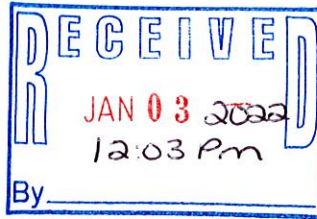


SSMH Board of Appeals Brief

State of Maine
Kennebec, ss



Readfield Board of Appeals
Civil Action
Docket No.

Safe Space Meeting House
Plaintiff,

v

Town of Readfield, Maine
Defendant

Now comes Plaintiff Safe Space Meeting House (“SSMH”) and hereby files this Brief in accordance with with

Rule 80B of the Maine Rules of Civil Procedure Rule 38,

Me.R.Civ.P.38 Trial of Facts by Jury

I. INTRODUCTION

Plaintiff has brought the present Rule 80B appeal of final governmental action to challenge actions by the Town of Readfield.

In 2016 Town Manager (“TM”) Eric Dyer purchased a home 1000 feet away from 26MSR. From 2016 until 2018 he supported and provided CEO assistance to construction of the 26MSR Community Center. In 2018 the building was completed. The owner applied for a CC. Since 2018, TM Dyer opposed the use of 26MSR for any activity for any use other than a single family home. We seek to apply the **Continuing Violations Doctrine** Bakers v Farrand 2011 ME 91 25, 26, A. 3d 806 4. Id.

II. **FACTUAL AND PROCEDURAL HISTORY**

History, events and parties surrounding the issue create a seeming complexity. Nevertheless, the issue is simple.

COMMUNITY CENTER BUILT WITH TOWN MANAGER (TM) Pakulski AND Dyer SUPPORT AND GUIDANCE

Pakulski AND Dyer QUOTES - IT IS LEGAL. THEY HELP 2013 -2018

TM Stefan Pakulski 12/5/13

“I know you don’t think you’re anywhere close to applying for a permit because you don’t know yet what the details would be. Clif would be happy to work with you on developing an application and helping to determine what would be possible and what would take a possible waiver of certain requirements or even a zoning change – and how to accomplish that...You’ve talked with me about an exciting concept that could be a real asset to the community.” In private conversations Bittar said his wife was ill and did not want political controversy. Her interest was in following the simplest route – a Community Center which is permitted in the LUO.

Stefan felt that this would not provide the best viable option for the community. He suggested following the Example of the Big White Barn. I repeated that Helen was too ill and I am too old to be interested in pursuing a local difficult political issue. He knew from his own experience in Readfield that this is difficult. He sent a second note to encourage Helen Bittar to request a zone change as a better choice for the community in terms of the viability and development of this town asset.

TM Stefan Pakulski 10/31/13

Please see the attached pages from the Special Town Meeting minutes of Sept. 29, 2011 and note Article 8: To see if the tow will vote to amend the Land Use Map adopted in June 10, 2010 town meeting.

The attached map shows which lots were to be changed from Rural Residential to Rural. The Town Meeting voters passed this article and changed the zoning.
So it can be done.

TM Eric Dyer July 3, 2017

“Stefan laid out a good road map based on past precedent. By following this route you will be better situated to participate in regular or special town meetings, if necessary. In order to be placed on the town meeting warrant you will need either a completed petition or the affirmative vote of the majority of the Select Board. The Select Board and public seem to respond best to a linear process where de diligence has been performed at each step along the way. I suggest that Stefan did that you begin with the process by submitting a complete project application to the Planning Board.”

Helen was skeptical about the town process. She would have preferred to just continue with a simple

Community Center application. Helen's option would have just required a Change of Use Application to the Planning Board to indicate that all code requirements were completed. They were. For both applications (Helen's simple application or Stefan-Dyer application) community center requirements would have remained the same. CEO Quintal's assessment was complete – code requirements were completed. **A community center would be a legal use.** The commercial changes to the property had begun. It was time to file for the CHANGE OF USE application. Helen followed the advice of the two town managers, Stefan and Eric.

CEO Quintal July 2017 under Eric Dyer's direction and Approval create plan to rezone Mill Stream Road into a Village Zone. They considered all options and variations. We met for two weeks. Gary's motivation: this was best plan for the town. Eric approved! They completed the essential elements of the application which Bittar submitted.

**2013 – 2018 Town Managers supported a Community Center.
Bittar Investments in Community Center were made based upon Town Mgrs political support and guidance**

February 2018 neighbors criticize Dyer's Village Zone change at a Planning Board hearing

April 2018 Helen's cremation ashes were placed at the garden entrance of the community center

May 2018 Dyer and neighbors begin their assault to deny a MSR community center

2020 Town Manager Dyer aided by subordinate staff, powerful sympathetic neighbors and Boards conducted a campaign to deny SSMH legitimate use of a building. That campaign is an extension of their opposition in 2018

2021 Neighbors sign notarized statement of their approval of the community center barn and a path if needed.

SSMH, a group of inexperienced sincere single mothers created a Maine non-profit corporation. They entered into a lease to create a community center for the LGBTQ and minority members of the community. The town manager and other neighbors whose homes are 600' - 1000' away from the SSMH intended location opposed SSMH use of this new community center facility. During the months that followed the inexperienced SSMH members were overwhelmed with delays, improper activities and suggestions, development of new laws to declare their location illegal for community center use etc. At the center of this were the coordinated activities of the town office to deny access to property at 26 MSR, isolate, discourage, create a reputation of illegality and criminality to frighten and punish them. These activities were designed to discourage, threaten, isolate, libel, and punish them. This intense town administrative effort began again in 2018.

The town goal was to deny access to SSMH and deny a permit. The activities included in the following pages document a year of improper activities by TM Dyer and others. The administrative acts were deliberate, purposeful and connected in time. They were performed with a disregard of local judicial direction, boundaries of law, truth and ethics.

The first challenge relates to a declaration issued September 5 by the Town's Code Enforcement Officer ("CEO"). He indicated that the The Plaintiff's August 2020 Planning Board application submitted at the Town Office for a permit to use 26 Mill Stream Road 26MSR ("the Property") as a Community Center ("CC") was rejected illegal because it was:

- "similar" to a previously denied Planning Board application
- improperly determined as incomplete because the CEO did not check its corporate

status

Exhibit 1

Letters from TM Stefan Pakulski and Eric Dyer

SSMH Application to Board of Appeals

Violation of Maine Law

Criminal Code 17A false public report alarm Class D crime

Criminal Code 19 Falsification in Official Matters PERJURY #451-452

Civil Rights Act 4684-B 4684-A

14 Amendment

Official Misconduct Anderson 483 US 635 (1987)

Human Rights Chapter 337 -A Protection from Harassment 2011,

c559, PT. C, 2(RP).\\

Offenses Against Public Order – False public alarm or report 509, 510

Maine Municipal Association – Municipal Officers Manual - Conflict of Interest

The CEO denial notification to SSMH stated that the action was without remedy except through appeal to the Town Board of Appeals. The Board of Appeals chairman Bickerman waived the hearing. He instructed the CEO and his superior the Town Manager, Mr. Eric Dyer (“TM”) to submit the application to the Planning Board if there are questions which must be resolved concerning “completion” of the application. The application was not referred to the Planning Board for 7 months. The “TM” and Boards began a plan to prevent SSMH occupancy. For 7 months, TM Dyer delayed the submission of the application to the PB. Delays, deception and misrepresentation, continued for more than a year. During that time, TM Dyer working with town Boards created conditions to prevent a SSMH a permit.

Error in Law

The September 2020 CEO denial of SSMH application was not a casual mistake. It was an Error in Law where an experienced Town Manager and CEO blatantly violated the jurisdictional boundary in law which provided exclusive authority to provide their well-known duties concerning a permit to a citizen. They took powers without authority given to them to deny a permit. This was “affirmative misconduct”. The TM was told to correct this wrongful grievance. TM Dyer disregarded the instructions of local judicial authority. He continued a process to deny equal opportunity to law to SSMH in order to create a new law with Boards. The new law would invalidate CC legitimacy in the TM's Rural Residential District. SSMH believed that the ultimate goal of the TM and others was to create a new law with which TM Dyer (with the aid of a subordinate CEO) would be able to reverse any future occupancy granted to SSMH. They had already witnessed TM/CEO manipulation of permit law.

THE Town LIE: 26 MSR was an outlaw criminal enterprise from its beginning 2013.

The BIG TRUTH: 26 MSR was legally zoned as a communitiy center from 2013

THE TRUTH

- From 2013 Town Managers Stefan Pakulski AND Eric Dyer BOTH SUPPORTED IT without question. The facilitated construction. They created the path for its development FROM 2013 until 2018. They wrote letters and met to discuss its importance for Readfield.
- Town Mgrs Pakulski and Dyer knew 26MSR was to be used as a community center from 2013 UNTIL THE PRESENT DAY. It is permitted in the LUO and anticipated in the Readfield Comprehensive Plan like the search for the missing Readfield Link to the past.

- BUT EVERYONE KNEW 26 MSR WAS A COLONIAL HOME AND REQUIRED RESTORATION. CONSTRUCTION ON A HOME IS LEGAL. Construction Permits always stated no use was permitted other than approval of a change of use by the Planning Board.

CHANGE OF USE PERMIT – You can change the use of your building as long as the new use is permitted in the Land law and the use has all the required building codes

And in 2017 ERIC DYER held the discussions to change the zone and the use of the building. 26 MSR was legal. Dyer and CEO Quintal worked with Bittars. They had plans for its use.

- November 2021, For the first time, the PB Fact states that. 26 MSR is a legal place for SSMH center. Why wasn't a permit issued?

A NEW CHANCE

The Planning Board agrees 26 MSR is a legal site for a Community Center as defined by the LUO
And SSMH has standing

BUT the Planning Board cited several problems:

Documents in the Appendices of this Brief fulfill the majority of PB concerns

IMPORTANT Movie Spoiler : Our Neighbors notarized an easement approving SSMH center at 26MSR by their new abutter neighbors at 20 MSR. Exhibit 17: Fiore Easement for 26 MSR

Old History about Bittars and their purpose

Property Owner ” Dr. Helen Bittar devoted her life savings to a CC project which she felt would benefit the people of Readfield. As an American historian, scholar (who's work continues to be read and used by American history scholars) and as professor pioneering in advanced Network Systems and Technologies for one of the largest New York universities, she was devoted to the restoration of the Readfield colonial dam and surrounding property. Their restoration were to be her gift for the people of Readfield as their colonial legacy. It was for this reason that Helen Bittar devoted the majority of her life savings to 26 MSR project on a dead end Readfield road. from 2013 until her death in April 2018, she initiated the historic restoration and development of the town land and its adjacent building - one of the oldest buildings in Maine.

26 MSR is One of the five “oldest houses in Maine” (1770 ca). (Wikipedia dates The Bray House – Maine oldest at 1720 in Kittery) The Mill Stream restoration details and concepts were thoughtfully monitored by American Historian, Dr. Helen Bittar. Colonial details were carefully studied to excite, interest and invite children and families to experience Readfield's important colonial heritage. Unlike a commercial, recreational area, these buildings inspire and surround visitors with the present and colonial timber-frame masterpiece which celebrates local architectural history.

The Mill Stream Project is one of the most significant Readfield historic projects designed by and for the people of this town. Funding was begun by Helen Bittar and donated to the town for restoration of the historic dam. That restoration was a collaborative effort with the town Conservation Committee volunteers to provide an understanding of the Readfield's contribution to American freedom, philosophy and history.

“Property Owner ” Robert Bittar continues her work.

Exhibit 2

SSMH Non-Profit Corporate Charter

SSMH Business Plan, Management Structure, Ticket Sales

SSMH Update Sound Proofing Construction

SSMH Parking Lot Spaces for 75 cars But if PB rules against parking at the Barn/House 54 Spaces in the Parking Lot\

SSMH Answers to PB Questions from Attorney July 1 AND July 25

SSMH Statement of Anticipated membership attendance at evenings

SSMH Map of Garbage Area with fence and lighting at barn, path, house AND Site Map

SSMH LUO Permitted use of Community Center in Rural Residential Zone

SSMH Lease for 26 MSR

SSMH Calendar of Acceptable by SSMH in the RR district - Acceptable Activities list prepared by TM Dyer

Plaintiff, Safe Space Meeting House

Safe Space Meeting House (“SSMH”) is a non-commercial, non-profit organization. In August 2020, it was registered under the Maine State Registry as a non-profit corporation. It's membership consists of 50 members and officers. It's mission is focused on the protection of this historic site and opening a facility for members in the LGBTQ+ community and minority members who may be welcomed in this space.

