

January 24, 2019

Alan Moldawer  
15 Brown Lane  
Lamoine, Maine 04605

Jon Van Amringe, Chair Pro Tem  
Board of Appeals  
Town of Lamoine  
Lamoine, Maine 04605

To Mr. Van Amringe and the Board of Appeals:

I want to thank the Board for considering my request to address the Board by cellphone or Skype. The time taken to research the issue by the Chair Pro Tem is very much appreciated and I understand the reasons for the decision regarding it.

However, I do want to correct a misunderstanding implicit in a statement made by Mr. Van Amringe near the conclusion of the January 22 meeting regarding (paraphrasing his words) “the apparent choice of the Appellant not to have had a professional land surveyor measure the height of the True house.”

I respectfully remind the Board that the Board ruled in the first appeal early last spring that no evidence not already in the administrative record before the CEO as of April 3, 2019—the date of the CEO’s determination appealed from—would be considered by the Board. And, of course, there was no opportunity for the Appellant or anyone other than the CEO to have had a professional land surveyor measure the height of the True house before that date.

On whether a professional land surveyor could determine the height of the True house to average original grade, we know the answer. Several residents, including co-owners of the True lot, took up a fund to have a professional land surveyor measure the height of the house from top to average original grade and an accurate height measurement was made. However, the CEO has consistently refused to consider anything but her own erroneous measurement and has now disregarded the Board’s October 29 decision.

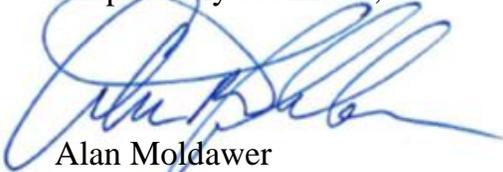
I hope at the next Board meeting (or before the Selectmen on February 6, if the question comes up) that Mr. Van Amringe will consider correcting the statement made about it being the “Appellant’s choice” not to have a height determination made by a surveyor. According to the advice the Board received from its legal counsel, the Board could not consider any evidence that was not before the CEO when she made her erroneous height determination.

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The long process involved in this matter has been as frustrating for me and many others within the Marlboro community as it undoubtedly has been for the Board. However, the stubborn refusal of the CEO to do the right thing, particularly after the Board's decision of October 29, puts at issue considerably more than the True house itself. It puts at issue for the Town whether there is any reason for an Appeals Board to sit and decide an appeal required by law or whether a CEO is free to disregard its decisions and apply the law however she sees fit.

Thank you again for your all your time and overall service to the Town.

Respectfully submitted,



Alan Moldawer  
Marlboro  
301-526-2695  
alanbmoldawer@gmail.com