

Zoning Board of Appeals
August 15, 2011
Casco Community Center

Members Present: John Devereaux, Sue Durkee, and Tom Bossie
Members Absent: Terri Linnell and Larry Sawyer
Staff Present: Elwin Thorpe, CEO and Sandy Fredricks, Secretary
Public Present: John Manning, Julianne Manning, Marcelle Morton and Brian Morton

7:00 PM

John Devereaux, as the senior Board member present, calls the meeting of the Zoning Board of Appeals to order.

Tom nominates John to be the Acting Chair of the August 15, 2011 meeting.
Sue seconds the nominations.
Nominations are closed.
All in favor? 3 yes – 0 no

Agenda:

John states we have one item on the agenda beside approval of Minutes. The Board has before it an application for a General Variance submitted by John D. & Julianne M. Manning to permit construction of the extension of the living room and “A-Frame” out 6’ over the existing deck. The new space will measure approximately 6’ x 20’ and not add any additional square footage to the premises. Applicants state the volume increase will slightly exceed the available amount and set backs are not affected. The property is known as Map 55, Lot 16, 204 Thompson Lake Shores Road and is located in a Limited Residential Recreational Zone.

Acting Chairman Devereaux reads the following information for the record:

1. Please recognize all statements through him.
2. Please introduce yourself before speaking.
3. Applicant will receive a written Decision within 7 days of this meeting and has 45 days to appeal to Superior Court.
4. Applicant may stay for the Decision but cannot in any way participate in this part of the meeting.
5. If approved, the applicant will receive a Certificate of Zoning Variance Approval with the Notice of Decision and has 90 days to record it the Registry of Deeds. If you do not meet the 90-day limit, the Decision is automatically void and you cannot appeal for one (1) year.

6. A permit secured by vote of the Zoning Board of Appeals under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within eighteen (18) months of the date on which such appeal is granted.

Sue moves to approve the Minutes of July 18, 2011 as written.

Tom seconds.

Any discussion? None.

All in favor? 3 yes – 0 no

John states he will now open the Evidentiary portion of the meeting.

EVIDENTIARY

Jack Manning introduces himself and his wife, Julie, to the Board. He continues by stating he has pictures to assist the Board in understanding what the application is asking them to grant and what the property looks like as he realized the items submitted by the architect didn't show the Board much of what it needs to know.

Jack states that first, he wants to thank the Board for considering the appeal and continues to explain that the original A-frame had a smaller A off the side. In the late 1990s a buildable lot was available beside them so he approached the owner to purchase that lot. In the process of negotiating and purchasing that lot, another neighbor, Mr. Winsky, asked to split the lot so they each have a lot and a half. He continues that they believe they have gone overboard in trying to protect the shoreline; their home is about 50' to 60' back, they have maintained all of the frontage in its natural state it is all still wooded with nothing taken down.

Jack states that in late 1999 or 2000 he approached Elwin and found out about the 30% expansion restriction. At that time they took off the smaller A and expanded about 25% of square footage and volume and they were fine. Continuing, he states they now realize it is time to spend more time here and less in Boston and the living room is only about 7' wide from the fireplace to the wall. He continues that he spoke to some local builders, all of whom informed him that the only option is to continue the A. Jack states they only have about 630 s.f. to do this but need approximately 1300 s.f. which will bring the total expansion to approximately 34% and that is why they are here this evening.

Further, Jack explains the deck is 6' wide and they would be going out over the deck so there will not be any additional impact on the lake. He states they understand that a non-conforming use cannot be expanded, but there is a lot

of unusable space in the A. Jack states that Mr. & Mrs. Papineau are the neighbors who would be most impacted by the change and they have provided a letter supporting the project to the Board. The Board acknowledges they have the letter from The Papineaus. Jack states the roof edge of the A already hangs 3' out and they are really only looking to add another 2'-3' plus a similar overhang.

Tom asks if when the initial 30% was granted because the deck is 6' x 20' does the living room footage replace the deck footage. Elwin explains that the deck is already there and just being utilized differently is why they are only asking for a volume increase.

Tom states the guidelines and rules for the Zoning Board of Appeals are quite specific and one of them is that the property cannot yield a reasonable return without the variance and a hardship must be proven. Tom asks Jack if he can tell the Board what the hardship would be.

Jack states the living room is really not useable; you can't put enough chairs in the living room to sit around a fire. Both architects and real estate agents who have seen the property have stated it is not as valuable without the expansion.

Jack restates that they have done all they can to minimize the impact on the lake.

John closes the Evidentiary and opens Deliberations.

DELIBERATIONS

John asks Sue for her opinion in this matter. Sue states she doesn't feel they meet the hardship criteria and the property can get a reasonable return.

Sue asks if there is a basement. Jack states there is, but not under the deck area; they will have to put in a new knee wall and different supports. Sue also states she agrees with the recommendations of the DEP that the variance does not meet the criteria.

Sue moves to deny the application on the grounds that the applicants do not meet the hardship criteria.

Tom seconds.

Any further discussion? None

All in favor? 3 yes – 0 no

Sue moves to adjourn.

Tom seconds.

Any discussion? None.

All in favor? 3 yes – 0 no