SSMH negotiated a lease to rent Property located at 26MSR in the Town of Readfield. The Property consists of the oldest building in Kennebec County and Readfield restored for use as a CC and an attached barn. The Plaintiff wishes to use the Property as a historic CC . A CC is a permitted use within the Readfield Land Use Ordinance (“LUO”) for this Rural Residential District. In August 2020 the plaintiff submitted a Planning Board application at the Town Office for a permit to use 26MSR as a Community Center (“CC”).

Standing and Use

“SSMH requests approval to occupy 26MSR as a CC /club.

THE PB states that 'SSMH has Standing to apply for requested permits” and the CC is a legal and appropriate use for buildings in the Rural Residential District.

Exhibit 2

PB Findings of Fact pp. 2-3

III. STANDARD OF REVIEW

In a Rule 80B appeal, the Appeals Board, like the Superior Court, acts in an appellate capacity. The Appeals Board also reviews town activity for abuse of discretion, error of law or findings not supported by the record. The Board interprets local ordinances as a question of law that the courts may review de novo. The court examines the law for plain meaning and interprets it in the light of purpose and objective of the law. Whether the proposed use of a CC fits in the zoning regulation is a question of law reviewed de novo. The boards' factual characterization of the use of a structure is afforded substantial deference.

IV. SSMH REQUESTS A VARIANCE

SSMH requested a permit in August 2020. The Town administration has taken one year and three months to consider and finally to deny that permit request. The Planning Board decision confirms SSMH “Standing” and the legality of the requested use of a CC in the Rural Residential District. Nevertheless, The Planning Board decision contain errors of fact, errors of process and discretionary judgments.

The Board of Appeals Ordinance states that a variance may be requested where a relaxation of terms of the LUO would not be contrary to the public interest .

A variance is therefore requested which **will not alter the essential character of the locality** - the conditions for use will follow those included in the Dec 23 2020 letter from the Town Manager ("TM"). The TM listed accepted activities for use at a CC at 26MSR the ("Property"). The list of activities is detailed. And the variance would also follow all conditions for use as defined within the LUO itself .

Variance – 26Mill Stream Rd is in the Public Interest

Why it should be granted?

- The Planning Board confirms : A CC is a legal use of the Property
- SSMH organization has "Standing"
- **The 26 Mill Stream Rd. CC is in the Public Interest. It is the major goal of the Readfield Comprehensive Plan**

Exhibit 3

Readfield Comprehensive Plan

Readfield Comprehensive Plan's Most Important Goal.

Rewritten in 2009, Protection. Preservation. development of the town historic heritage is the declared duty and a primary responsibility of the Town administration, Planning Board and CEO.

RCP Page 30 – 31 "Educate the public and municipal officials, especially CEO and Planning Board about the protection of historic resources..."

"Assist in nominating buildings/sites to the National Register of Historic Places." The National Register requires that approved sites must be able to have a revenue!

'Establish a mechanism for municipal officials, CEO, Planning Bd, Zoning Bd of Appeals) receive training on preservation of historic...resources".

"Improve protections for ...historic resources in the Land Use Ordinance."

'Consider enhanced protections of historic resources in review of new development through the LUO."

"Consider adoption of a Historic Preservation Ordinance or land use standards to protect historically significant properties."

Readfield's PUBLIC INTEREST- 26 MILL STREAM ROAD is:

- **THE OLDEST, beautifully restored, COLONIAL BUILDING IN READFIELD**
- **Colonial Soldiers mustered here and left Readfield to fight for independence (26 MSR Colonial Artifacts Survive)**
 - the Readfield equivalent of Bunker Hill and Boston Commons
 - a "monument" to the strength and character of the men and women who settled here
- **a READFIELD TREASURE preserved for Readfield children and families the only restored colonial house open to the public in Maine**
- **The June 6 2021 Readfield Election**
voters spoke to the Public Interest supporting this site. In a rare vote of protest, voters defeated administrative effort, Article 38, to eliminate this CC . The vote was a declaration to open this site for the town because of its "Public" Importance

600 voters vote in block for every warrant requested by the Select and Planning Boards
On June 6 2021, a Readfield majority voted to defeat.....Article 38 and protect 26 MSR

Appendix 1

CEO Hanson Letter of Denial to SSMH Document

Appendix 6

Buuck History, Pakulski , Jackie Robbins and Delays

Appeals Document from TM Pakulski, Builders, Engineers, CEOs etc

IV. ARGUMENTS

A. The August 2020 CEO and TM notice of denial of the Planning Board Application was an error of law.

1. Discrimination against SSMH.

ABUSE OF PROCESS: Error Of LAW:

Intentional town administrative delays prevented a SSMH permit application hearing for more than one year. The delays were a statement of administrative intent to deny an occupancy permit to SSMH. This planned process intended to discriminate and violate Federal and State Constitutional Law. The delay was an intentional attempt to violate the town Comprehensive Plan. ("Plan") the First and most important Goal of the Plan - to preserve and maintain public access to town buildings and history. Intentional acts to undermine Readfield historic legacy by Town Mgr and Plan Bd were violations of the oath of office to uphold the Plan – the underlying law of Readfield.

Background and Participants:

Town Manager Eric Dyer 2016 to present. 2016 purchased a house on Old Kent's Hill Road, 1000 feet from 26 MSR. TM Dyer supported the development of a CC at 26 MSR until 2018 when the building was completed and CC permit was sought by owner. He then led the neighborhood opposition to prevent CC occupancy. His vigorous opposition against SSMH continues today.

CEO Jesse Hanson Alleged illegal activity

In August 2020 Bittar met and delivered information to CEO Hanson . Hanson , a life veteran of the Armed Forces spoke with sincerity as he assessed the 26 MSR building. He indicated he would follow the law. The information Bittar delivered to Hanson included statements made by CEO Gary Quintal in 2018. Quintals' statements alleged improper activity required of CEO Quintal by TM Dyer. Bittar indicated that TM Dyer fired Quintal after he completed what CEO Quintal described as improper administrative acts required of him by TM Dyer. (Quintal's signed statement which describe this activity remain in the Town Administrative Office and is unavailable by FOAA.) CEO Hanson was advised by Bittar to keep material to protect himself if he is requested by TM Dyer to commit acts which he feels compromise his administrative integrity.

Chairman Bickerman delivered his review of CEO Hanson 's 2020 summary denial of the SSMH PB application. Chair Bickerman's email to Hanson suggested an improper process had

occurred. The SSMH application should have been sent to the PB to clarify remaining unresolved inconsistencies. CEO Hanson gave final notice of employment in Readfield within days of Chair Bickerman's email review. Was CEO Hanson advised by TM Dyer to continue to delay the SSMH application in spite of Chair Bickerman's instructions? Did Hanson refuse to continue intentional delay of the SSMH application? An intentional delay after a warning by Chair Bickerman would have been a clear Error of Law - A deliberate act which CEO Hanson would have known was improper and possibly illegal. If TM Dyer was the author of this delay, CEO Hanson would face charges alone. TM Dyer would have no liability.

Readfield Acrimony and Bittars - Bittar arrived in Readfield 1985, began work on the Emporium buildings. A man approached Bittar sons and him as they ate on the front step. He said: 'You Jew. We're going to burn this building down!' Bittar knew the man. He never returned. A short time later Bittar mentioned this to PB V Chair Comart. Comart said Bittar should name the place "Two Jews from Brooklyn".

2015, During construction work at 26 Mill Stream Road, Bittar was in 6' deep trench. A state police officer appeared with lights flashing. He ordered Bittar out of the ditch. Other building workers were there. A town neighbor was there. The neighbor pointed to Bittar's car and said to the officer that Bittar was illegally parked under the telephone wires. The officer said: that the parking area is legal. The man said: "He is a New York...You know... what...!" The neighbor stared at the officer waiting for him to finish. The officer, stunned by the neighbor's hate-filled remark, said if the neighbor repeated his false report about illegal parking he would be arrested.

It is long believed that Bittar is Jewish. It is possible that the "ire" which the town legal council mentioned in the 2018 brief is a reflection of these feelings. It takes only a few people to create the lie. **To correct the legal council's 2018 brief:** Bittar loved TM Stefan Pakulski. He was a close long-time friend. (a bright and interesting man with a sense of a grand Readfield future).

Exhibit 4

Email from TM Dyer – collaborative work and Plans to rezone Mill Stream Road

Dyer-Quintal Help 2016 - 2018

Until 2018 TM Dyer had been helpful, supportive neighbor who, along with CEO Quintal, guided the Bittars. He and CEO Quintal wrote the Bittar 2017 PB zone change application for the 26MSR project. Bittar is grateful to the assistance and guidance of EVERY CEO – there were others. With the exception of one, they have been extremely helpful. Their guidance and knowledge has been important. CEO Gary Quintal and Bittar have had a trusting cordial business-relationship-friendship. Their relationship has never been adversarial. CEO Jesse Hanson was a retired career soldier. Bittar assessed Jesse as an honest hard working man with integrity. Our only disagreement was his misguided act 2020 for which he paid a price. That was unfortunate for him and the town. Members of the Boards – Board members work hard but they have received incomplete information that suggests that Bittars worked outside the law. This was never true. Paula Clark has chaired the PB during all my years at Mill Stream. My letters to her have always been personal, respectful and appreciative.

The only 26 Mill Stream town construction reviews occurred after 2013, were collaborative

were within the law under the instruction of CEO Gary Quintal. Helen Bittar and Robert Bittar spoke to everyone about their CC goal. They were proud. People have asked: Why didn't the Bittars request a PB commercial permit for construction from the very start? The answer: To get a commercial permit would have tripled the construction cost and made it's completion extremely costly, time consuming and beyond financial reason. With 50 years of construction experience, Bittars possessed all construction trade skills needed for all aspects of construction including skills in electricity and plumbing. Bittars were able to follow construction codes to create

26 Mill Stream - False Claims of "Large Music Events"?

Unfortunately Bittar is now burdened by – Unfounded exaggerations like that found in **2018 town legal brief** which speak of- "large music events". (In actuality the single event to which the 2018 legal brief refers was **Only One** "large music event"... A memorial, **piano recital of classical music for Bittar's dead wife. 40 or 50 guests attended.** An extraordinary evening, An amazing recital, by one of Maine's renown musician and Helen's friend. Dyer appeared at 26 MSR before the event and handed Bittar a edict warning if this music event were held Dyer would label it a "town nuisance" and evict Bittar.) AND after the memorial was held additional very small evenings were held with a handful of musicians and a few observers. No money was ever collected. The CEO was aware of ALL evening music and Bittar rigidly followed the absolute town and legal guidance as indicated by CEO Quintal.

Exhibit 5 Police Report

Mill Stream Hate Crimes – Feces

Desecration of Mill Stream – A memorial to Helen Bittar

2018 Within days of Helen's Death it was discovered that neighbors spread feces on the 26 MSR walls and doors. State Police recorded the acts as a hate crime. It was a desecration of the Mill Stream memorial to her life.

And today town administration and neighbors continue the literal desecration of her life. The town website announces her life of crime and corruption in Readfield. While her cremated ashes lie on the hill of daffodils near the building entrance. Helen insisted daffodils be planted at the entrance. The daffodils were her welcome to all people. It was to be her celebration of Readfield.

But the town website is a billboard. It declares: Helen Bittar is a criminal. It boldly proclaims that from 2013 – 2018 Helen Bittar violated State laws and Local Laws. This is a lie...A libelous statement against a teacher, professor, and Readfield philanthropist by the Town administration who continue their Error of Law. They continue their assault against 26 MSR, SSMH and Bittars. Helen Bittar and Robert Bittar have never committed crimes.

CEO Cliff Buuck – Member of the Board of Appeals 2017 – present and Readfield CEO 1995? - 2015?

Bittar acrimony - In the 2018 Town Brief, the attorney

2018 Chair Bickerman was requested to have Mr. Buuck recuse himself from Board of

Appeals because of his historic acrimony toward Bittars. Buuck recused himself.

