

Board of Appeals  
Town of Phippsburg

Gordon & Charlotte Moore  
Appellant

Vs.

Peacock Family Limited Partnership  
Dan Peacock  
Appellee

Decision

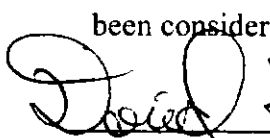
The Board of Appeals held an Administrative Appeal hearing on the Planning Board's decision on granting a permit on May 15, 2007 to the Peacock Family Limited Partnership to construct a pier, ramp and float at 5 Peacock Crossing (Map 27, Lot 003). All Board members (5) were present. Attorney Roger Theriault was representing Dr. Gordon and Charlotte Moore. Dr. Moore was present. Dan Peacock was representing himself for the Family Partnership.

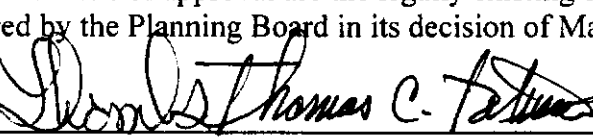
Findings:

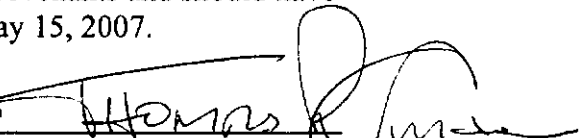
In 1976 the Planning Board signed off on the covenants as part of the Subdivision approval. In 1993, the Planning Board signed off on putting in a new road and splitting a lot in said Subdivision. In 1999, the Planning Board was not consulted in the building of a dock and no permits were issued for the dock.


Decision:

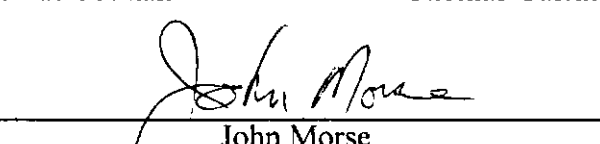
The Board of Appeals decided by a 3-2 vote with Cashman and Bigelow dissenting to overturn the Planning Board's decision of May 15, 2007 to grant the permit because the original covenants that had met with Planning Board approval per the 1976 Subdivision permit, were not legally changed in 1999 when a dock was put in place. Therefore the Board of Appeals finds that the covenants contained in the original Subdivision conditions of approval are the legally existing covenants and should have been considered by the Planning Board in its decision of May 15, 2007.

  
David Thombs

  
Thomas Totman

  
Thomas Cashman

  
Storrs Bigelow

  
John Morse