

# **BEFORE THE TOWN OF LAMOINE BOARD OF APPEALS**

In Re: Moldawer v. Code Enforcement Officer

To: Chair and Board of Appeals  
From: Alan Moldawer, Appellant  
Date: July 22, 2020

## **APPELLANT'S REQUEST TO SET APPEAL FOR HEARING**

Appellant, Alan Moldawer, hereby respectfully requests the Board of Appeals at its upcoming meeting of July 24, 2020, to set a future date for a public hearing on his December 3, 2019 appeal of the Code Enforcement Officer's November 30, 2019 redetermination of no violation of the BLUO building height limit of the True house in Marlboro. The date for the hearing, it is respectfully suggested, should be set at a time and place where the Board can convene safely in person and the public can attend safely in person.

At the last public meeting on this matter, on March 4, 2020, counsel for the Board opined that this appeal was timely filed and properly before the Board of Appeals. He went on to suggest that if the Board wanted to "pass the buck" on to a court of law, it could employ the fiction that a CEO's disregard for the clear ruling of a Board could somehow be disempowering of the Board and allow the Board to say it has no jurisdiction to hear the appeal, since it cannot discipline the CEO.

Appellant attaches hereto and incorporates by reference his Letter to the Chair and Board of March 9, 2020. Appellant respectfully asks the Board to disregard the "pass the buck" advice and set the matter for a public hearing on the merits of the appeal. A clear ruling on the CEO's redetermination that even the CEO can understand would affirm the Board of Appeals' authority to hear and decide appeals, as the law requires, and put the matter back where it belongs, before the CEO (and Board of Selectmen) to be resolved consistent with the Town's BLUO.

Respectfully submitted,



Alan Moldawer  
15 Brown Lane  
Lamoine, Maine 04605

A copy of this Request has been emailed to Jon Pottle, Esq. on July 22, 2020, as well as to Stu Marckoon at the Town Hall.

Attachment A -- Letter of March 9, 2020