

**Minutes
Bristol Select Board
August 10, 2019**

Present: Select Board members: Vice Chair Don Milbrand, Rick Alpers, Wayne Anderson, and Town Administrator Nik Coates.

Absent: JP Morrison, Chair Les Dion

Public Session: Vice Chair Don Milbrand opened the public meeting at 11:40 AM.

Others Present: Christina Goodwin, Land Use Manager; Joanne Levesque; and Attorney Kelsey Peterson, BCM Environmental & Land Law.

Amy Jo Cottages Request: Mr. Coates updated the Board on the request by Joanne Levesque to the Department of Environmental Services (DES) for an extension of a remediation plan for a concrete wall with patio on the lake shore. DES denied Ms. Levesque's extension request to file the remediation plan, so she must file it by August 15, 2019. Christina Goodwin, Land Use Manager went over previous court cases that made stipulations for properties along the shoreline. Mr. Coates said the issue is that the concrete patio area was built on Town land without permission which is violation of the Town's zoning ordinance and it is in violation of DES shoreland regulations.

Kelsey Peterson of BCM Environmental & Land Law, representing Joanne Levesque, said that the stairs have a public, not private benefit. She said if DES allowed the stairs to remain, removing the patio may destroy the integrity of the stairs. Joanne Levesque said that when she bought the property in 1998, the stairs were already there, and she first repaired them in 2000 without a permit. She then got a DES after the fact permit and was told by DES that she would not need to get a permit for future repairs. Ms. Peterson said that there is some evidence of a preexisting patio, but Town support is needed to pursue keeping the patio in place. Ms. Levesque reiterated that she knows she was in the wrong but that her intent was to improve the safety of the public who access the stairs.

Mr. Alpers agreed that the stairs were an improvement but was concerned with the abutting private property which these stairs block public beach access. He added that he needs to consider past legal challenges in this area. Mr. Milbrand agreed that the stairs are an improvement but did not agree with the process through which those improvements were made. Mr. Anderson appreciated Ms. Levesque's transparency and efforts but is concerned with an unpermitted project being built on Town property and the legal precedent this may set. He therefore cannot support leaving the patio in place.

Ms. Peterson asked if the Select Board would consider the opportunity to apply for an after the fact permit. Mr. Coates said that the DES would make the judgment as to whether an after the fact permit would be allowable. Ms. Peterson reiterated Ms. Levesque would need the Select Board's support in order to pursue this with DES. Mr. Coates said the Town should not insert itself into a potential civil matter. Further discussion followed.

A motion was made by Mr. Alpers not to support Joanne Levesque's request for Select Board support to keep the patio and stairs in place on Town property. Mr. Anderson seconded. No further discussion, 3-0 in favor, motion carried.

Public Comments: None

Motion made by Mr. Alpers to adjourn public meeting at 12:03 PM, seconded by Mr. Milbrand.
3-0 in favor, motion carried.

Respectfully submitted,
Wendy Smith