Buuck acrimony continued toward 26 MSR and Bittars in his letters to the Planning Board 2018 – 2020

Exhibit 6 Independent Investigation by TM Pakulski Reconsideration suggest of Appeals Decision Contractor Engineer Evidence

CEO Buuck Hostility to 26 MSR

A brief problem occurred in 2013. TWO CEOS shared town responsibilities. An existing work permit for essential repairs was issued by CEO Jackie Robbins. **After several months, one evening, CEO Buuck intervened with questionable purpose with a Stop Work order. 26MSR was supported by wooden posts at the perimeter and center of the basement. All old supporting wooden posts were rotten, tilted and ready to collapse. CEO Buuck's order risked complete collapse of the building. Steel posts were required to support the structure. They would not be secure unless a concrete floor could be poured. Buuck's Stop Work Order** which countered the existing work permit issued by his partner CEO Jackie Robbins. **Buuck's order was ignored and the concrete floor was completed. Readfield's only colonial building was saved.**

The Board of Appeals approved the CEO Buuck's "Stop Work Order". **BUT two months later, Town Manager Pakulski conducted an administrative town investigation. TM Pakulski's investigation of the incident and summary finding concluded that there was a town error. TM Pakulski email stated that he was willing to support reversal of the Board of Appeals ruling.** That reversal was based on testimony provided by the second CEO, a site visit and factors supported by the other CEO.

A meeting with both CEOs resolved that work would continue to complete the CC and be supported by both CEOs. The Mill Stream CC was monitored by the town and supported by town executives. It was recognized as a project specifically supported within the first Goal of Helen and Robert Bittar returned to the PB for a permit to complete the house restoration.

Mr. Buuck returned from CEO retirement to return as CEO after CEO Hanson resigned in 2020.

The new experienced CEO Chip was hired but CEO BUUCK remained as CEO to monitor the SSMH application at Mill Stream.

From March until June, Buuck continued to "monitor" and delay an SSMH hearing causing the increasing need for additional funds for suggested meetings required with SSMH Attorney and delayed meetings concerning "discussions/conference concerning the application and information requirements". **Buuck planned INAPPROPRIATE meetings conferences with CEO Chip and Planning Board Chair Paula Clark – Error of Process by an experienced CEO.. This extended** delays for an additional month by the PB. During that month, TM and Administration begin their publicity assault on SSMH to connect it to what they would create - a criminal Bittar reputation. TM Dyer began with a televised speech in which declares the improper Bittar campaign against Article 38.

B. September 2020 SSMH's claim of Discrimination

The constitutional claim of Discrimination was raised by SSMH in September 2020. The claim is valid for review in this appeal. For more than one year, the TM continued a process of delays,

misrepresentation, and coordinated activity to deny SSMH access to the 26 MSR Property. The SSMH and the Landlord hoped that the town administration would work within the law.

Discrimination began in September 2020. But TM Dyer's a full assault on SSMH began Christmas 2020. TM Dyer's Dec 23 letter to SSMH was overwhelming. IT WAS 29 PAGES. It included every document which was highlighted to signal illegality. It was intended to wither the SSMH resolve. It began with a four page narrative of the criminal history into which they had become involved. It then moved to a process to remove any hope of an fair treatment. Finally TM Dyer collected every complete document on the SSMH and Bittar Building Construction PB website which he had edited to appear criminal. 29 Pages! And in March TM Dyer repeated this 29 page assault along with a notification of a new law which he orchestrated with members of the Planning Board and Select Board. The law, Article 38, made Community Centers illegal.

BUT TM DYERS GOAL, Article 38 would identify the SSMH – lesbian diversified group into an easily targeted island of illegal LGBTQ criminals.

Exhibit 7 Maine Constitution

TM Dyer Dec 23 Letter to SSMH

We seek to apply the **Continuing Violations Doctrine** *Bakers v Farrand* 2011 ME 91 25, 26, A. 3d 806 4. Id. of abuse which connects all activities under the 14th amendment.

Isolating each act or omission from the others runs contrary to the Law Court's treatment of Baker's claim as a single cause of action as opposed to four separate ones.¹¹⁵ The Law Court mandated that "every claim for negligence requires proof of duty, breach, proximate causation, and harm."¹¹⁶ In this case, the Law Court concedes that Baker had a single claim that arose from multiple acts of negligence.¹¹⁷ If all of Farrand's individual acts or omissions constituted a single cause of action, it logically follows that the proper inquiry should be whether the entire course of treatment as a whole was negligent, as opposed to requiring each and every act or omission to be negligent

Stale events can also be actionable under the "continuing violation" doctrine, if one part of the violation occurred within the limitations period. A violation can be continuing if the unlawful incidents that occurred before and within the limitations period were (1) sufficiently similar in kind, (2) occurred with reasonable frequency, and (3) did not obtain a degree of permanence. In other words, claims based on stale events can be pursued if they address timely events of a similar nature. Reasonable frequency refers to similar conduct that was not isolated, and permanency refers to whether the plaintiff was on notice that further efforts to end the unlawful conduct would be in vain.

Hanover noted not only that the defendant continuously violated the antitrust laws, but that these violations "inflicted continuing and accumulating harm." violation must continue, the harm must continue, and the continuing violation must cause the harm. I

392 U.S. 481 (1968).¹⁰ Id. at 502 n.15 *Bazemore v. Friday*, 106 S. Ct. 3000, 3006-07 (1986) *751 F.2d 662 (4th Cir. 1984)*.

a course of "repeated conduct" "a series of wrongful acts blossoms into an injury Ayala v. Shinseki, 780 F.3d 52, 57 (1st Cir.2015)

Wreden v. Township of Lafayette, 436 N.J. Super. 117 (App. Div. 2014). As Judge Haas described it in this opinion, the "continuing tort doctrine, also known as the 'continuing violation doctrine,' provides that when an individual is subjected to a 'continual, cumulative pattern of tortuous conduct,' the statute of limitations period begins only when the wrongful action ceases"

LGBTQ Directors were known to the Neighbor-TM Dyer, the CEO and Readfield Office

In 2020, ("Director, Taylor Quezada – She and Her wife Gwen Rothert") received their marriage license at the Readfield town office. In the period that followed, the **CEO created unusual demands which had the effect of denying occupancy of the "Property" as a single family residence to Taylor, her children and her partner.** Taylor and Gwen were known to the TM and CEO. The CEO sent Taylor a notice about a "Black Lives Matter" sign which he required removed from Taylor's Readfield rental premises. Taylor submitted a permit to rent the Property at 26MSR in April 2020 as a single family home, for her for her child and her wife Gwen. **If Taylor were to obtain a rental permit, the TM Dyer would be one of Taylor and Gwen's closest neighbors.** Taylor's current rental lease in Readfield had four months remaining. If Taylor and her family were to move it was necessary to obtain a permit to use the Property for rental before the August expiration of the current lease.

Taylor visited the Town Office several times to inquire about permission and her permit to rent 26 MSR. She spoke with CEO Hanson and with TM Dyer but was told that they were working on the elements which were necessary to determine all those conditions required for a residence which will be occupied by a child.

Taylor's Single Family Residence Permit Application was delayed in the TM Office from April until August 2020. It was never forwarded to the PB. The CEO took four months to write a 10 page statement of requirements/ conditions (many arbitrary requirements) if the building were to be occupied by Taylor and her family. TM Dyer added his own statement of conditions. The TM / CEO never submitted Taylor's application to the Planning Board. Taylor was unable to occupy 26 Mill Stream Road. **The permit delay was used to prevent Taylor's family an opportunity to occupy the residence near the TM Dyer's home.** No family in Readfield's history was required to follow rigid costly alterations declared by new town standards to rent **a newly built single family building** which had been **approved for occupancy by a CEO two years earlier.** The TM and CEO were successful. Taylor never occupied 26 MSR and was forced to move away.

In August 5 2020 SSMH submitted a permit to rent 26 Mill Stream Road. SSMH submitted a new application to the Town Office The Town administration took one year and three months to consider that permit request. The CEO (subordinate employee to the TM) requested no information from SSMH concerning the application. The CEO immediately denied the SSMH rental permit application. The town website SSMH Time line quotes the CEO statement for the town reason to deny the permit: "that the application was similar to a previously rejected PB application."

2. CEO Hanson cited the Illegal 2018 Justification for Permit Denial: Hanson claimed that a Similar Application had been rejected in 2018 by the PB

The 2018 Bittar application was also for a CC. The "Similar 2018 Application" was rejected by the PB.

PB The Biased Rejection of the 2018 Application

PB V. Chair Comart, an attorney and 15 year member of the Board led the vote. Comart said: "the PB received a copy of a valid non-profit corporate organization license from Bittar. The application for a

non-profit community center was submitted by Robert Bittar. Comart said that the non-profit corporation would be used for commercial purposes. In other words, the planning board labeled Bittar a potential felon. It was to be denied because of an arbitrary claims by PB members.

3. September 2020 SSMH submitted a brief to the Appeals Board.

The 2020 Brief stated that the CEO/TM denial was based upon discrimination since one of SSMH LGBTQ directors and her partner (“Director, Taylor Quezada and Partner Gwen Rothert”) were known at the Readfield town office.

The Chairman of the Readfield Board of Appeals reviewed the SSMH claim of Discrimination against CEO/TM in August 2020. The Chairman stated that a lack of Appeals Board jurisdiction prevented a hearing. This removed the Appeal from Appeals record. The Chairman of the Readfield Board of Appeals reviewed the CEO/TM decision on an informal de novo basis. Chairman Bickerman words conveyed the explicit understanding of the importance of the TM/CEO actions. He instructed both the TM and his subordinate CEO to follow the law: He said: If there is a question concerning the completeness of the application, send it to the Planning Board.” (Completeness was their ONLY area of authority and review. Bickerman suggested that delays and administrative actions to thwart permit review should not continue. The TM/CEO did not follow the law. In spite of the Chairman's explicit instructions TM Dyer delayed and subverted the legitimacy of the application. **CEO Hanson resigned.** TM and Boards began a long-term plan to write a new LUO law intended to make a Mill Stream CC illegal.

The Town Manager (“TM”) delayed to send the SSMH application to the PB for another 10 months. He sent two letters which deceptively suggested aid to SSMH but were veiled threats to SSMH. The TM threatened to taint SSMH reputation by association with a history of Bittar “illegal activity”. His letters threaten SSMH linkage to an alleged Bittar criminal history and criminal enterprise.

EXHIBIT 8

FIRE MARSHAL CONSTRUCTION PERMIT
FIRE MARSHAL FIRE SPRINKLER PERMIT
TOWN SPRINKLER PERMIT
TOWN WEBSITE DOCUMENTS
BICKERMAN EMAIL

4. TOWN MANAGER Dyer DEMANDS SSMH ELIMINATE FIRE SAFETY SYSTEM Error OF LAW; Error OF Process; Abuse of Discretion: Discrimination against SSMH.

Exhibit 9

TM Dyer Letter Dec 23

As self-appointed Planning Board chair,
TM Dyer continues to violate the jurisdictional separation from PB permit process. Dyer establishes inappropriate conditions for discussions with SSMH permit application. As a member of the town administration, TM Dyer indicates he will be unable to support the SSMH application unless SSMH abandons its State Fire Marshal approved Sprinkler System. Dyer has assumed the role of Planning Board as he determines conditions which he will require for a permit. A sprinkler system and safe

building may attract members. As self-appointed Planning Board chair, TM Dyer demanded a building without fire protection for the children and families.

The SSMH fire sprinkler system would establish it as the only CC facility available within 30 miles which can guarantee protection for an assembly of children and families. TM Dyer may have used his underlying action to eliminate the safety of 26 MSR – its Fire system and Code approvals and construction approvals which establish a modern system of assembly security for SSMH family members. 26 MSR is a state of art safe Community center. This is in contrast to fire safety systems at the Union MH. TM Dyer is an important member of the Union Meeting House. Union MH CC has not focused upon fire safety code approvals. Few organizations do.

