOTE:** (7 Ayes) (0 Nays)

Organization of the Board to Elect Chair, Vice Chair and Secretary

**MOVED AND SECONDED:** To nominate Preston Noon to serve as Chair. (Garrity & Davis) **VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To nominate Shannon Garrity to serve as Vice Chair. (Noon & Davis) **VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To nominate Guy Blanchard to serve as Secretary (Aarrison & Davis) **VOTE:** (7 Ayes) (0 Nays)

#### 4. Next Meeting

Mr. Adams advised that the next meeting will be on September 8. For Moose Crossing, they requested that the variance be heard first and then the Admin appeal.

**5. Adjourn**

**MOVED AND SECONDED:** To adjourn at 7:40 p.m. (Noon & Feely) **VOTE:** (7 Ayes) (0 Nays)

Recorded By Sharon Coffin