

**Zoning Board of Appeals  
July 21, 2009  
Central Fire Station**

**Members Present:** John Devereux, Sue Durkee and Lawrence Sawyer

**Members Absent:** Robert Doucette, Terri Linnell and Ed Wade

**Staff Present:** Elwin Thorpe, CEO and Sandy Fredricks, Secretary

**Applicants Present:** William Strathmann

**Public Present:** William Stuart, Jim Macklin and Andrew R. Freeman

**7:06 PM**

Larry Sawyer calls the Meeting of the Zoning Board of Appeals to order.

**Agenda:**

Larry states there is one item on the agenda this evening in addition to the approval of Minutes. The application is an amended application for a general variance for a front setback reduction held over from the May 19, 2009 meeting.

The Board has a question on the May 19, 2009 Minutes regarding the figure of 13,000 square feet. Larry asks Mr. Freedman to clarify if this was the figure he stated at the last meeting. Mr. Freedman states that is incorrect, it should be 1187 square feet, and he has been known to be unclear at times, ask his wife.

**Larry** moves to approve the May 19, 2009 minutes with amendment on page 5, four lines down in paragraph 2, amend 13,000 square feet to 1,187 square feet.

**John** seconds.

**Any discussion?** None.

**All in favor?** 3 yes – 0 no

Chairman Sawyer reads the following statement for the record:

General Information for Applicant and the Audience

1. Please recognize the chair for all questions or information.
2. Please introduce yourself before speaking.
3. All applicants will receive a written Notice of Decision within 7 days of this meeting. Applicant 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 the Decision is approved, the applicant will receive in the mail along with the Notice of Decision, a Certificate of Zoning Variance Approval. You have 90 days to have this Certificate recorded at 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.

Mr. Freedman asks how soon after the Board's decision can a building permit be pulled. Larry explains that he believes a building permit could be obtained immediately after the variance is granted, but it is advisable for the applicants to wait until the 45 days for appeal have expired.

Larry states the Board will now begin the Evidentiary Portion of the meeting.

### **EVIDENTIARY**

Application of William D. and Randi Finger Strathmann, property known as Map 47, Lot 7 located at 76 Miller Road amended request to permit a 30' front setback reduction from 50' to 20' to permit construction of a 45' wide x 30' deep garage. The property in question is located in a Limited Residential Recreational district.

Larry asks Wil if would like to add anything from the last meeting. Wil states he does.

Wil begins by answering Terri's question at the May meeting regarding the driveway, if it could be narrower going in and widen as it approached the structure. The answer to that is yes, it can be kept narrower to look more like a lane and then widen as it approaches the building. Further to answer Larry's question in May as to whose property is closest to them, that is the Shapiro's and to answer John's question in May it is 2,250 square feet.

Wil continues, at the last meeting Andy stated he is President of the Miller Road Association as well as speaking for himself and Dan Miller. Wil just wanted to clarify that Andy does not speak for the Association. Also, at the last meeting no one mentioned that the two neighbors who support the application are the only ones who have to pass their property on the way to their own.

Larry asks what the approximate length of Miller Road is. Mr. Feldman states it is about one-third of a mile. He also states that Dan Miller's property is past the Strathmanns, but he has another way to access his property.

Wil states he came up the amendment based on conversations with Andy and discussions with his wife that they could sell the pontoon boat and estimated space they would need to get around it. By selling that boat, they worked the figures and were able to cut off 15' of the width. He continues they moved the setback to 20' as Andy didn't seem comfortable with the 15' setback; however, to their disappointment, this didn't make Mr. Feldman or Mr. Miller happy either.

He continues to explain after weeks of trying to get Dan Miller to support their amended application, Dan agreed to the size and then changed his mind and that he could support a 40' x 30' structure only to receive an email late this afternoon that wasn't printable and he would like to read it into the record.

"From Dan Miller

To [ceo@cascomaine.org](mailto:ceo@cascomaine.org)

cc [ARFFREE1@aol.com](mailto:ARFFREE1@aol.com)

Sent: Jul 21, 2009 12:50 pm

Subject: storage building

To the Casco Village Board Considering the Above referenced storage/garage building I have lives almost my entire life on Miller Road especially during summers starting in 1944. My mother's experience in Casco started in the 1920s when she acted as a babysitter for her cousin a founder and owner of Camp Brunonia just around the bend from our property. Brunonia is now called Camp Samoset II.

