

Zoning Board of Appeals
August 21st, 2017
Casco Community Center

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

Members Absent: Terri Linnell

Staff Present: Alex Sirois, CEO & Sandy Fredricks, ZBA Admin. Asst.

Public Present: Mark Kingston

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. 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 June 26th, 2017 to be approved.

Steve states that there is a typo on page 5, next to last paragraph should read "why" instead of "whey". Sandy states she will correct that.

Steve moves to approve the Minutes with the correction stated. Geof seconds.

Any discussion? None.

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

Trevor states the Board has before it application by Stephen Thibeault on behalf of David Jackson for a General Variance to permit a front setback reduction from 50' to 37' (13') to permit construction of a stairway and landing on the front of the home.

The foundation of the house is currently 37' and applicant requests that the stairway be permitted at the same distance from the water. The property is known as Map 19, Lot 35; commonly known as 192 Lakewood Road. The property is located in an LRR Zone.

Due the fact that neither the applicant nor his representative are present, the Board discusses the matter in general.

Alex states that the applicant came in for a permit for steps from the deck asking for them to be on the side so they didn't have to go through the house and around to get to the water. He continues that if you look at the information he just handed to the Board, you can see the deck is on the upper level with no way down.

Steve states you are going to end up in the same place whether you go outside stairs or inside stairs.

Alex states that the property already encroaches on that side at 37' although the Building Permit states it is 42'. He continues that the Building Permit was issued to allow the stairs toward the water. He goes on to explain when they rebuilt, they used the 42' as the existing point. Additionally, he directs the Board to the last page of his hand out, the areas in red (see attached) were approved for the Building Permit.

Steve states so they built in a non-conforming manner. Alex states that is correct, they did. He continues that they used the 42' for the setback, but were closer. Additionally, Alex states they said the stairs were on the Building Permit and could they build them now. He states he advised them that there was a Certificate of Occupancy was issued which closed the permit.

Pat states she would like to know when the old structure came down and the new one built. Alex states it was in 2015. Pat states that because they used the existing footprint they were grandfathered and didn't have to come in for a variance. Alex states that is correct. He also advises that there is a septic in the rear so they couldn't move back any farther. He continues that if they were to come in and apply for steps or a handicapped ramp, you can't use the grandfathered setbacks and would need a variance, which is where we are at.

Pat states she remembers a lot of Lakewood Road residents wanted to do various things and asked for variances but then they were taking up too much of the property. She continues her concern is if it fits the neighborhood and she is concerned about what happens on the lake side.

Steve moves to table this matter.
Geof seconds.
Any discussion?

Pat states that before the Board votes, she would like to state that having taken care of a handicapped person, outside stairs will not be helpful to a handicapped person. She continues that a door on the side with a stair chair inside the structure would be best as when the stairs are wet, they are slippery and do not help the handicapped person get down them.

All in favor of the motion to table? 4 yes - 0 no - 0 abstain.

Geof moves to adjourn.

Steve seconds.

Any discussion? None.

All in favor? 4 yes - 0 no - 0 abstain