

## ZONING BOARD OF APPEALS

### Public Hearing

#### MINUTES

Monday, February 24, 2003

Members Present: Peter Leavitt, Chairman; Lawrence Murch; and Aurel Gagne.

Staff Present: Jack Cooper, Code Enforcement Officer and Amanda Simpson, Secretary

1. Call to order. Peter Leavitt called the meeting to order at 7:00 pm at the Town Office.
2. Approval of Minutes – November 25, 2002

MOTION: Aurel Gagne motioned to approve the Minutes of November 25, 2002 as written.  
Seconded by Lawrence Murch.

VOTE: Unanimous.

#### 3. Hearings:

##### A. Map 1, Lot 25 – LRR2 District

24 Windward Shore Road

Mark Galos

Variance to retain a non-conforming deck

Chairman Leavitt announced that this hearing was for a variance. M. Galos, representing his father, indicated that the deck was built about 15 years ago. It was rotting and was replaced and is now five feet too close to the water. The octagonal part of the deck is closer than five feet. M. Galos continued that the camp is well hidden from adjacent properties with a steep slope to the water. They are asking to keep the deck as it is.

Chairman Leavitt asked if there was anyone present in favor of the request. There were none. He then asked if there was anyone present in opposition to the request. There were none.

P. Leavitt noted that the driveway was not plowed and they were unable to conduct a site visit.

Questions were asked by the Board of the applicant:

#### **Location of the property: Sebago Lake**

Was a permit pulled for the deck replacement: no J. Cooper confirmed that they do not have a permit on file.

M. Galos added that the drainage had to be modified for the camp. J. Cooper noted that the entire section of the deck where the octagon is constructed is within the setback. He indicated on the map where this was. P. Leavitt asked if the setback was 100 feet in 1989. J. Cooper confirmed that it was 100 feet. A. Gagne asked whether any of the roofline was within the setback. J. Cooper stated that it was not. L. Murch asked what the size of the lot was. M. Galos indicated that it was a twenty acre lot with 295 feet of water frontage.

P. Leavitt stated that he did not feel comfortable taking any action until a site walk could be performed. April 20<sup>th</sup> was noted as the next site walk day that would most likely be clear of snow. P. Leavitt explained to the applicant the requirements for hardship and that the Board is constrained by the state standard. He continued to explain that the state also has standards on the location of the high water mark; it is determined to be where the vegetation changes from aquatic to terrestrial.

The Galos asked if there could be any leniency granted until after July when they are planning to be married on the property. A. Gagne indicated that the site walk is April 20<sup>th</sup>. He moved to continue the hearing to April 28<sup>th</sup>, 2003. L. Murch seconded the motion and the vote was unanimous.

Other Business:

P. Leavitt received a copy of the suit filed by Kenneth Thompson. It has been answered and the town is waiting for a court date. He noted that an illegal site walk was mentioned in the suit. J. Cooper indicated that he would keep them updated.

P. Leavitt also noted that the Selectmen had postponed that the removal hearing for Stephen V. P. Mairs III.

MOTION: A. Gagne moved to adjourn. With a second by L. Murch, the vote was unanimous. The meeting was adjourned at 7:20 p.m.

At 8:55 p.m. P. Leavitt declared the meeting adjourned.

***Submitted by***

Amanda Simpson

Assessing/CEO Assistant