In my last email I suggested that I would support a building 40 x 30 that's 20 feet back from the camp road. I would prefer that it be a little further back in deference to my neighbors who have also urged that, possibly thirty feet, with a lane going in to the structure and widening as it gets to the structure. This way plantings can be made to lessen the impact of the building and obscure its view. I believe even at 40 x 30 it is way more than big enough for what the Strathmanns need. I don't think they have a good idea of how much space there is in what they contemplate building. I also suggest they put what they call the side door on the side and not in the front. Wil says it can't be done. If you look at my barn the side door is on the side and the barn looks better for it. You don't have to excavate much on the side to have a side door on the side. Lastly I am on two sides of the structure. My property is both to the east and to the north of the proposed building. It also isn't very

far from my house which is quite a bit above the camp road and not very far from the north line of the Strathmann property line. I built it there to gain privacy. I hope this is not for residential use as the Strathmann's already have two houses on their property, the original Eisenberg cottage and the rebuilt Eisenberg house.  
Thank you for your consideration.

Dan Miller”

Wil states he and Randi have had similar encounters with Andy and explained that there wouldn't be room enough to open a car door in the smaller structure. He continues, the amendment submitted was an attempt to compromise with the neighbors. Amy Fisher had originally supported the application as submitted but now has concerns that this would set a precedent and increase everyone's taxes. Wil states he spoke with Paul Binette from the Tax Assessor's office and was assured that it would not affect anyone's taxes but his own.

Wil further stated that with the 20' setback, the driveway is already in place and would not need to be expanded. This would not affect the trees this way either. If they have to go back 50', they almost certainly do more than a garage with the storage area over it. The entire garage would be underground and a basement on which they would build a house.

Larry asks Wil if they could agree to a slightly smaller structure. Wil agrees they could make do with a little smaller structure of about 40' if they can excavate for a door on the side.

Larry asks the Board members if there are any questions. Neither Sue nor John have any questions for the applicant.

Larry states that a 45' x 30' structure would cover 60% of the lot. Larry asks Wil if he is willing to agree to no living area or commercial use of the structure if the Board were to grant a variance. Wil confirms that they agree to those restrictions as they would have plenty of living space in the house if they have the garage for storage.

Larry asks if the applicant has spoken to anyone other than Mr. Freedman and Mr. Miller. Wil states that they were the only two who voiced concerns. Elwin states he received a call from Donald Hoffman who left a message that they are not in favor of any building on the back property. They are the second house on the road. Andy Feldman states that the Hoffmans are original owners as are they. The Board also has received communications from Amy Fisher, Arthur Lapham, Natalie &

Arthur Woolf and Dr. Daniel Goldberg. Wil again states that the Fishers originally were supportive.

Larry states the fax received from Amy Fisher states her concerns are the size of the structure, the setback from the road and how wide the driveway would be. She also states that if the structure were 2 to 2-1/2 bays, set back 35-45 feet and was accessed via a narrow driveway it would be more acceptable.

Larry asks Wil if this will now be two bays. Wil states there will be two double doors at 16' each. Andy Feldman states it is four bays, a bay is considered to be 12'. Wil states they will be utilizing the bays for 3 vehicles, the Glastron boat and sailboat.

Larry asks if the stairs will be located inside rather than outside. Wil states he would like the stairs inside so he wouldn't have to shovel them in the winter. Larry states we have no input on the outside stairs because it meets the setback on the side. Larry states if the stairs are moved outside the 40' -45', it should be part of the design and moving the steps outside only makes it easier to get the sailboat in.

Andy Feldman addresses the Board and begins by stating he owns 74 Miller Road and he can speak for Dan Miller, Don Hoffman and the Fishers. He drove down Old Stagecoach Road and there is only one garage on that road. It is a two-car garage. He further states, he knows his wife, Paula Bellin, thought the Strathmanns wanted to build a garage; and when we left here on May 19<sup>th</sup>, he believed it was left that there was the option of conversations and compromise between the Strathmanns and the other owners on Miller Road. He states he heard nothing from Wil until the June 29<sup>th</sup> phone call in which Wil said he submitted his amendment to the Board on May 26<sup>th</sup>. Andy stated that he didn't know why they were having the conversation if the amendment has already been submitted. He continued that the one garage on Old Stagecoach Road on the opposite side of the lake from Miller Road is just a garage. This structure would be setting a precedent on Miller Road and the neighbors thought it was going to be a two-car garage.

Andy continued, their preferences would be a two-car garage with a shed on the side, set back 35' with a narrow driveway that can go right or left in front of the structure. He next stated that 30' x 40' is still larger than the average house. What Wil is proposing is the first blight on Miller Road as far as structure and stature; this will be the only structure on that side of Miller Road.