TM Dyer submitted a list of acceptable activities for SSMH children and family which he would approve at a 26 MSR CC. **But he warned that SSMH will not receive any permit unless it abandons its Fire Sprinkler System. The TM demands that SSMH abandon its Fire Safety System.** This system is designed to protect member Children and families who attend SSMH. TM Dyer's unbelievable demand illustrates his power and importance in the permit process. TM Dyer disregards the safety of SSMH family members and children who he agrees may be invited to SSMH activities. Dyer speaks to his personal obsession to eliminate 26MSR as a safe community resource. It speaks to Dyer's abandoned responsibility as a representative of town safety and protector of the children and general population. TM Dyer's only concern is keeping the town people away from his Kent's Hill Road Home. **Dyer made the decision clear. SSMH must choose: Abandon Fire safety of SSMH members and children OR Abandon your permit.** The TM demand is arbitrary unreasonable, improper, unacceptable. Nevertheless, it demonstrates Dyer's continued powerful control over the Planning Board approval and permit process. The court may excuse technicalities of official administrative process minor acts of misconduct especially for a Town Manager who “represents” the administration of law and when those acts are peripheral to the heart of the process. But TM Dyer was at the center of this process. He placed himself in a position of control. The Select Board provided no oversight but supported every action. Defendant ultimately disrespected the decisions of the underlying judicial counsel of Chair Bickerman. His acts of discrimination and abuse were made within his facile of **interpretation of Chair Bickerman's statement concerning the CEO/TM role concerning determinations of “application completeness”.** **TM Dyer demonstrates no respect for the determinations of the Appeals Chairman, the law or the PB.**

Exhibit 8 Documents/Approval
Fire Marshal Report on the Sidewalk and Mill Stream Safety
TM Dyer Letter Dec 23

Exhibit 1 - LUO permitted use RR

5. Error OF LAW: Dyer uses the 1950's discrimination “Steering” “ploy” to move SSMH away from his home

The Dec. 23 TM letter begins with an offer to help SSMH. TM Dyer continues with criticism of the use and occupancy of the 26MSR Property. In a throwback to 1950 segregation and discrimination practices, TM Dyer threatens SSMH with a crude undisguised “help” act of “Steering”. He will help SSMH move from the ideal 26 MSR CC facility. **TM Dyer offers to help move SSMH renters away**

from his elite Kents Hill Rd home and neighborhood. TM Dyer will guide SSMH to a more “appropriate” location. Fair Housing legislation tries to stop acts of illegal home “steering”. TM Dyer is not discouraged by the **immorality of Steering**. TM Dyer in his adopted role, as **PB surrogate**, makes it clear that SSMH must move to a different part of town or they will suffer limitations of restrained activities, inability to function within the community, and experience hostility from the community. And most importantly, SSMH will receive the disapproval of TM Dyer. This is not to be taken lightly. SSMH understands the power of a man who has demonstrated the unfettered power to prevent your access to a home, defy the Judicial instructions by a town Justice, remove your permit from review by authorized officials, write new law to justify his personal preferred non-profit organization, remove you from your home without question, prevent your occupancy of a home etc. TM Dyer is a powerful man.

Exhibit 8 TM Dyer Letter Dec 23
Exhibit 3 - Readfield Comprehensive Plan

6. Dyer conceals the Town Manager's legal obligation to support SSMH Historic Mission and Goals.

**Those same Goals are stated in the Readfield Comprehensive Plan (“Plan”)
- Error OF LAW; Abuse of DISCRETIONARY POWER;**

TM Dyer attempts to illegally edit the SSMH application. He states that SSMH should remove all reference to the 26 MSR historic colonial site from its SSMH application mission, goals and activity. While this may appear insignificant, it will hide his town mandate in the Plan to support SSMH. TM Dyer's suggests that he rewrite SSMH By Laws to remove references to his historic job requirements which are found in the **Comprehensive Plan mandates (Pg 31-32). The Plan requires the Town Manager, CEO and Planning Board to help the introduction of the historic SSMH CC** within the community. The Plan directs town administration to protect this SSMH effort, to preserve this historic site and assist in opening it for the people of Readfield. **This act to edit the SSMH application, is an explicit TM deception.** He would hide his role to follow the Readfield Law and protection of the town to support the SSMH historic goals. TM Dyer again violates the boundary which separate his role from the PB. TM Dyer conceals his responsibility under the Plan. Dyer conceals his and the town administration violation of the town mandate under the Plan.

Exhibit 8
TM Dyer Letter Dec 23

7. TM Dyer creates legislation - ERROR OF LAW: ABUSE OF DISCRETIONARY POWER

Dyer and CEO deny SSMH the right to “Assemble”

Implicit in the definition of CC is the understanding that this is a place where people meet, talk and gather. That is it's purpose. The TM is concerned that SSMH members may meet near his home. After TM Dyer threatens failure of SSMH permit if a sprinkler system is installed. **TM Dyer further declares and threatens : Installation of the Fire sprinkler system will not allow “assembly use”.** The TM and CEO has no authority to declare this. He, again, transgresses his jurisdiction by deliberating misrepresenting the facts concerning CC assembly gatherings. Dyer indicates that “his” CEO Buuck will not permit SSMH to receive approval for its members to meet at the CC. TM Dyer declares a new interpretation of the (“LUO”) – **Dyer declares his power to create legislation to deny the First Amendment freedoms.** According to TM Dyer, Readfield CC members will not be

permitted to “assemble” in their SSMH CC .

Exhibit 8

TM Dyer Letter Dec 23

8. Dyer declares additional LUO legislation- CC s activities and public use is approved by zones

ERROR OF LAW: ABUSE OF DISCRETIONARY POWER

TM Dyer's Dec 23 letter continues to redefine the LUO. He states that SSMH has requested activities which may be similar to those granted to the Union Meeting House. But Dyer has redefined the LUO law defining Community Centers. **Dyer states that SSMH activities will be limited because 26 MSR is in the Rural Residential district. Whereas Union MH activities are broader because that facility is located in the village zone.** This may sound reasonable but when it is reviewed based upon a casual observance of town residential use there is a flaw.

Dyer again rewrote town LUO law. The LUO never states that CC activities should be permitted by their location within land districts. CC activities are not differentiated by location. They are permitted equally to CC s. (Union MH is located in the most densely residential district with homes separated by 30 – 40 feet. Mill Stream Road is on a gravel road with one adjacent residence 50' from its barn. Other residences with any proximity to 26 Mill Stream Rd are 500 – 1000 feet away. And the 26 Mill Stream Rd topography of hills, stream, forests further isolate it from “abutters” and neighbors like TM Dyer whose home is 1000 feet away.

TM Dyer references the SSMH claim of Union MH expanded its use of its activities. He states that changes in use require review by the PB. But this has not occurred. However, in 2019 UMH expanded its use and activities. They advertised open fee-based public admission to Rock Concert event center. They would serve dinners, wine and beer. **None of the Union expanded/changed uses and activities were reviewed by the Planning Board. The Select Board gave its ad hoc approval during its regular monthly meeting attended by TM Dyer.** There was no public notification or request for discussion. **This discretionary Select Board approval process violates the jurisdiction of the Select Board and Planning Board. The arbitrary discretionary powers of the town select board and the TM Dyer attendance illustrate the administrative imbalance.** The Select Board ad hoc approval of the Union MH expanded and change of use stands in contrast to the 13 month intense review and ultimate denial process which TM Dyer and Boards subjected to the SSMH.

TM Dyer, member of the Union MH, works with other Board member-friends of the UMH to insure additional town benefits which are denied to SSMH. The PB investigates in great detail the town burden of the SSMH parking lot with suggestions from TM Dyer and his friend/neighbor Mr. Nazar who claim the great burden to befall the town on this dead-end gravel road. Union MH has the advantage of free use of the town library parking lot. TM Dyer has not provided access to SSMH members to the large municipal parking lot when it is not in use. The cost of construction and maintenance of the SSMH parking lot will be paid for by its members. But the Union MH has the benefit of a town \$50,000.00 grant of tax funds and the promise of an approximately \$150,000.00 town bond tax construction project which is to be used by the Union MH. While these are welcome town initiatives. The only concern is the disparity of support, freedom and privilege for a TM/Board member/neighbor community center compared with the denial of permit and active application of arbitrary laws and rulings against SSMH.

Exhibit 8

TM Dyer Letter Dec 23

9. SSMH hires attorney to request PB hearing. Attorney Davis is delayed by CEO demands -

ERROR OF LAW

The SSMH request for a hearing by the Planning Board was never honored until months after SSMH was forced to employ an attorney in March 2021. The SSMH was subjected to costly CEO and attorney “legal clarifications by the SSMH attorney of the Consent Agreement” conferences and delays. Even with an attorney it took almost 3 months, until May 25, 2021 when the Town Manager released the SSMH application to be “considered” by the Planning Board. After TM Dyer released the application to the PB for “consideration”, there were delays for a hearing at the PB. The PB took one month review of the application to determine if it was “complete”.

PB delays were deliberate. An application review was scheduled only after the definitive June 6 town election. TM Dyer and Boards anticipated that the future of SSMH would be jeopardized by TM Dyer's new law – Article 38. The June 6 Election highlighted the new town law (Article 38). The new law would make CC s illegal in the Mill Stream Property district. The voters defeated this TM/PB town law in a historic protest vote against the Administration.

10. Town reassures SSMH that any permit granted to SSMH by a board would be “grandfathered”

if Article 38 were to pass. BUT -----Error of Fact

It would be naive to not understand the power and arbitrary discretionary use of power available to the TM Dyer. State Law recognizes the legitimacy of TM Dyer control of the Town CEO (Police Power). And (CEO-Municipal Police) have Municipal Police Immunity. Yes. It is possible to remove your occupancy permit with a mere CEO statement that they “BELIEVE” the permit was violated. At that point a very long process of litigation begins. AND TM Dyer possesses the tax coffers of town government to pursue litigation endlessly.

Remember TM Dyer wrote with neighbor, Matt Nazar, Augusta Administrative leader to have State Officers investigate, raid and evict a resident at 26 MSR. **DYER/NAZAR conspired to provide false information to effect the eviction. Is it possible that they would not repeat an SSMH eviction based upon criminally false reports to State authorities? OR if that were to fail, there is always the power of the TM and CEO who have demonstrated their ability to manipulate future permit infractions, retractions, and ultimate permit revocations.** It would have been easy work for a Board to grant a permit and then TM Dyer/CEO to revoke it and make it impossible to restore it - “permanently illegal”. That plan was thwarted by the June 6 voter defeat of the law designed to kill the CC .

SSMH does not underestimate TM Dyer's and Nazar resolve to kill 26 MSR. They are aware that TM Dyer and Nazar will return with a new plan to destroy 26 MSR.

11 Administration builds a Public Information Campaign against SSMH - ABUSE OF Discretion:Abuse of Process, Error of Fact

Administration uses false Collateral Historic publicity to damage the SSMH reputation -

Error of Fact Abuse of Discretion

TM Dyer and others have made false untruthful comments to suggest criminal associations between SSMH and Bittar.

An example of this is found in PB Findings of Fact – page 1. PB falsely reports: “2016 Mr. Bittar applied to the PB for a change of use to an event and community center which permit was denied.” This is untrue. In 2016 TM Dyer designed with CEO Quintal the application we had spoken about for years. TM Dyer and Quintal wrote the design and support to change Mill Stream road to a Village Zone. CEO Quintal worked many hours on that application and developed the design and plan. Eric Dyer approved it. **Helen was in nearing the end of her life and had no interest in any controversy. We followed Dyer and Quintal decisions and logic.**

That Application was written/authored by CEO Gary Quintal under the direction and approval of TM Dyer. Bittar approved their plans. There was one PB hearing held in February 2017. Bittar was with his wife, just released from hospice care. They called the PB hearing for news. They were told that Neighbors protested the application. Helen and Robert Bittar immediately withdrew the application that very night. They indicated that they would submit a new application in April for a CC – a use permitted in the LUO.

Dyer Would like to hide his leadership in this. It was with his encouragement and leadership that we spent \$400,000. **There is Maine case law where a town who supported a legitimate project is prevented from preventing it use after its completion.** Dyer and his Website chose to eliminate all references to the February 17 Application. It is Dyer's Inspiration and leadership.

That 2018 CC permit was denied. PB V chair Comart referenced TM Dyer/CEO Quintal's 2016-2017 change of zone application as a sign of **Bittar criminality**. PB notes quote VC Comarts actual words. PB V chair Comart felt that the Dyer/Quintal- Village zone meant that Helen and Robert wanted a commercial business. PB notes quote VC Comart: **“In spite of the CC non-profit corporate status,”** of the 2018 CC Application, Comart suggests that **Bittar would violate the law and commit a felony by stealing money from the non-profit association. Bittar was pre-judged by the PB and Comart to be a criminal and the PB denied the permit.**

And the PB Findings of Fact – page 1. PB falsely references the Comprehensive Plan. Pages 31-32 of the Comprehensive Plan. The PB prints the words of a lawyer paid by the Boards to justify their repudiation of their town duty to follow the Primary Goal of the town law - the PLAN.

