

**TOWN OF MOUNT DESERT  
ZONING BOARD OF APPEALS**

HAROLD MACQUINN, INC.,	)
FRESHWATER STONE & BRICKWORK, INC.,	)
	)
Appellants/Cross-Appellees,	)
	)
v.	)
	)
GERALD AND LAURIE SHENCAVITZ,	)
PETER AND JUDY AYLEN, & JAN COATES	)
	)
and	)
	)
	)
HALL QUARRY NEIGHBORS GROUP,	)
	)
Appellees/Cross-Appellants.	)

**SCHEDULING and PROCEDURAL ORDER 2\***

Following scheduling conferences held on June 10, 2022, & August 24, 2022, the parties consented to the following deadlines and procedures.

A single copy of the entire Planning Board record in this matter shall be made available to the Zoning Board of Appeals (“Record on Appeal”). Typically, an appellant is responsible for the producing the record. Because each party is an appellant, as well as an appellee or cross-appellee, the parties should share responsibility for preparing the Record on Appeal and any related costs. To the extent authorized, the Chairman shall resolve any dispute regarding *preparation* of the Record on Appeal. Otherwise, the dispute will be submitted to the Zoning Board of Appeals for resolution. The parties shall agree on the contents of the Record on Appeal in accordance with the below schedule. Any dispute as to the *contents* of the Record on Appeal will be addressed by the Zoning Board of Appeals at its hearing(s) on these appeals.

The parties shall produce a Joint Appendix. Each party shall identify those portions of the Record on Appeal that they would like included in a Joint Appendix. Each party may include in the Joint Appendix any documents or evidence from the Record on Appeal they deem necessary. Responsibility and costs for preparing and copying the Joint Appendix shall be shared by the parties. Each member of the Zoning Board of Appeals shall be provided with a copy of the Joint Appendix.

The parties consent to the following schedule:

1. There hearing previously scheduled for June 28, 2022 is cancelled.
  2. Appellants/Cross-Appellees shall identify the entire Record on Appeal and those portions of the Record on Appeal they propose to include in the Joint Appendix on or before June 30, 2022.
  3. Appellees/Cross-Appellants shall review and supplement the proposed Record on Appeal as it deems appropriate and shall identify those portions of the Record on Appeal they would like included in the Joint Appendix on or before July 14, 2022.
  4. Briefs shall be due from all parties by August 8, 2022.
  5. Parties may file response briefs on or before September 7<sup>th</sup>.
- 5A. The Appendix has been agreed upon by the Parties. The original of the Appendix will be prepared by Appellants HAROLD MACQUINN, INC.& FRESHWATER STONE & BRICKWORK, INC. with copies for each Board Member (the original to be filed with the Record, the entire record to be available in the hearing room), and a copy for each of the four counsel and any additional copies as may be agreed to by the parties, with the three named parties, (1) HAROLD MACQUINN, INC.& FRESHWATER STONE & BRICKWORK, INC., (2) GERALD AND LAURIE SHENCAVITZ,

PETER AND JUDY AYLEN, & JAN COATES, & (3) HALL QUARRY NEIGHBORS  
GROUP sharing equally in the cost of producing the copies.

6. No additional briefing shall be allowed, except with the express written permission of the Chairman of the Zoning Board of Appeals.
7. A hearing on this matter shall be set by the Chairman of the Zoning Board of Appeals after expiration of the briefing period and at the convenience of the Zoning Board of Appeals.

Dated: 08/29/2022



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William N. Ferm, Chairman  
Mt. Desert Zoning Board of Appeals

- First Amended to add Jan Coates whose name was inadvertently omitted from earlier order (& to correct the middle initial of the Chair).
- This Amendment and the Second Scheduling Conference reflecting the proration of costs for producing the costs of the Appendix and a date by which the Appendix and Responding statements are due.