



Ann Machado <amachado@portlandmaine.gov>

Comment on: Interpretation Appeal 37 Ballfield Road, Peaks Island

1 message

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To Members of the Zoning Board of Appeals:

Please add the following public comment to the record for the Board of Appeals regarding the Interpretation Appeal concerning T. C. Johnson and 37 Ballfield Rd.

As a resident and abutter, it is in my interest that all construction be according to code and inspected. The city has a responsibility to prevent fires and other serious problems that have and will occur within city boundaries because of residents flouting ordinances which have been passed by our representatives to keep us safe.

Permits are expensive. It would be disingenuous to say one doesn't consider whether it would be simpler, quicker, and cheaper to just go ahead and build without a permit. If the city complains, the complaint can be ignored, and if the city persists, one can always then apply for the permit.

But this attitude hurts us all. First of all, permitting income helps pay for city services. When people flout the requirements, it means that others who are more responsible need to shoulder a disproportionate burden. It's obvious the City should disincentivize such thinking, and strict enforcement against permit requirement violators has been a traditional tool. This is not something wielded by the city as a punishment against somebody they don't like, or spared against another resident because he seems to have influential friends.

Residents have the right to vote. They have the right to speak out and change existing ordinances. But while such ordinances are in effect, promulgated by duly elected officials, all residents have an obligation to support them until they are changed. This is a pact we make with each others as neighbors and co-inhabitants of a shared space. This is even more true in a confined space such as Peaks Island. Some of Mr. Johnson's supporters have written that his unpermitted structures are located in a "remote" section of the island and "do not negatively impact any neighbor. One wonders how the writer knows this? She is not even an abutter. The property in question is zoned "residential". There are no "remote" parts on a small island. The issue is not the horses. I love horses as much as the next guy. I don't love it when large disabled animals, who have been rescued from a bleak existence but who are nevertheless quite large, come into my property, frighten people, aimlessly eat landscaping, and are in danger of being hit by vehicles. But those problems can be dealt with community support. They have nothing to do with whether or not buildings should be constructed according to agreed-upon procedures.

I speak as Mr. Johnson's neighbor and as one who has attempted to befriend him but been turned away at the point of a machete. We should all treat our fellow humans with kindness. But even if that is not reciprocated, it is not relevant here.

Regarding Posted Commentary

Because the Board has made available the public comment that has been submitted, one assumes these comments are considered when making a decision. Therefore, since I call on the Board to uphold the decision, and all of the comments are in favor of lifting the decision, it is appropriate to address the concerns expressed by the other submitters.

a. The City provides a list of abutters to the property in question and sends special notices to this group regarding the hearing. Thus the city considers abutters to have a special standing in the matter. Of the eight people whose comments were distributed, zero of them appear on the list of 82 abutters. My name does appear because I am an abutter.

b. The letters all give support to the sheltering of horses. To my knowledge, no one associated with this matter is opposed to providing appropriate shelter for horses.

c. Only one letter writes in support of obtaining building permits. Since the focus of the hearing is the enforcement of permitting ordinances, one is left to assume the writers feel that permitting and horse sheltering are incompatible. I strongly disagree with this sentiment. And while some writers state that the animals are treated well, no writer speaks to the adequacy of the provided shelters. It is certainly the case that inadequate or dangerous shelter would be inappropriate. I believe the city has a vested interest in enforcing reasonable requirements for the construction of animal shelters and to help insure horses are treated humanely and safely, which some say has not always been the case on the island

d. Reference is made to an "unhappy meddling neighbor" and an "ongoing vendetta [Johnson's] neighbor has." These comments are sadly misinformed. Mr. Johnson has posted No Trespassing signs specifically directed at me; Mr. Johnson has required the services of counsel to defend against police charges of Disorderly Conduct; Mr. Johnson has refused to speak kindly or even shake hands; Mr. Johnson has brandished his machete when attempts were made to discuss neighborly differences. Myself and my family have no vendetta with Mr. Johnson, but he has made false claims of "victimhood" to gain support amongst cronies. A larger point, however, is that while one cannot always receive fair treatment from one's neighbors, one can expect that all residents are treated equally by the city in terms of enforcement. I have owned property for four years on the island. In that period have made improvements and processed a dozen permits with the city. While the permitting process has sometimes been an annoyance and can be expensive, it has also been educational and I believe one of its important goals is safety. If someone were to improperly wire a house and start an island fire, or have a shelter collapse and kill people or animals, one doubts that the residents who are asking that Mr. Johnson be exempt from the permitting process would come forward and take responsibility.

Respectfully submitted,

Rorick Sellers

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Peaks Island