And if we were to review the 2018 Code Enforcement Officer revocation of the permit. CEO Quintal was required to obey the instructions of the 26MSR neighbor, TM Dyer. Only one week earlier TM Dyer lied to State officers. In a written statement Dyer stated that Bittar had a criminal commercial operation. This was untrue. TM Dyer requested a raid on the house where Bittar was living to remove Bittar from the premises by state officers. But State Officers questioned Dyer and asked for a truthful statement. They politely said that he lied “We have”... they said “conflicting information”. And Dyer's requested State investigation and raid ended. This is the embarrassing history of Readfield. A history of lies intimidation, eviction, desecration of Helen Bittar's memorial with website lies and defacing her memory etc.

Exhibit 11

PB Website - Time line of Errors, False Headlines, Incomplete Info

12. COLLATERAL ISSUES and “EVIDENCE” that “SUGGESTS ASSOCIATION” OF SSMH and Bittar

should be rejected by the Court. Errors of Fact are repeated in the “PB Findings of Fact”.

When the public arrives at the Planning Board website Large Letters in a Bold Bright Red Font invite Planning Board members and Readfield Residents to an false account of what appears to be a criminal activity of two **Readfield Community outlaws - Helen and Robert Bittar**.

The PB Collateral Historic references are prejudicial and without merit. **THE BITTAR HISTORY IS IRRELEVANT** to the issue of the SSMH Permit Application for a CC at 26 Mill Stream Road! SSMH is a legal entity - A separate corporation. It has no history at the Property prior to its application in August 2020. 26 MSR Property history is irrelevant to SSMH membership, organization and mission. Historic references concerning Bittars are inaccurate, false and designed to create a sense of distrust and suggested illegality of the SSMH mission as well as its LGBTQ and minority focus.

This Town PB Website is an Abuse of Process. Authorship of the PB town information/propaganda-campaign is unclaimed. It is however, believed to have been developed by TM Dyer and placed on the PB website. The Website is presented for review by PB members and the public. The Website declares the town administration's endorsed opposition to SSMH and Bittars. It serves as an official condemnation and rejection of SSMH as a future criminal enterprise. This website was a powerful unopposed falsely edited version of history and the facts surrounding Bittars and the SSMH application. It serves as an official a town endorsement of substantial fact.

The PB website implied and publicized alleged illegal activities concerning the development of the Property. The PB website suggests linkage of SSMH with what they claim is illegal activity in order to prejudice the permit process against SSMH. The Websites invites the Public: “Visit this link for information on Land Use at 26 Mill Stream – Bittar Property / Safe Space Meeting House.”

Hearsay Information on the Website delivered as a sign of Bittar criminality: “6/20...Mr. Bittar was in the town office. He said the Petition signatures slips for the voters was completed. Bittar was NEVER informed that the petition canvassers must sign each page AND that they must be Registered Maine Voter.] Some of the canvassers said they could identify their own signature sheets. They said they could sign and return them.

MR. Bittar made the determination – since it done improperly, IT MUST BE DONE AGAIN. NEW PETITION SIGNATURE SLIPS WOULD BE ISSUED WITH A DIFFERENT IDENTIFIABLE PAGE. EVERY CANVAS PERSON WILL SIGN THEIR OWN SHEET. MR. BITTAR REFUSED TO CIRCULATE ANY PETITION SLIPS.

WITHIN 2 WEEKS – 300 Additional SIGNATURES WERE COLLECTED AND VERIFIED and canvas sheets were signed by registered Readfield Voters .

A Less honest person would have acted differently There was no way to verify the canvasser. **TM Dyer did not include this information.**

The documents themselves, on their face and without discussion, influence the town and others. **Historic town abridged documents** concerning the Bittars and their prior activity at the Property are presented on the website to support the claim of Bittar criminality and by association, SSMH criminality. Without a detailed review of these documents, it is claimed that Bittars **deliberately**

misrepresented and concealed construction facts. This town deception is designed to wrongfully create an association of a biased view of SSMH, history, purpose and motivation.

The Planning Board WEBSITE suggests SSMH criminality and an LGBTQ criminal enterprise. These Planning Board Website declarations are prejudicial to SSMH and its permit application.

PB Website Lie declares: Helen Bittar And Robert Bittar violated “State Law and Local Laws” Error of Fact

Bittars spent their entire lives as teachers, professors and innovators. Website Lies made by an empowered administration. There was No discussion and no defense permitted. Helen Bittar (a scholar and professor) is deceased. For years, Bittars created and maintained a small gathering place in the center of town, The Emporium. While it was “commercial”, money was never its goal. The Bittars were supported for years with a substantial income which permitted them to an opportunity to indulge their desire to create a small delightful evening pizza place in Readfield. Emporium was never profitable. But it was a “Nineteenth Century -Salon/Art and Music Center”. It was fun.

Helen Bittar had no relationship with SSMH. Mr. Bittar is not a member of SSMH. His interest in Readfield is to have SSMH engaged at 26 MSR as an independent town community resource and property caretaker. The Bittar sole interest in the Mill Stream Restoration project is and has been philanthropic. Current interest of Mr. Bittar is focused on the success of SSMH and its ability to occupy, insure and protect 26 MSR - a unique town treasure.

BUT Documents found on the PB website suggest criminal activity. They are easily refuted and HARMFUL TO a Fair SSMH PERMIT PROCESS and RIGHTS.

WEBSITE INFORMATION IS FALSE -
Bittars violated no laws.

To clarify Discrimination issues. We request CEO GARY Quintal to testify under the de novo authority of the Board of Appeals.

He is currently restrained from testimony because of the NDA document signed when he left. His testimony is essential not to be hidden by town a Non Disclosure Document. CEO Quintal has vital information to clarify issues found in the town Display of Time Line SSMH and Bittar.

Bittars followed the law as indicated by town authorities. The law as described by CEO Quintal was followed. In 2018 TM Dyer declared a new law, never notified Bittar and evicted him based on his declaration that the TM Dyer's new interpretation of law was the law of the town. Gary Quintal will verify this arbitrary shot gun approach to legislation. TM Dyer has labeled Bittars to have violated the law. CEO GARY Quintal can reveal the truth.

Abuse of Discretion – PB Website Goal: Unchanged since the 2018 false statements of TM Dyer provided to the State Fire Marshal

The Purpose of Dyer's False Statements in 2018 was request a raid and illegal eviction of Robert Bittar by the Maine Fire Marshal.

TM Dyer intended to revoke Bittar 26MSR residence permit. The Fire Marshal refused to participate in an illegal activity. That residence permit was issued by CEO Gary Quintal. Bittar followed his ALL CEO Quintal's specifically detailed permit requirements and town laws. BUT

TM Dyer evicted Bittar. Dyer "Consent Order" prevents any use of 26 MSR (which is 1000' from Dyer's home).

The town website is not a General Public Information site. It was a targeted assault against SSMH with an **ulterior biased motivation**. This website contains incomplete headlined information. It uses this incomplete information as statements of fact to influence the court and jury. The town has conducted a campaign against the SSMH Non-Profit Organization with an ulterior motive. **The website was created to deny the use of 26MSR as a legally permitted community center by SSMH 1000 feet from Town Manager Eric Dyer's house.** Fliers and handouts were prepared and distributed to citizens at the town office to buttress the website "facts". TM Dyer televised public information statement against Bittar during the televised Select Board Meeting as board members sat in support. Dyer's statement was endorsed by Select Board member vote. It followed the June 6 election and was designed to declare criminal activity of Bittar/SSMH.

The town publicity campaign created hostility surrounding SSMH directors and their mission. SSMH LGBTQ AND MINORITY members met informally and spoke about fear of town retaliation if they were to speak in SSMH defense. They were fearful of attending the public hearings. SSMH legal counsel instructed the Town administration to send no further mail or email directly to SSMH representatives. Fear of administration reprisals and attack required that all communication be limited to their attorney. Town actions greatly increased the cost of legal representation and protection. . The town propaganda campaign was designed to threaten and harm the personal reputation of SSMH leaders, associates, representatives and organization. It was intended to bring fear among those who would support SSMH.

An appendix document is included which illustrates a simple edit of those documents which demonstrates their lack of credibility in the information assembled by the TM / Administration.

13.. FOAA -

TM Dyer's Abuse of process ...The SSMH has requested town documents illustrating TM Dyer's administration of government process, government behavior, Union Meeting House. Two Readfield FOAA Officers, clerks Deborah Nichols and Shireen Gilman, at the town office have not responded to SSMH requests for information. Both "abandoned" their position after SSMH requested town documents. Were they forced to resign to prevent the delivery of information requested by SSMH?

TM Dyer has appointed himself as Readfield FOAA Officer. This is legal. But is it an Abuse of Process, and a Conflict of Interest, for the person about whom SSMH seeks information to be placed in the position of the person who will select the information that is provided?

Exhibit 12

Email from CEO Quintal to Entire Planning Board - Fire Chief Mank statement. Not concerned about the width of MSR or condition of the road.

State Fire Marshal Lead Investigator - Letter to Chief Mank and Bittar stating that 26 MSR conforms to all requirements for State Egress. 11/15/21.

14. - THE SIDEWALK

How did the sidewalk become an issue?

Condition of Mill Stream Road Evaluated

In 2018 Fire Chief Mank was very clear that the Mill Stream Rd posed NO problem for emergency vehicles. Email from CEO Quintal to Entire Planning Board - Fire Chief Mank statement. Not concerned about the width of MSR or condition of the road.

State Fire Marshal Lead Investigator Villeux wrote a long evaluation of 26 MSR an state requirements concerning Egress. FM Villeux leads the State Office of Engineering and Investigations. He completed his review of 26 MSR a few months earlier. Chief Mank requested that he provide assurances of the safety of 26 MSR and its egress. A one page detailed review was delivered to Chief Mank and Bittar. Bittar conducted thorough 2 month Fire Engineering Analysis by Eric Ellis Fire Designer Engineer and former member of the State Fire Marshal's office in charge of fire sprinkler systems. His engineering reports (which included ADA code requirements) is submitted.

He gave verbal assurances to Bittar and to CEO Quintal. A detailed written assessment followed. In November 2020 Bittar asked Fire Chief Mank if he could find the 2018 and resubmit it. He said he would. He said that there is little that could have changed in 3 years on an unused dead-end gravel road.

BUT there was an intervention. TM Dyer requested Chief Mank reassess Mill Stream Road for fire safety. TM Dyer is Town Treasurer. He approves the Fire Station budget. Did Chief Mank get the same deal TM Dyer gave SSMH...? The fire budget to save lives OR a damaging report Mill Stream Road? Chief Mank shot off a text message that would have killed 26MSR permanently. WITHIN TWO DAYS he changed his statement.

ABUSE OF DISCRETION - PB Findings of Fact require the construction of an unnecessary burdensome sidewalk through wetlands. This construction was not supported by "substantial evidence". This demand was arbitrary, not justified by the facts, absurd and consequently the result of bias. The statement that it was requested by TM Dyer. The nature of that request is not a matter of the "record". Nevertheless, information existed to substantially document the safety of the building and egress. The "sidewalk" on the face of it, absurd. The **Union Meeting House** has **ONE EXIT IN THE FRONT OF THE BUILDING** for an attendance assembly that they claim can host 150 - 200 people. 26 MSR had 10 doors strategically located throughout the entire set of buildings. You are never more than a few feet from an exit door WITH CRASH BAR BREAK OUT HANDLES. AND THERE ARE MANY easily-exited WINDOWS. Sprinkler System in closets, bathrooms and every space. 26 MSR is a model of safety.

BUT

Fire Chief Mank altered his "sidewalk plan" within days and delivered that substantially altered plan and initialed design to TM Dyer for delivery to the Planning Board. The revised path was never considered by the PB. Was it delivered and discarded? Did Dyer Deliver the revised path?

ABUSE OF PROCESS: The requirement of a sidewalk is without discussion and alternative plans an intentional Tort. The requirement is wrongful and unrelated to the purpose of the application permit process. It demonstrates the bad faith and an ulterior motive to prevent an SSMH permit. State commercial building exist laws require a path to the town road. This was provided. The sidewalk required access to property SSMH did not own or control. The demand would force payments for an unnecessary sidewalk that would never be used. This unnecessary expenditure of funds would provide an unfair advantage to the Union MH and TM Dyer in preventing an elimination of SSMH occupancy.