Mr. Feldman continues that Wil is welcome to put a boat on their property, Dan Miller's property or Fishers' property. If it is necessary, we, as neighbors, can find a place to put things as a solution.

He further states, if there is a variance granted, there are many things he would want included. This structure is not appropriate in the neighborhood. He would want restrictions that would prohibit conversion to habitation in the future, outside lighting to be set so as not to affect others and stabilization to ensure against erosion. The ordinance allows up to 9% grade, and Wil is showing digging into the side to accommodate this structure; is that truly necessary for him to accomplish what he needs if he can have up to 9% grade?

Andy continues that he could live with a two-car garage with a shed on the side setback 35'. Further, he asks how many three-car garages are there in the State, the County or the Town. Wil is asking for a four-car garage and it is bigger than what anyone else has.

Wil states he would like to address a few things; The Bellins' lighting shines into their home. Larry states the Board has no authority on that issue and that should go through Code Enforcement. Wil states there are two garages on Miller Road, one is Dan Goldberg's small one-car garage and the other is Dan Miller's barn at approximately 49' x 34'. In terms of things being on the other side of the road, once you get to Dan Miller's, everything is on that side of the road.

Andy states Dan Miller has 40 acres. Wil states that barn is a little over 25' from his property line. Wil further states that what Andy is talking about would require filling their property. A 9% grade would be a little help, but if you look at diagram #16, it shows that 9% isn't going to make a big dent in that degree of slope. He continues, clearly, if he could have 9%, he will take it as he wouldn't have to excavate as deep and that may be what their current parking area is.

Andy states he is concerned about what Wil is proposing wasn't thought through. He believes the slope of the roof will be dropping the snow on the driveway. He continues that this is no more than a warehouse.

Wil states he is aware of the snow deposit; Chris Pond will charge the same to plow it.

Larry states this is not relevant to the Board. We have to determine if a variance is warranted in this situation.

Larry closes the Evidentiary portion of the meeting.

Larry opens the Deliberation portion of the meeting.

Larry asks the Board members what their feelings are regarding this application.

Sue states she still has concerns with the size and precedence the Board is setting. She is on a lake with people doing similar things. She is concerned with the size and setback.

John states his original concern about the setback from 50' and anything less. He continues, he has now seen evidence of great compromise by the applicant and being a year round resident, his needs are different than seasonal residents. John continues that it is his recommendation that the Board approve the variance as proposed for a 30' x 45' structure.

**John** moves we approve the variance as submitted.

**Larry** seconds for purposes of discussion.

Larry states we will probably see more of these seasonals going to year-round residences and there isn't a lot we can do about it, there is no question year-round residents require more storage than storage.

He continues he could go along with 40' and pushing it back even further than 20'. Further, with only three Board members present the vote has to be unanimous.

John asks Larry what he feels would be good for a setback distance. Larry states 25' would be okay, but 30' would be better.

Sue states she can go along with a 30' setback.

John asks Wil how he feels about that. Wil states if he has to go 50' he would build their dream house, but he could live with a 30' setback.

**John** amends his motion to approve a 30' setback.

Larry asks if John wants to amend motion to have the garage measure 30' x 40". John states he was not making that part of his motion; he only is going for the variance setback.

Larry states he is concerned about the other issue and feels the motion should include provision for a structure of 40' x 30' with outside stairs to access storage only, no residential or commercial use forever. John states he could live with that as a motion.

John gives permission for Larry to amend the motion.

**Larry** moves to grant a variance for a 20' reduction in the front setback from 50' to 30' for construction of a 40' x 30' garage with storage above with an option to the property owner to construct an outside stairway to the second floor provided the setback requirements are satisfied and provision that there will be no residential or commercial use of this structure at any time in the future.

**Sue** seconds.

**All in favor of amending the motion?** 3 yes – 0 no

**Larry** calls for a vote on the Motion, as amended.

**All in favor of granting the variance?** 3 yes – 0 no

Larry states that is the Board's ruling and anyone who is unhappy with the decision has 45 days to file an Appeal. He further suggests to Wil that he not do anything until such time as the 45 days to appeal has run.

Wil states if he waits the 45 days he won't get it in before the frost. Elwin states that he cannot issue a building permit until the decision is recorded and suggests waiting to get the building permit until the 45 days have expired.

**Larry** moves to adjourn.

**John** seconds.

**Any discussion?** None.

**All in favor?** 3 yes – 0 no

Meeting adjourned 8:30 p.m.