

TOWN OF NAPLES BOARD OF APPEALS APPLICATION

P.O. Box 1757, Naples, Maine 04055
Phone: (207) 693-6364 / Fax: (207) 693-3667
www.townofnaples.org

Date: 7/2/2019

Owner/Applicant Name: Bruce Spaulhour + Marykate Spaulhour

Mailing Address: c/o Heritage Law, PLLC
PO Box 1338, Cornish, ME 04020

Telephone: 207-625-9200 Email: kgould@heritagelawme.com

Property Owner: Spaulhour

Property Location: _____ Map & Lot: U24-1

Zoning District: Village Shoreland

The undersigned applies for the following:

1. ADMINISTRATIVE APPEAL. Applicant requests relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board. The undersigned believes that:

- An error was made in the denial of the permit;
- Denial of the permit was based on the misinterpretation of the ordinance;
- The permit was not approved or denied within a reasonable amount of time;

Other: impermissible grant of second means of ingress and egress over property/ easement of Spaulhour / Dave v. Baker + Talley / No. public hearing

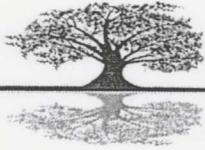
Please include 7 copies of this application along with an in depth letter explaining the reason why you are applying for an administrative appeal.

I have read, understand and agree to the above instructions and conditions. I authorize any Board Member or other Town Officials to enter onto the site. I certify that the information contained in this application and its supplement is true and correct.

Signature: [Signature] Date: 7/2/2019

Application Fee: \$50.00 Advertising Fee: \$50.00 Mailing Fee: \$7.00 per abutter

Applicant's total: \$ _____



July 2, 2019

Mr. Skip Meeker, Chair
Board of Appeals
Town of Naples
P.O. Box 1757
Naples, Maine 04055

Re: Spainhour Appeal of Brandy Crossing Final Approval

Dear Mr. Meeker:

Enclosed for submission to the Board of Appeals, please find the Appeal of the Planning Board's Final Approval of the Brandy Crossing Subdivision (BCS).

As the Appeal states, the basis is threefold:

1. Substantial changes were made between the Preliminary Plan approved and the Final Plan approved, without the Planning Board affording an opportunity for Public Hearing and comment, in violation of abutting property owners' Due Process rights.
2. The grant of approval is premised on the proposed second means of ingress and egress, which lies over the Spainhours' property. The Board has approved the use of a private easement which runs between BCD's predecessor in title and Spainhour. That easement, again, is a private easement and the Planning Board does not have authority to grant any further rights to the dominant estate, which the Planning Board has done by, *inter alia*, requiring that the easement be

paved in violation of well-established case law (previously provided to this Board).

3. The Planning Board does not have the right to take land, either directly or as in this case indirectly, without utilizing the power of eminent domain. The Planning Board's final approval provides that BCS must cross over and upon Spainhour land (over which BCS does not have an easement) and provides authority for BCS to remove trees and rocks that belong to Spainhour. Such is an impermissible taking.

I look forward to hearing from you as to when the first hearing on this matter will be scheduled.

Regards,

A handwritten signature in cursive script, appearing to read "Bonnie S. Gould".

Bonnie S. Gould

BSG/