

Zoning Board of Appeals  
May 20<sup>th</sup>, 2019  
Casco Community Center

Members Present: Geof Hancock, Steve Linne, Trevor Tidd & Pat Troy

Members Absent: Terri Linnell

Staff Present: Alex Sirois, CEO

Staff Absent: Sandy Fredricks, ZBA Administrative Assistant

Public Present: See Attached.

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

Trevor reads the required information into the record and for those present as follows:

1. Please recognize all statements through the Chair.
2. Please introduce yourself before speaking.
3. This meeting is conducted in two parts, the Evidentiary wherein the applicant is heard and answers questions from the Board and the public may speak. The second part of the meeting is Deliberations wherein the Board discusses their views and then takes the vote.
4. Applicant may stay for the Decision but cannot in any way participate in this part of the meeting unless directly asked a question by the Board.
5. Applicant will receive a written Decision within 7 days of this meeting and has 45 days to appeal to Superior Court.
6. If approved, the applicant will receive a Certificate of Zoning Variance Approval with the Notice of Decision and has 90 days to record it in 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.
7. 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 February 25th, 2019 to be approved.

Steve moves to approve the Minutes as written.

Geof seconds.

Any discussion? None.

All in favor? 3 yes - 0 no - 1 abstain (Pat).

Trevor states the first item on the Agenda is Kirt Bell has filed an application for a General/Dimensional Variance to allow a 8.5' reduction of side setbacks from 25' to 16.5' on each side

of property known as Map 18, Lot 2 located on Lakewood Road. The variance is requested to permit a viable building envelope on the property. The property is located in a Residential and Shoreland Zone.

Kirt Bell addresses the Board and gives history of the property. He states he bought the lot from his parents about 27 years ago and at that time it was a buildable lot. He met with previous CEO to make sure he could build a small cottage on the lot and it was all okay. He met with Alex about 8-9 months ago and it was necessary to get a variance. He is still looking to get a small building envelope on the lot. He states that he's looking to reduce front setback from 50' to 35' and side setbacks from 25' 50 16.5' to allow 1000 to 1500 s.f. home, about 750 s.f. per floor. He further states that without the variance, the lot remains unbuildable.

Trevor asks if anyone in the audience wishes to speak.

Charles Davis, 150 Lakewood Road states he is not not in support of the variance, but wants to be ensure that the septic is within the appropriate distance from his well. Trevor asks Charles to approach and look at the drawing to see where the proposed septic is located in relation to his well. It is agreed it does not appear to be within 100' of Charles's well.

Steve asks Kirt if anyone has looked at the septic design. Kirt states not yet. Steve asks Alex if he looked at the location. Alex states he hasn't spent a lot of time on it as it's the applicant's responsibility to show locations of other wells. He continues that first-time systems may have to go to the State.

Geof asks if Kirt could mirror flip the plan so the garage is on the other end and give him more room for well and septic. Kirt states he can do that and is okay with it that way.

Geof, Trevor and Alex look at map on computer to see location of homes. Trevor asks if there are houses closer than 35' on the road. Kirt states there are. Geof states it appears that they are similar size lots on the road. Geof asks Charles if lot 3 abutting Kirt is a yard for their home. Charles states he has a parking spot there.

Pat states it in one place is says it is in shoreland and in another it is not; what is the zone. Alex explains that it is in both shoreland and residential. Pat states no one is asking about how it will fit in shoreland. Trevor states that the more restrictive zone takes precedence. Alex states that's correct. Pat states that is shoreland.

Trevor states the applicant originally asked for 25' x 40' and now has reduced it to 25' x 35'. Kirt confirms this is correct. He goes on to state that he is confused about shoreland. He states there are other houses that have been built on lots in

shoreland. Trevor states we have to go with the more restrictive zone and we are not addressing other houses.

Alex states the biggest difference between shoreland and residential is the hardship criteria. The Board, at the last meeting, felt if they don't grant a variance, the applicant cannot get value out of the land. Pat states she disagrees. Steve states that they felt they need to look at it as he cannot get use and enjoyment out of the property. Pat states we also have to consider when the lots were set up it was before we had zoning or considerations of shoreland. She continues that he can get some recompense from it. The Board discusses the value and uses of the property. Alex states that undue hardship is if it can get a reasonable return on the property. He continues that it is up to the Board to decide what's reasonable. Geof states we aren't cutting new lots of this size, but we have to deal with those that exist.

Trevor asks how the Board feels about the size of the structure and setbacks. Geof states he is more comfortable with this than the previous one. He further states that if it was on the lake side, he may feel differently. Additionally, Geof states that everything hinges on being able to fit the well and septic on the lot. Pat states she feels they are just squeezing it all in. Pat asks Trevor why he feels we have setbacks. Trevor states for fire and rescue to have access. Pat states it is not just for fire and rescue, but plows need to turn around and have a place for the snow in winter.