Abuse of Discretion by the Planning Board is clear in the PB demand for construction of a “sidewalk” into the wetlands. **PB Said that the path was to protect SMH members as they traveled to travel from a parking lot to a SSMH barn at the end of a dead end road. It was designed to protect SSMH members from injury by fire trucks.** This NEW PB sidewalk demand is a required condition to receive a permit. To complete the PB imposed condition, it would be necessary for SSMH to acquire access to neighbors Property or easement. That, on the face of it, an arbitrary illogical request. The PB “safety sidewalk” would have almost doubled the distance (300' or farther) which SSMH members would be required to travel from the parking lot to the SSMH Property. The PB specifications for this path explicitly required that it be built into the area of wetlands. The PB demand required construction through DEP protected wetlands ; an architect; DEO government application and waiver; as well as ground preparation: (power, lighting, and completion of work was estimated at a preliminary cost of 25,000.00+). If a safety path were essential, a simple obvious practical solution would have been a direct 4' path at the side of the current road. But that “safety sidewalk” would merely require SSMH members to travel 120' at the end of a dead end road from a parking lot to the SSMH barn. The obvious truth is that a costly never-to-be-used “sidewalk” into the wetlands was an intentional tort designed to prevent SSMH occupancy and force their ultimate indebtedness. This path imposed a tort on a small organization. **It demanded a “safe walkway” at the end of a dead-end road** as they walk 120' to their Barn – Absurd!

The State Fire Marshal Investigation officer commented: that SSMH completed their state required duty to provide a path to the town road. It is the responsibility of the town fire trucks to drive safely on the dead end road and not injure pedestrians. This Planning Board required sidewalk into the wilderness is unreasonable to implement and manifestly unfair in the light all issues surrounding Union Meeting House parking, parking lot, town grants, town assistance etc.

Did TM Dyer influence authorship of “Sidewalk”?

Abuse of Process by TM Dyer DYER Withholds Chief Mank's revision of the Security Path?

Several days after Dyer requests a Mill Stream, Fire Chief Mank altered his original requested revision of the “security path”. **Chief Mank delivered his revised “reasonable path” and map to TM Dyer. It appears that TM Dyer did not send this revised path to the Planning Board.**

Did TM Dyer intentionally withhold Fire Chief Mank's critical revision from the Planning Board?

Does this act further illustrate an ulterior motive to commit an intentional tort against SSMH?

Is this a pivotal act/tort in the SSMH permit denial? The PB Findings state that the inability to have access to a safety path makes the SSMH unattainable!

15. RESOURCE PROTECTION DISTRICT DESIGNATION

15A. PB use of a U.S. survey Wetland map -- Abuse of Discretion; Error of Law; Findings

For photographs which illustrate large bodies of wetlands and water, the U.S. Govt Agency Wetland Mapping Service is accurate. But **in maps which identify small 20 or 30 foot strips of wetland, these maps are notoriously inaccurate.** DEP map photos are taken by drones, 35,000 feet above earth. They are then developed with the aid of computer simulation programs to draw map images. The accuracy of these “computer generated simulations” is questioned by its own agency – the DEP. The Federal Government agency itself which funded the map project declares that it's agency maps are flawed in illustrating small parcels of Wetland. There is a disclaimer on government map websites which references these maps...It states that they must **never be used as a “sole source” for determination of the existence of wetlands without an on-site inspection by a engineer/soil specialist.** The DEP is aware of the flawed reliance on its maps, it provides Wetland and Resource Protection experts without cost when requested to assist in wetland determination.

Since 2018, Matt Nazar has insisted that the PB apply Resource Protection Rules to 26 MSR. If the validity of these maps is questioned on small parcels, why did the PB use this flawed information as an accurate rendering of the 30' x 12' area of 26 Mill Stream as “wetlands”? The Planning Board Members conducted its own “site visit”. (No soil specialists accompanied them.) Nevertheless, they found no wetland, no dampness, no water. But PB findings based on insignificant small shading of a map was used to eliminate or limit usage of a vaguely defined area of 26 MSR Property. The PB indicated that the colonial building driveway or corner of the building “MAY TOUCH” part of a wetland designated mapping. This is based on this admittedly flawed 30' rendering of a wetland. But the entire building and surrounding area hill area remains dry all year long.

BASED ON THIS FLAWED MAP, the PB limits the use of this Property. It declare that the Property IS IN THE WETLAND PROTECTION AREA and its' use is limited by its location in the Resource Protection WETLANDS District. The PB fails to identify

- the specific Resource Protection law that would limit use of the Property
- the portions of the Property that are not available for limited use
- the limited nature of that use.

Error in Fact

The PB use of this vague Resource Protection District standard is an Error in Fact. It misrepresents a law and its application to this Property. While the PB may have jurisdiction to act in clearly VALIDLY defined wetlands areas which are verified as accurately and clearly defined within the Resource Protection District, there is no clear evidence that this determination has been made by a responsible on-site inspection by a engineer/soil specialist at 26 MSR.

15B. PB Abrogates Town Easements and Resource Protection District Laws Error of Law; Error of Findings of Fact

Mr. Matt Nazar has been an opponent of 26 MSR since 2018. His letters to PB members, CEO and TM Dyer have warned about his exaggerated extent of the the Colonial House which was included within Resource Protection area. Repetition has been common to Mr. Nazar's letters, texts and email. ONLY as the PB approached it 2020 conclusion, did they refer to limitations imposed upon 26 MSR by this zone. It was not until the final draft was published that PB indicated it formed a major concern. Mr. Nazars letters had an impact.

Exhibit 16
Nazar Email re wetlands
Wetland Resource Protection area map

The PB fails to consider the connected/integrated nature of Town Property and Property at 26 Mill Stream Road. - The Town Dam, Dam Parking Lot, Dam trail are integrated with the 26MSR Property. The town requested was granted easements to the Property. The easements state permission for recreation, parking, vehicle, heavy vehicle maintenance and other activities in the easement area. Based upon Town Easements, Groups meet freely, lectures are held, events are held, tour buses frequent the site etc. The nature of the easement leads SSMH to understand that Town uses and privileges in the Resource Protection District easement area are shared equally by the Property owner and lessee.

ERROR OF FINDINGS:

Parking, recreation and other rights at the dam have been approved by the DEP, Federal authorities and other agencies during the recent 2016-2017 reconstruction of the Dam. They were required to create a public park. The Dam property which is now a Public Park touches the stream and **is agreed to be a part of the Wetlands.** The proximity of 26 MSR to the stream and wetlands is distant compared to the Readfield Dam/Park. The land use rights of the town concerning its use of land within the Resource Protection District are not in dispute. The Town/Bittar easement extended and integrated that park into and as a part of the 26 Mill Stream Property. The easements were granted during the construction of the dam and considered a part of it. **Therefore, according to DEP and law, 26MSR and the Town Dam share rights and use granted to them under the Resource Protection District. The limitations imposed by the PB are arbitrary and not justified by the facts.** They are evidence of the bias represented in the SSMH permit process. The discretion exercised an end and purpose against reason and evidence. This continued fraudulent misrepresentation of municipal law and “affirmative misconduct” is designed to deny SSMH rights.

ERROR OF LAW: The PB has made a decision to extend or alter the EASEMENT compact/ contractual understanding of the Town of Readfield and the Bittars as represented in the Easements on 26MSR. **The PB has extended the boundaries and power provided in its jurisdiction. The PB cannot unilaterally revise the contractual agreement.** If the PB determines that it revokes the privileges and rights of one party to a contract, then it abrogates the contract itself. **But the power to abrogate Town contracts has not been extended to the PB.**

ERROR OF LAW: Illegal taking? Rights to use of 26 MSR Property are equal for Easement parties. The PB indicates that the Resource Protection District Laws provides them the authority to remove the rights of use from one of the two parties. PB therefore, claims the right to leave its preferred party to the easement with sole use of the land. **The jurisdiction to remove the rights of one of two parties to their contractual rights is severe. When one of those two parties is the Municipal Administration, it takes the character of conferring upon the municipal body the exclusive use and rights associated with ownership.** The power to take private Property has not been extended to the PB. If this weren't the case, the Town would now, through this PB declaration, possess the exclusive use - ownership (**illegal**

taking? of Helen and Robert Bittar Property). It has long been a goal of the TM and others to remove Mr. and Mrs. Bittar from use of this land. Their **continued enforcement of an illegal "Consent Agreement" has successfully removed their occupancy of the Property. This PB decision would confer an exclusive use/ownership upon the town.**

Exhibit 14
Easements

2017 The Town Easements were given to the town in good faith under the belief that the Property would be granted a community center permit. In 2017 TM Eric Dyer engaged in the planning for Mill Stream Rd. Property development as part of the Village District. The Village District was a decision of TM Dyer and his CEO Quintal. The town Conservation Committee requested a large easement for almost all the walkable land which led along a scenic trail to a historic exceptionally beautiful highland Plateau . The easement gave almost all land available which may have been used for single family use to the town for use as a public walking trail. The easement was extensive and removed any opportunity for development of the property as a Single Family Home. PB redefinition of the easement rights has denied all use for this property.

16 Civic Center ABUSE OF DISCRETION

SSMH nor its supporters have ever alluded to or mentioned the request for a Civic Center. In spite of the LUO confirmation of the ability to legally use of this property as a community center, The PB has denied a permit to SSMH. This is an arbitrary act - an Abusive act of Discretion.

It may appear to be a casual oversight to alter the description of a LUO use. It is not. It is a deliberate attempt to defame a unique community group as a negative and lawless organization to a small town audience. SSMH is not a criminal organization as TM Dyer has suggested in his reference to Civic Center (an illegal LUO use in Readfield).

TM Dyer and Members of the PB insist on claiming that SSMH has requested a Civic or Convention Center. This is absurd. These false statements are used to arbitrarily expose the SSMH mission to public hatred and contempt. The thought that 26 MSR facility could support a Civic Center is ludicrous to consider. It is the size of a small church. Nevertheless, absurd descriptions are found in the PB Findings of Fact.

If the ordinance defines a term specifically, the court will not redefine the term. The court will not construe an ordinance "to create absurd, inconsistent, unreasonable or illogical results." *Duffy v Town of Berwick* 2013 ME 105 23,82A 3d 148. Therefore, the Community Center should not be redefined by TM or PB as a Convention Center or a Music Hall (a term to describe a saloon, or nineteenth century beer joint). The music that was played at 26 Mill Stream Rd, labeled a nuisance by TM Dyer, was a very small recital concert for about 40 people by Helen's friend, Chiharu Naruse. She is an internationally known concert pianist. She has played often at Merrill Auditorium and at notable halls.

The Planning Board commits Abuse of Discretion by citing claims which are unsupported by

data.

PB Findings document - PB and members states that SSMH intends to offer activities to an unspecified number of people.

PB makes statements concerning insufficient access to SSMH membership are not true. SSMH has provided statements both verbally to PB Members and in writing several times concerning the specific number of anticipated people to be expected at meetings and evenings. The current SSMH membership is 50. This has been stated many times in writing and during every hearing. Their purpose is to engender fear - Fear of and by LGBTQ, Fear of and by Minorities, Fear...”of being raped”, Fear of SSMH.

Exhibit 15

SSMH statement of anticipated number of members who will attend

But the Board and TM advertise, that the illegal purpose and SSMH intent is to create a Civic Center with a capacity to hold 5000 – 6000 people. These statements are used to influence the town and other board members making rulings that deny a persons opportunity to be heard and believed. These claims are arbitrary and absurd – they are beyond the bounds of reasons all circumstances considered for the Property 26 MSR. The Fire Marshal estimates that the maximum capacity of the entire 26 MSR Property would be 180 people -- the number of people typically found at a small church.

