

Zoning Board of Appeals
July 18th, 2016
Casco Community Center

Members Present: Steve Linne, Trevor Tidd and Pat Troy

Members Absent: Terri Linnell, John Orlando

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

Public Present: Mark Vasapolli and Reggie Butts

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 August 18th, 2014 to be approved.

Pat moves to approve the Minutes as written.

Steve seconds.

Any discussion? None.

All in favor? 3 yes – 0 no – 0 abstain

Trevor states the Board has before it application of Estate of Stephen J. Vasapolli by Mark Vasapolli, Personal Representative for property known as Map 26, Lot 7; 491 Roosevelt Trail and located in a Commercial District.

Trevor opens the Evidentiary portion of the meeting.

EVIDENTIARY

Steve Linne states that he was in attendance at the Board meeting when the previous Variance was approved. That approval was for a single family dwelling and now the current application indicates a commercial use. He continues that there are greater and additional variance requirements if it is commercial.

Steve Vasapolli states he just wants to sell the property on behalf of his brother's Estate. He continues that he had a survey done to show what is on the property.

Reggie Butts states that he talked with Don Murphy about what the process would be to reinstate the Variance. Don told them to get the survey and he would recommend reinstatement of the Variance as previously approved. Don did say it was a commercial property.

Pat refers to the Minutes of 2003 and the Notice of Decision from 2005 and states she sees it was approved for a residence not a commercial use.

Steve Linne states that Wendy Potter and Craig Holman, who were the previous applicants, were going to utilize the property as a residence and now you are saying a commercial building. There are many other issues that go with that.

Reggie states that they don't know what new owners would be doing with the property.

Trevor states that if they don't know what would be done with the property, they may want to sell it as is and let the new owner apply for a variance.

Pat states reviewing the history in 2003 it was granted a variance and they it do anything with it. In 2005 the same owner came back for the same variance. Now it has been 11 years. She further states that variances run with the property provided it is within the deadlines.

Trevor asks if there is anything else they would like to add.

Reggie stated they only went by what the CEO (Don Murphy) told them. He further stated there is a 1400 square foot concrete slab on there.

Steve Vasapolli reiterates that he just wants to sell it.

Steve Linne states that if the applicant had the 300' of frontage on Route 302 or 200' on a side road for frontage, he would be all set. He continues that parking lots for different uses have different requirements and all that information comes into play for the granting of a variance.

The Board discusses different scenarios giving the applicant some ideas of why an unknown use leaves too many unanswered questions.

Trevor asks if the Board has any other questions. Being none, Trevor closes the Evidentiary Portion of the meeting and opens the Deliberations.

DELIBERATIONS

Trevor states he was ready to approve the variance for a residential use, but this is a total difference if it is commercial use.

Pat states that she is concerned with the length of time that there has been nothing there already. She continues that she feels this needs to come in as a completely new application for one of two different types of variances, either residential or commercial depending on what the use will be on the property.

Steve Linne states he believes he is okay with granting the variance for a residential use as previously granted, but he is not okay with granting if for an unknown commercial use.

Pat states that she would disagree with that because the length of time elapsed is excessive and the Board would be setting a precedence.

Trevor suggests to the applicant that they find a buyer for the property and have them come before the Board for a proper variance.

Trevor moves that based on the Findings of Facts at this time the Variance request is denied.

Steve seconds.

Any discussion? None.

All in favor? 3 yes – 0 no

Trevor moves to waive the one year time limit for reapplication to the Board to allow a buyer or buyer and seller to apply for the appropriate variances when they have a contract.

Pat seconds.

Any discussion? None.

All in favor? 3 yes – 0 no

Trevor moves to adjourn.

Pat seconds.

Any discussion? None

All in favor? 3 yes – 0 no