

Zoning Board of Appeals
FEBRUARY 24, 2014
Casco Community Center

Members Present: Sue Durkee, Trevor Tidd and Pat Troy

Members Absent: Terri Linnell

Staff Present: Donald Murphy, CEO and Sandy Fredricks, Secretary

Public Present: Anne Plummer, Debra Riendeau, Christian Basset and Sue Fleck

Trevor calls the meeting of the Zoning Board of Appeals to order at 7:00 P.M.

Trevor states that there is information he must read into the record and for those present. He reads the following information for the record:

1. Please recognize all statements through the Chair.
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 record it within 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.

Trevor states we have Minutes of January 27th, 2014 to be approved.

Sue moves to approve the Minutes as written.

Pat seconds.

Any discussion? None.

All in favor? 3 yes – 0 no

Trevor states the Board has before it application of Debra Riendeau, property known as Map 33, Lot 9; 575 Poland Spring Road and located in a Residential District. He asks who will be presenting the matter to the Board. Debra introduces herself and Anne Plummer to the Board and states that Anne will present the issue and they will both answer any questions the Board has for them.

Trevor begins the Evidentiary portion of the meeting.

EVIDENTIARY

Anne explains that the closing on this property cannot take place until after this process is completed. She continues that in 1994 a Variance was granted reducing the front setback by 12'. This was done without a survey. The property sold in 2005 to Ms. Riendeau and she had a survey done in 2009. She listed the property for sale, entered into a Contract and the prospective Buyer's bank did an MLI which picked up the inconsistencies that have brought us here this evening.

Anne and the Board members look at the drawings submitted in 1994 as well as the survey submitted with this application and discuss what is shown on them. Anne explains each of the seven (7) setback reductions requested in the current application.

Trevor asks if the Board has any questions.

Pat states that driving by on Route 11 and Winslow Road it appears a lot of building took place. Don states it is two pronged, on tight lots the Building Inspector can always request a survey be done and that keeps things straight. In this instance, there were compounding errors. He continues that this is an interesting lot, the part where the house is located is in a Residential Zone and abuts a parcel the Town foreclosed on which Debra bought from the Town and that part is in the Village Zone. Don further states that he doesn't feel these are unreasonable requests.

Pat states it would be simpler if we could go back in history and extend the Village District further, but we can't do that so a Variance is necessary. Pat continues and states she is questioning the "temporary garage". Debra states it is a carport with 3 sides and they are not asking for any variance for that. Debra further states that as she now owns the adjoining lot, she really didn't need to have the lot line on that side shown on her survey.

Trevor asks if the Board needs any other information from the applicant.

Pat states that it seems in 1994 the prior owner got a Variance and put a modular on; then in December of 2005 Debra Riendeau purchased the property and in 2006 she got a Building Permit for the deck and no one realized until the proposed buyer went for their mortgage that there were inconsistencies. Anne and Debra both state that is correct.

Don states he wants to highlight that the role the ZBA is playing, we want to make sure we look at the entire structure and we are being more thorough now

than in the past. He confirms that the steps were existing to the original trailer.

Trevor closes the Evidentiary portion of the meeting and opens the Deliberations.

DELIBERATIONS

Trevor states he drove by and doesn't see any other way to get in and out without those steps. Pat and Sue concur.

Trevor continues stated there doesn't appear there was anything devious or intentional that took place.

Pat would like to go through the criteria. Pat states on Page 88 of the Zoning Ordinance the criteria are: a) the need for a variance is due the unique circumstances of the property and not to the general conditions of the neighborhood. The Board agrees it meets this requirement; b) that the granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties. The Board agrees it meets this requirement; c) the practical difficulty is not the result of action taken by the petitioner or a prior owner. The Board agrees it meets this requirement; d) no other feasible alternative is available to the petitioner. The Board agrees it meets this requirement; e) The granting of an easement will not unreasonably adversely affect the natural environment. The Board agrees it meets this requirement; f) the property is not located in whole or in part within the Shoreland Zone. The Board agrees it meets this requirement.

Pat states that on Page 87 we need to review the hardship criteria. The Board reviews: a) that the land in question cannot yield a reasonable return unless a variance is granted. The Board concurs. b) that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood. The Board concurs. c) that the granting of a variance will not alter the essential character of the locality. The Board concurs. d) that the hardship is not the result of action taken by the applicant or a prior owner. The Board determines that this was an error and is not the fault of any one person or entity. This error occurred with no malice on the part of any owner or the Town.

Trevor moves to grant the variances from the dimensional setbacks as requested and shown on the attached page.

Sue seconds.

Any further discussion? None.

All in favor? 3 yes - 0 no

Sue moves to adjourn.
Pat seconds.
Any discussion? None.
All in favor? 3 yes – 0 no