

**ZONING BOARD OF APPEALS**  
**Public Hearing**  
**MINUTES**

**Monday, September 27, 1999**

**ATTENDANCE:** Peter Leavitt, Chairman; Robert Fey; Jim Stephenson; Michael Higgins; Aurel Gagne and Jack Cooper, Code Enforcement Officer.

**PUBLIC ATTENDANCE:** Richard Anderson; Richard Martin; Stephen Harvey; Tacy Hartley; Ada Brown; S & L Walker; Terry & Joe Brinkman; R.F. & Cynthia Murphy; Sam & Bobby Murphy; Frank Merced; Brian Edwards; and Kelly Greenwood.

Call to order. Peter Leavitt called the meeting to order at 7:02 p.m. at the Town Hall.

Consideration of previous Minutes dated August 30, 1999.

**MOTION:** Robert Fey motioned to accept the Minutes of August 30, 1999 as written. Seconded by Michael Higgins.

**VOTE:** Unanimous.

3. Anderson, Richard Map 42, Lot 21 44 lakeside Drive

Continuation of a request for variance to construct a 10' x 8' storage shed.

**DISCUSSION:** Mr. Anderson reported to the Board that not much progress had been made because he could not find the lot lines. Mr. Anderson indicated that there are three (3) sheds, two (2) of which are in disrepair. Mr. Anderson stated that he would remove the two (2) sheds that are in disrepair and closer to the association right-of-way than the new shed in question.

Mr. Leavitt explained that a survey would be needed to create wording for a variance as there is no reference point to fix where the shed currently sits.

**MOTION:** Michael Higgins motioned to grant the variance request with the following conditions: 1.) Distances from the lake and the house will be used to indicate the position of the new shed; 2.) The two old sheds will be dismantled; 3.) The new shed will be located not less than 100' from the lake and no closer to the association right-of-way than the old sheds; and 3) A building permit will be obtained. Seconded by Aurel Gagne.

**VOTE:** Three (3) in favor; two (2) opposed (Peter Leavitt and Robert Fey).

4. Hartley, Tacy Map 51, Lot 2 1326 Roosevelt Trail

Continuation – Request for change to have the house, which is currently located in a commercial zone, reclassified as a two family.

**DISCUSSION:** Ms. Hartley gave a review of her request to reclassify her building as a two family. Mr. Leavitt clarified to the Board and to Ms. Hartley that, once reclassified as a two family, the building cannot be used for commercial purposes.

**MOTION:** Robert Fey motioned to approve the request to reclassify the building as a two family dwelling. Seconded by Jim Stephenson.

**VOTE:** Unanimous.

5. Kaufman, Frank J. Map 64, Lots 20, 21 & 22 73 Andersen Road

Request for variance to use a room above the garage as an in-law area.

**DISCUSSION:** Steve Harvey addressed the Board as representative of Frank Kaufman. Mr. Harvey explained that the Kaufmanns live in New York and that the room above the garage is used seasonally by their college age daughter and friends as a game room and potentially as a bedroom. Mr. Cooper explained that if it were an attached structure the Kaufmanns would not need to come before the Board.

Ada Brown, 71 Andersen Road, addressed the Board and stated that she had no objection.

Aurel Gagne asked if the current septic system were adequate. Mr. Harvey responded by presenting a new septic system plan to the Board. Mr. Harvey indicated that the new septic plan is rated for four (4) bedrooms and that a permit has been acquired from the Portland Water District.

**MOTION:** Michael Higgins motioned to grant the variance with conditional use by legal relatives only. Seconded by Jim Stephenson.

**VOTE:** Unanimous.

6. Edwards, Brian Map 48, Lot 8 85 Mill Street

Request for variance for side and rear setbacks to construct a shed and balcony.

**DISCUSSION:** Mr. Edwards was present to explain his request to the Board. There was no one present to speak in favor or in opposition to the request.

**MOTION:** Michael Higgins motioned to grant the variance with the condition that the balcony be no closer than 10' from the property line x 14'. Seconded by Robert Fey.

**VOTE:** Unanimous.

**DISCUSSION:** Mr. Edwards also requested a variance to construct an 8' x 12' shed.

**MOTION:** Michael Higgins motioned to deny the variance request based on no rule of hardship. Seconded by Aurel Gagne.

**VOTE:** Unanimous.

7. Murphy, Robert & Cynthia Map 9, Lots 51A, 54 & 59 Crescent Lake Cottages

Request for seasonal conversion.

**DISCUSSION:** Mr. Murphy addressed the Board and presented a back-up septic plan (design for replacement system). Mr. Murphy explained that his goal is to be opened year round and gear into the seasonal business of ice fishing, snow mobiling etc. Mr. Murphy stated that he and his wife have a food and lodging license.

There was no one present to speak in favor or opposition to the request.

A discussion ensued regarding the status of the current septic system. Mr. Cooper explained that there is now a state law, which requires that, in the event of a seasonal conversion, septic systems must be up to today's standards.

**MOTION:** Mr. Leavitt motioned to continue the request to the next meeting to allow the applicant an opportunity to determine the qualifications of the current septic system. Seconded by Aurel Gagne.

**VOTE:** Unanimous.

8. Martin Machine Map 4, Lots 17 & 18 1528 Roosevelt Trail

Request for variance for front setback to construct a new building in an

industrial zone.

**DISCUSSION:** Robert Farthing, Survey, Inc., representing Martin Machine addressed the Board. Mr. Farthing stated that Mr. Martin purchase the property in 1974 and established Martin Machine at that time. Mr. Farthing explained that the Planning Board requires a variance for set back from the right-of-way.

Mr. Cooper explained that the Industrial Zone abuts a Residential Zone requiring a 50' buffer on the side and that 60' is required from the front line.

Larry Buckley spoke in favor of the variance. There was no one present in opposition.

A discussion ensued regarding hardship criteria and setbacks.

**MOTION:** Michael Higgins motioned to grant the variance for setback from the road as shown on a plan by Survey, Inc. dated 7/99 (35.48' from the edge of the right-of-way).  
Seconded by Aurel Gagne.

**VOTE:** Unanimous.

**DISCUSSION:** The Appeals Board strongly recommends that the buffers, as described in the Zoning Ordinance, be applied and not waived by the Planning Board.

Adjournment

**MOTION:** Michael Higgins motioned to adjourn. Seconded by Aurel Gagne.

**VOTE:** Unanimous.

**ADJOURNMENT:** Peter Leavitt adjourned the meeting at 8:35 p.m.

**The Appeals Board site walk is scheduled for Sunday, October 17<sup>th</sup>.**

**The next meeting of the Appeals Board is scheduled for Monday, October 25, 7:00 p.m.**

Respectfully submitted,

Elisa A. Trepanier  
Secretary