Did TM Dyer link SSMH to the development of a feared illegal Civic Center and Indoor Theater? SSMH never claimed a goal to establish a Civic Center and Indoor Theater. These words were never stated, suggested or a written objective of SSMH. Nevertheless, Dyer and the PB repeatedly reference the Civic Center as a SSMH goal. Dyer and the PB attempt to prejudice the committee and the public against SSMH. It is used to link SSMH to an illegal objective which would destroy the entire community and town. A Civic Center or Event Center is synonymous with traffic jams, pollution, crime, uncontrolled night life, and as one man testified during the PB televised hearing... his “fear of being raped”. Dyer and PB members used pejorative terms to threaten the Readfield public with imagined neighborhood crimes by SSMH. **But these findings were never supported in the evidence in the Record. They are fraudulent to create an unjustified bias.**

Unlike the Union Meeting House, SSMH has stated in writing and verbally that meetings and activities will not be open to the public. SSMH By-Laws explicitly state that activities will not be open to the public. The LUO states it is forbidden by the permit process to have CC activities open to the general public. Nevertheless, the PB statement about an inability to determine the SSMH membership attendance is used to create bias against SSMH and fear. The PB and TM Dyer suggest SSMH dishonesty and criminal expansion of the number of people to be admitted. This uncontrolled access to SSMH is used to suggest a mob or possible violence. TM Dyer creates public hysteria that will permit a PB judgment based on bias.

This is not the first time when the PB has substituted its own definitions when considering 26 MSR. In 2018 Jack Comart, V.Chair PB and attorney stated: “In spite of the submission of non-profit corporation status, By Laws, plans filed with the Fire Marshal's office” Mr. Comart believed that Mr. Bittar would violate the law and open a commercial business rather than a non-profit corporation. Bittar and his wife after 35 years in Readfield supported activities in community life. Nevertheless, Mr. Comart's accusation amounted to statement that the applicants, a retired professor and teacher would enter a life of crime, violate non-profit corporate law, deny the plans of his wife to continue to

pursue a historic town center that would benefit the community in order to make money on a dead-end, gravel road. Mr. Bittar and Mrs. Bittar who spent \$400,000 on a historic restoration and barn would steal money by misreporting financial data and stealing income from the historic CC .

The 4/24/18 application to the PB was submitted to change the use of 26MSR to a non-profit CC – like that proposed by the current SSMH non-profit organization. TM Dyer and CEO used the illegal and improper 4/24/18 denial of a permit for use application as the basis of the August 5 2020 denial. In 2018 Comart, as V chair, cast the key vote. His vote was pivotal and influential. He was the first to speak and as an attorney with years of PB service, he carried the legitimacy of his position among other members. Comart's arbitrary, capricious and discretionary statement was designed to influence other the vote of other PB members. Was the Dyer/CEO decision of August 5, 2020 equally arbitrary and capricious? Is the Fact Finding of November 2021 which denies SSMH a permit equally arbitrary, capricious and illegal?

Mr. Comart stated that he believed that Robert Bittar would violate his non-profit permit and operate this non-profit organization as a commercial enterprise. Members said Bittar would commit a felony. Bittar would open a business and commit a crime. The PB member said his decision is confirmed because the February Planning Board change of zone sponsored and approved by TM Mr. Dyer, and written by CEO Gary Quintal requested a change to a Village District. And that allowed a business. The town website conveniently eliminated reproduction of this application. And it does not mention that application was IMMEDIATELY WITHDRAWN BY MRS AND MR. BITTAR THE NIGHT IT WAS DISCUSSED after they received telephone call of neighborhood concerns.

In 2020, CEO Hanson and TM Dyer based their rejection of SSMH application on an erroneous assumption. The 2018 PB decision to deny a permit was not because of illegal activities. The Planning Board claimed that Helen and Robert Bittar were judged to be criminals. Bittars spent \$400,000 to build a non-profit on a dead end Readfield road. Bittar believed that they would later use this place to make a fortune as a pizza store. Read the transcript of the PB delegate notes: Bittar would commit a felony by violating the non-profit law. Wouldn't it have been a simpler business decision for the Bittars to just pocket the half million dollars and leave Readfield?

Exhibit 16

PB Findings of Fact Page 3 - "Requested Use" #4

Matt Nazar letters to PB members, CEO, TM Dyer, and neighbor Bonnie Harris

State Crimes and Penalties for public officials who commit perjury, discrimination etc.

Civil Rights Act of 1871 crime for state/town official violates civil rights and deprives equal rights

Conspiracy laws to deny equal rights.

17. Neighbors, Mr. Matt Nazar, and TM Dyer PB Witnesses spoke SSMH community center dangers - ABUSE OF DISCRETION

Mr. Matt Nazar speaks of his Resume and his authority on the great projects of Augusta and in civic matters. Nazar speaks about his resentment at a neighbor's classical music at 9pm. He asks the Planning Board to follow illogical criteria concerning 26 MSR. They are asked to APPLY HIS plans for large scale malls and shopping plazas to this small historic gem on a dead end Readfield road.

NAZAR SUGGESTIONS for Private town SSMH Community Centers (SSMH)- Has he forgotten the Union Meeting House?

for large scale malls and shopping plazas to this small historic gem on a dead end Readfield road.

NAZAR SUGGESTIONS for Private town SSMH Community Centers (SSMH)- Has he forgotten the Union Meeting House?

- Financial Burden should not be paid for by Readfield Taxpayers
- Require a full- depth upgraded reconstruction and paving of the road to ensure it is able to handle the traffic
- to pay for an unnecessary road, storm water management (not required for SSMH parking lots under 1 acre but will be required for Town Lot on Church Rd to be given for Union Club Use
- Business Plan - Where is the Union Business Plan? Do they receive an annual town stipend?
- Require SSMH engineer reports for necessary parking lot upgrades - Select Board will pay 200,000 for Union MH parking lot, maintenance and upgrades, lighting

Nazar "I HAVE SENT YOU A PROJECT REVIEWED AND APPROVED BY THE AUGUSTA PLANNING BOARD WHAT THIS [ssmh] APPLICATION SHOULD LOOK LIKE" Isn't this is an application for a 20 acre shopping market/mall.

Nazar and Dyer who in 2018 Conspired to and provided false information to officers concerning 26 MSR appear again at every Planning Board hearing. They again speak about safety concerns for danger to the lives of Readfield family motorists at RT 17 intersection. The failure to provide children and family safety were valid reasons for denying a Planning Bd Permit in 2018.

But on Dec 23 2020 TM Dyer bullied SSMH to eliminate its fire safety system. And in 2018 Mr. Nazar appeared to provide information to Maine State Fire Marshal. As an influential head of Augusta government he knew State Fire Marshal by first name. He called to say that Bittar would kill children he entertained in his building since it was commercial and was unprotected for fire. He requested an emergency raid by State officers to remove Bittar from his residence. The State Fire Marshal dismissed his statements. And the State Fire Marshal admonished TM Dyer stating that his "facts about MSR" were unreliable because the Fire Marshal's investigation concluded "there was conflicting information". In real-speak that translates into a criminal lie.

Matt Nazar appears obsessed with his need to destroy the SSMH use of 26 MSR. In this he has a right to speak. He attends every hearing and speaks about the possible civic dangers quite eloquently (which is a civic duty). Nazar is armed with 25 years Augusta and state experience. He has an arsenal of data which has been applied to large scale state commercial and public projects. He applies this information as a town community center standard against SSMH and 26 MSR. From an academic perspective that is interesting. As a public application of these standards to this individual unique historic project and NOT applied to other town non-profit projects like Union Meeting House it is arbitrary and discriminatory. Nazar has researched every area of possible land use detail that may be used to stop use of 26 MSR. Many of these are not relevant and without application. One series of letters focus on complaints about an underground water supply pipes which engineers designed for installation beneath the road. Nazar writes every member of the PB and Select Board. His every thought against 26 MSR is constantly filtered to his primary contact TM Dyer. While we applaud his intense surveillance and interest, there must be a PB level of review to ascertain levels of Nazar requirements and concern which may be arbitrary and destructive to the rights of a citizen. In spite of Mr. Nazar's protest, a community center is permitted in the Rural Residential district. SSMH asks for a standard of review that is equal with that applied to other non-profit organizations in this town.

In 2018 Mr. Nazar has written possibly 100 email letters. **His letters appear as if he has stalked Bittar. Many email/ letters at least 2 pages single spaced.** Changes in FOAA personnel and

document transparency have prevented our access to documents. One convenient gambit is to bankrupt SSMH with engineering studies and unnecessary requirements. These gambits are seen in one of the pages of correspondence cited in the appendix. Nazar informs the PB of engineering/soil requirements of large development projects which can be inappropriately used to deny/limit use of the small 26 MSR parking lot. **Nazar speak about ways to impose restrictions and ways to impose arbitrary decisions to defeat the use of 26 MSR.**

18.

Dyer requires that SSMH remove the Fire Marshal Sprinkler System from 26 MSR

This Year Dyer and Nazar again appear. Nazar speaks of potential town deaths from vehicles and Dyer speaks of dangers of a Civic Center and Convention Center and the elimination of a fire sprinkler system.

In December 23 2021 Dyer committed an unbelievable threat to the SSMH. Mr. Dyer offers SSMH the ability to use 26 MSR to host children activities, classes etc.

He provides an expansive list of activities which SSMH will be able to provide members. BUT Dyer insisted that SSMH must not install the very costly effective fire sprinkler system.

Dyer threatens SSMH members and children by risking their lives from fire. Dyer ERROR OF LAW

Dyer demands the Unthinkable - Remove the safety of the State Fire Marshal permitted sprinkler system or NO SSMH Permit "support".

SSMH decided; The lives and safety of the children is the most important element in this discussion.

SSMH Permit Denied! The Fire Safety System Is Installed!

Buuck ERROR OF LAW Mr. Cliff Buuck, CEO, interprets First Amendment Constitutional law as it is impacted by the installation of the Maine State Fire Marshal Sprinkler System

A figure from the 2013 Mill Stream Road episode reappears **CEO – Cliff Buuck.** In March 2021, As CEO, Buuck provides his legal statement concerning the State Fire Marshal Sprinkler System as he delivers SSMH the town installation permit. In this capacity as CEO he speaks about the Legal consequence of a Sprinkler System as it is reflected under constitutional law. Buuck states that his legal understanding as CEO declares that while the SSMH Permit is not yet ready to be sent to the PB...**BUT as town CEO with complete knowledge of all town law he provides a SSMH permit to install the sprinkler system. CEO Buuck declares: The sprinkler system will not permit assembly of people in a SSMH CC . And as TM Dyer states: why spend money on a system which cannot be used? Are these words, the words of men who deliberately misrepresent the law? Are their statements of fact beyond their jurisdiction? Are these acts an abuse of power?**

In 2018 the Readfield Legal Counsel brief states the incredulous tongue-in-cheek the claim of a (now) octogenarian: Readfield "public officials who conspired in bad faith to...wrest constitutional rights" from a Readfield resident.

It is 2021. Do we again witness this same team return with similar purpose, greater resolve, and Constitutional improprieties? Would they provide false information to achieve their goals? Have they done this in the past?

Dyer Error of Law – Bittar Eviction Order

In 2018 Bittar lived at the Property where he held a piano concert for 40 people by one of Maine's best concert pianist. The small recital was to celebrate the life of his dead wife and where he continued to live and play music AS INSTRUCTED BY CEO Gary Quintal. TM Dyer

ordered him not have this recital and if it were held he would declare it a NUISANCE resulting in appropriate town action. For a month and a half or two, Bittar lived in this redecorated colonial home under the explicit guidance and direction of Town CEO Gary Quintal. Gary Quintal, provided the laws to guide his residence and music! CEO Gary Quintal will testify to this. Bittar played and sang with a few people who assembled during the evening until evicted under TM Dyer's direction. The eviction was based on Bittar's written notes about the music on Facebook. CEO Gary Quintal will testify to 2017-8 pressure of the TM requiring Gary to act improperly against the Property owner, Bittar. Quintal signed and submitted a document declaring his innocence in these activities. That document remains in the Town Office but is unavailable because it has been placed in Quintal's "Personnel File". CEO Quintal's signed Non-Disclosure Document prevents his testimony except when requested by the Town Board of Appeals and State Court. Other town employees may also be persuaded to speak about pressure to prevent actions to assist SSMH Property rights. In a de novo Board of Appeals or Superior Court fact finding, the activities of TM Dyer will be revealed.

19. PB Findings contain concerns about disturbances to abutting neighbors at 20 Mill Stream Road – Abuse of Discretion - ERROR OF LAW; Abuse of DISCRETION

Appendix

PB Findings of Fact Pg 4 " Issue" p. 3

PB Findings of Fact Pg. 6 "Issue" p. 11

Marston sound tests Appendix

ABUTTING Residence 20 Mill Stream Road

Bittar, The landlord, has taken extensive measures in noise abatement. 6" of sound insulation line the outside walls as well as all internal walls. Sound engineers tested the facility several times to document and ensure its sound proofing.