Alex states this may also require another variance because he can only have 20% impervious surface in shoreland, 1500 s.f. is 21.5% impervious. Geof asks if the gravel driveway counts as impervious; Alex states yes, it is impervious. Alex further states that 900 s.f. for structure would be 12.9%. Steve states if he stays at 900 s.f., he can have 14' wide driveway. Steve further states he should be held to the 20% maximum.

Trevor closes evidentiary and opens deliberations.

#### DELIBERATIONS

Pat states she has some reservations.

Trevor states he would like to review the criteria. He continues that the Board determined at the last meeting this property did meet the criteria of not being able to yield a reasonable return unless the variance is granted.

The need for a variance is due to the unique circumstances of the property. Trevor states he agrees. Pat states she has an issue with this. Geof states it is for a home not an accessory use and what we do here does not set any precedence.

Alex explains that this is different because the family has owned it for many years. Trevor and Steve agree. Pat states we are considering the property itself. Geof states it was buildable at one time and now the setbacks don't allow him to build; it is unique to that particular property.

Geof moves to determine the criteria is met.

Steve seconds.

Any discussion? None.

All in favor? 3 yes (Geof/Steve/Trevor) - 1 no (Pat)- 0 abstain

The granting of the variance will not alter the essential character of the locality. Trevor states that allowing the home to be built will not be detrimental to abutters.

Geof moves granting the variance will not change the market value or have any detrimental effect on the neighborhood.

Steve seconds.

Any discussion? None.

All in favor? 4 yes (Geof/Steve/Trevor/Pat) - 0 no - 0 abstain

The practical difficulty is not the result of action taken by the applicant or a previous owner. Geof states that this is true, the changes in zoning created the hardship as they bought a buildable lot prior to the changes in zoning.

Geof moves that the application meets the criteria that the difficulty was not a result of action by the owner or previous owner.

Steve seconds.

Any discussion? None.

All in favor? 4 yes (Geof/Steve/Trevor/Pat) - 0 no - 0 abstain

Steve states that as far as there being no other feasible alternative, he believes the applicant has cut back the size of the home and the setbacks originally asked for is the most reasonable alternative. Geof states this is a much better plan. Pat asks if we are talking about a year-round residence or seasonal. Trevor states he believes it is year-round.

Steve moves that the applicant meets the most feasible solution criteria.

Geof seconds.

Any discussion? None.

All in favor? 3 yes (Geof/Steve/Trevor) - 1 no - (Pat)-0 abstain

The Board addresses criteria of allowing the variance will not unreasonably affect the natural environment. Geof states that by keeping to the 20% imperious limit, it will not unreasonably affect the natural environment. Steve asks Alex if he will be requiring any plantings. Alex states it depends on the Building Permit application, but it looks pretty well vegetated. Trevor asks if it is in an area where erosion would be an issue. Alex

States it is pretty wet there but he just can't remove more than 40% of the vegetation; his lot starts about 175' from the shoreline. Alex continues there could be a State variance required for the septic system. The Board and Alex discuss possible options the State allows.

Steve moves that this will not affect the environmental situation.

Geof seconds.

Any discussion? None.

All in favor? 3 yes (Geof/Steve/Trevor) - 1 no (Pat)- 0 abstain

Geof moves that the hardship issue is met because of the nature of the lot, the value of the lot and the Plans submitted.

Steve seconds.

Any discussion? None.

All in favor? 3 yes (Geof/Steve/Trevor) - 1 no (Pat) -0 abstain

Steve moves to grant the side setback variance of 8.5' from 25' to 16.5' on each side and to reduce the front setback by 15' from 50' to 35' as shown on the plans submitted.

Geof seconds.

Any discussion? None.

All in favor? 3 yes (Geof/Steve/Trevor) - 1 no (Pat) -0 abstain

Geof states that when this was before the Board last meeting with the original plan, he was with Pat on it. Now, he sees it makes sense under the circumstances.

#### Findings:

After reviewing the application, original drawing, revised drawings and the amount applicant is taxed on the lot, the revised plan reduced the size by 5', it fits in the neighborhood, it allows a small home; the building of a home is good for neighborhood rather than using the lot as a campsite; the Board finds this application fits the hardship criteria and although the Board was not unanimous in its findings the majority of the Board members present support the granting of the variance set forth.

Geof moves to accept the findings.

Steve seconds.

Any discussion? None.

All in favor? 4 yes (Geof/Steve/Trevor/Pat) - 0 no - 0 abstain

Geof moves to adjourn.

Steve seconds.

Any discussion? None.

All in favor? 4 yes (Geof/Steve/Trevor/Pat) - 0 no - 0 abstain