Throughout the hearings and in all discussions in the past year the administration, neighbors and The Planning Board focused on noise, annoyance, nuisance noise which "would undoubtedly cause noise to travel to the closely abutting residence on Mill Stream Road..." **(ONLY ONE NEIGHBOR LIVED 50' AWAY at 20 Mill Stream Road. Other abutters like TM DYER lived 1000 feet away from the barn.)** PB expressed continued concerns about noise disturbance to the abutting neighbors like at 20 Mill Stream Road from any activity. PB wrote in their Findings: There is also the **"noise and annoyance caused by substantial foot and vehicle traffic going by the closest abutting residence, none of which was previously a concern for this abutter like due to its location on a quiet road with only two residences."** 26 MSR sits at the end of a very short dead-end road with only ONE neighbor, The Fiore Family. And the PB had already determined that No Parking Signs would be placed on Mill Stream Road to prevent vehicular traffic.

Sound Proofing: After concerns were expressed by the PB in May 2021, extensive work was completed to secure the soundproofing of all 26 MSR buildings. Crews were employed to increase soundproofing of north wall to 6" and the North wall was rebuilt to reflect this additional soundproofing and restore the beauty of the building to the neighbors. Sound Engineer was employed to monitor the work. Several tests were performed to test and report on the findings of the sound proofing. It was imperative that the concerns of the PB who were concerned about sound to surrounding neighbors be addressed. They were concerned about the summer when the two windows were open facing the northern neighbor. Sound was tested at 95 Db (sound of a jet motor) within the barn to determine the effectiveness of the soundproofing. Sound tests revealed that sound emitted from the barn were never greater than 57 Db – the sound of conversation. And sound emitted from the

barn at 100 feet distance was virtually non-existent.

Abuse of Discretion - it is obvious that the PB and TM have exaggerated the threat of noise. 26 MSR is virtually sound proof. Its impact on the homes of the Kent's Hill Rd neighbors like the home of TM Dyer is non-existent and misrepresented. PB does not acknowledge the effectiveness of soundproofing work performed and resulting sound proof tests. SSMH offered to have on-site PB monitored sound tests by sound engineers. They stated further sound tests were unnecessary. The claims of noise are a misrepresentation and challenged by objective tests which are part of the PB Record. The PB and TM Dyer repeat as often as possible...Their Primary concern is for our ONE neighbor at 20 MSR. Nevertheless it is clear that the PB and neighbors focus on a concern for noise to abutter was to prevent any use of 26 MSR. But sound even 50' away was barely audible. And sound was non-existent at Kent's Hill Road homes of neighbors 600'-1000' away from 26 Mill Stream Road. The issue of sound was never tested and monitored by the PB because the sound issue was apparently unimportant and non-existent on Kent's Hill Road – TM Dyer's home.

Exhibit 17

Neighbors approve SSMH Community Center Neighbors sign an easement for a safety path

20. Abutting neighbors at 20 Mill Stream Road live 50' from 26 MSR

NEIGHBORS Mr. and Mrs. Fiore of 20 MILL STREAM ROAD PROVIDE AN EASEMENT For Chief's Mank's revised path:

They have no objection to SSMH occupancy, as long as the following conditions are maintained:

- 1. activities at 26 Mill Stream Rd if they end at 10 PM.**
- 2. Sound from activities remain at or below the level of a conversation (57 Db.)**
- 3. foot traffic is not a problem (they provided an easement for a path bordering their Property on Mill Stream Road)**

The Fiore neighbors are eager to have 26 MSR occupied. It has been almost 4 years since the eviction. Gun shots on the town easement trail above their home, another November 2021 recent break-in burglary, a large unoccupied property available to vandals and constant theft of lumber, supplies, tools and vehicles, increase the insecurity of their home and safety of their children.

V. CONCLUSION

It is our contention that TM and administration manipulation, delays and discrimination continued unabated from August 2020 until November 2021. In November 2021 the Planning Board assembled a collection of “creative facts” which permitted a PB denial based on errors of law, a litany of discretionary proclamations and errors of “findings of facts” unsupported by evidence. These were assembled and released as its “Findings and Facts”.

The constitutional claim of Discrimination raised by SSMH in September 2020 is valid for review in this Rule 80B appeal. Elements of Continuing Discrimination operate from 2018 to the present connecting participants and a primary goal.

The use of **false Collateral references and issue** indicates that the **Town Manager and others acted with personal animus against the Plaintiff**. While in itself, it may be insignificant, it is however significant in this issue. **Collateral references were used to creates the link connecting the events of an entire year in which the activities of the municipal administration and its boards coalesced to prevent a legal Maine corporation SSMH to occupy a place in their community.**

Brief INDEX

Location of Arguments

- page 2
- I. Introduction**
- SSMH application rejection 2020 – Error in Law
Bickerman review
- II. Factual and Procedural History**
- The Parties
Standing
- III. Standard of Review**
- Pg 6
- IV. SSMH - Variance Request**
Variance – 26Mill Stream Rd is in the Public Interest
- pg. 8.
- V. Arguments**
- 1. Early Discrimination against SSMH.**
Background and Participants:
- A. The August 2020 CEO and TM denial of Planning Board
Application - Error of law.**
- Background and Participants:**
Town Manager Eric Dyer 2016 to present.
CEO Jesse Hanson Alleged illegal activity
Bickerman review
- page 9.
- Readfield Acrimony and Bittars**
- page 10.
- Mill Stream Hate Crimes**
- Cliff Buuck 2013 – 2021**

Page 11

Buuck Hostility to 26 MSR

Page 11

B. September 2020 SSMH claim of Continued Discrimination

1. **LGBTQ Directors known to the Neighbor- TM Dyer, the CEO and Readfield Office**
“Director, Taylor Quezada – She and Her wife Gwen Rothert“
Taylor's Single Family Residence Permit

page 13.

2. **CEO Hanson cited the Illegal 2018 Justification for Permit Denial: Hanson claimed**
a Similar Application was rejected in 2018 by the PB

Page 13

PB The Biased Rejection of the 2018 Application

3. **CEO/TM The Biased Rejection of the 2020 Application**
Bickerman Email

Page 14

4. TOWN MANAGER DEMANDS SSMH ELIMINATE FIRE SAFETY SYSTEM

Discrimination against SSMH - Error OF LAW; Error OF Process; Abuse Of Discretion

5. **TM Dyer uses the 1950's discrimination “Steering” “ploy” to move SSMH CC away from Dyer's home.**
Error OF LAW

Pg 16

6. **Dyer attempts to rewrite SSMH Mission and Bylaws to conceal the Town Manager's duty to support SSMH**
Readfield Comprehensive Plan (“Plan”) Error OF LAW; Abuse of DISCRETIONARY POWER;
7. **TM Dyer creates legislation to limit SSMH - the Right to Assemble -**
ERROR OF LAW; Abuse OF DISCRETIONARY POWER
Dyer and CEO deny SSMH the right to “Assemble”
8. **Dyer declares additional LUO legislation- CC s activities and public use is approved by zones**

page 18

9. SSMH hires attorney to request PB hearing. Attorney Davis delayed by CEO - ERROR OF LAW

10. Town reassures SSMH that any permit granted to SSMH by a board would be "grandfathered" if Article 38 were to pass. BUT It would be naive

Page 19

11 Administration builds a Public Information Campaign against SSMH - ABUSE OF Discretion:
Administration uses false Collateral Historic publicity to damage the SSMH reputation -Error of Fact

page 20

12. Reject COLLATERAL ISSUES and "EVIDENCE" - "SUGGESTS SSMH and Bittar Plot & Crimes

Page 22

13. FOAA - TM Dyer's Abuse of process ...

Page 22-24

14. - THE SIDEWALK
The revised path was never considered by the PB.
ABUSE OF PROCESS: The requirement of a sidewalk without alternative plans - an intentional Tort?
Chief Mank delivered his revised "reasonable path" and map to TM Dyer.
TM Dyer did not send this revised path to the Planning Board?
- Is this a pivotal act/tort in the SSMH permit denial?

Page 24

15. RESOURCE PROTECTION DISTRICT DESIGNATION
15A.
PB use of a U.S. survey Wetland map -- Abuse of Discretion; Error of Law; Findings
But in maps which identify small 20 or 30 foot strips of wetland, these maps are notoriously inaccurate. government map websites which references these maps...It states that they must never be used as a "sole source" for determination of the existence of wetlands without an on-site inspection by a engineer/soil specialist.

Page 25

15B.
PB Abrogates Town Easements and Resource Protection District Laws; Property Rights
Error of Law; Error of Findings

Page 26-27

ERROR OF LAW: Illegal taking? The Town, through this PB

declaration, possess the exclusive use - ownership (illegal taking? of Helen and Robert Bittar Property). It has long been a goal of the TM and others to remove Mr. and Mrs. Bittar from use of this land. Their continued enforcement of an illegal "Consent Agreement" has successfully removed their occupancy of the Property. This PB decision would confer an exclusive use/ownership upon the town.

Page 27

16. Civic Center ABUSE OF DISCRETION

SSMH nor its supporters have ever alluded to or mentioned the request for a Civic Center. In spite of the LUO confirmation of the ability to legally use of this property as a CC, it is rejected as an arbitrary act by the PB - an Abusive act of Discretion. TM Dyer and Members of the PB insist on claiming that SSMH has requested a Civic or Convention Center.

PB Findings document - PB and members states that SSMH intends to offer activities to an unspecified number of people.

PB makes statements concerning insufficient access to SSMH membership are not true.

Page 29

17. Neighbors, Mr. Matt Nazar, and TM Dyer Key PB Witnesses accorded deference during the PB hearing as they spoke of dangers associated with an SSMH community center ABUSE OF DISCRETION

Page 31

18. Dyer ERROR OF LAW Dyer threatens SSMH member children risk to life from fire. Dyer requires SSMH remove the State of the art, State Fire Marshal Sprinkler System from 26 MSR

These same Public Officials who in 2018 Conspired to and provided false information to officers concerning 26 MSR appear again at every Planning Board hearing. They now speak about safety concerns for danger to the lives of Readfield family motorists at RT 17 intersection.

Dyer demands the Unthinkable - Remove the safety of the State Fire Marshal permitted sprinkler system.

Buuck ERROR OF LAW Mr. Cliff Buuck, CEO, interprets First Amendment Constitutional law as it is impacted by the installation of the Maine State Fire Marshal Sprinkler System. Buuck writes a permit that says that according to his legal Constitutional expertise, SSMH is not permitted to have membership meet as an Assembly at 26 MSR.

Buuck Decision concerning SSMH First Amendment Constitutional rights ERROR OF LAW; Abuse of DISCRETION

Page 32

19. PB Findings contain concerns about disturbances to neighbors at 20 Mill

Stream Rd – Abuse of Discretion

PB claims of noise are a misrepresentation and challenged by objective tests which are part of the PB Record. PB repeats its great concern for the ONE ONLY neighbor at 20 MSR. This concern was the same repeated concern of Kent's Hill Road neighbors (600'-1000' away from 26 Mill Stream Road.) But sound within the building at extremely loud levels (even 50' away) was barely audible outside. And sound was non-existent at the Kent's Hill Road homes of neighbors who like TM Dyer. His home is almost 1000 feet away. He expresses constant great concern about sound disturbance to our next door neighbor..

Did TM Dyer and PB express concern about Sound disturbances to neighbors at the densely populated residential Church Road from Rock Concerts at Union Meeting House? SSMH offered a consultant sound check for the area. BUT sound from 26 MSR was never monitored by the PB. Is that because it is non-existent?

Page 33

- 20. Abutting neighbors at 20 Mill Stream Road live 50' from 26 MSR NEIGHBORS Mr. and Mrs. Fiore of 20 MILL STREAM ROAD:**
- 1. Welcome SSMH**
 - 2. Welcome the 26 MSR community center**
 - 3. PROVIDE AN EASEMENT For Chief's Mank's revised path:**

Abutting neighbors provide signed statement in support SSMH access and use of 26 MSR.

They have no objection to SSMH occupancy. Their request:

- 1. activities end at 10 PM.**
- 2. Sound from activities remain at or below the level of a conversation (57 Db.)**
- 3. foot traffic is not a problem (provided an easement path)**

