

**ZONING BOARD OF APPEALS**  
**Public Hearing**  
**MINUTES**  
**Monday, July 26, 1999**

**ATTENDANCE:** Peter Leavitt, Chairman; Robert Fey; Lawrence Murch; Michael Higgins; and Jack Cooper, Code Enforcement Officer.

**PUBLIC ATTENDANCE:** James Matheson; Vincent Tatarzuck; Eileen Ferland; Alice Anderson; Donna Gaudreau; Leona Purdy; John Purdy; Larry Gaudreau.

Call to order. Peter Leavitt called the meeting to order at 7:05 p.m. at the Town Hall.

Consideration of previous Minutes dated May 24, 1999.

**MOTION:** Michael Higgins motioned to approve the Minutes of May 24, 1999. Seconded by Robert Fey.

**VOTE:** Unanimous.

3. Purdy, John A. Map 40, Lot 7 85 Meadow Road

Seeking a variance for set backs to construct an enclosed porch on an existing 10 x 16 open deck.

**DISCUSSION:** Mr. Purdy gave a description of his plan to enclose an existing deck as a sun porch with a roof.

The following persons indicated that they were in favor of the requested variance: Alice Anderson, 79 Meadow Road; Donna and Larry Goudreau, 83 Meadow Road (abutters).

Peter Leavitt read into the record a letter from Rick Wallace, 89 Meadow Road, in favor of the variance.

There was no one present to speak in opposition of the variance.

Mr. Higgins asked if there would be a foundation underneath the deck. Mr. Purdy responded that the structure would be on posts and that the home was built in 1966.

Mr. Fey asked Jack Cooper why Mr. Purdy needed to come before the Board for an enclosed deck. Mr. Cooper responded that Mr. Purdy's request would require an area variance set back from the water and that the sideline setback makes it a non-conforming lot.

Mr. Leavitt then addressed the issue of hardship as Mr. Purdy had responded to this question on the application. Mr. Leavitt then asked when the property was bought. Mr. Purdy responded that the property was inherited in 1985. Mr. Leavitt asked Jack Cooper if there may be an issue with the size and lot and area of expansion and requested a floor plan with square footage. Jack Cooper responded there was no issue and that it is a deck they are covering and they are not increasing the lot coverage at all, it is just volume and enclosing something close to the lake.

Jack Cooper explained that the Board has taken the position for 20 years that an open deck less than 100' from the water cannot be enclosed because you are moving the living area forward. Mr. Cooper suggested getting an exact measurement from the water to the deck.

Mr. Leavitt stated that there might be a second variance required for 30% expansion. Mr. Leavitt then explained the 30% formula to the public.

**MOTION:** Robert Fey motioned to table the application to the August 1999 meeting to give an opportunity to the applicant to supply a dimension of the deck and an accurate setback from the lake.

**DISCUSSION:** Mr. Leavitt then explained these requirements to Mr. Purdy. Mr. Purdy suggested changing his plan to a screened in porch. Mr. Cooper responded that a screened in porch does not create volume.

Mr. Fey explained the second variance that may be required.

Mr. Cooper explained that if it were just a screened in porch, Mr. Purdy would only need a variance for a setback from the lake.

Mr. Leavitt seconded the motion.

Mr. Higgins stated that he felt it is a non-conforming structure and this would increase the non-conformity and stated that he would vote no this time or next time.

**VOTE:** Three (3) in favor, one (1) opposed – Michael Higgins.

**DISCUSSION:** Mr. Cooper will go to the Purdy's to measure the distance from the lake.

4 Tatarczuk, Vincent Map 67, Lot 18 35 Rust Road

Seeking a variance for set backs to construct a garage.

Mr. Tatarczuk described to the Board his plan for an 18 x 26 – two story garage.

Eileen Ferland, an abutter, spoke in favor of the variance.

Mr. Murch asked if it would be a one or two car garage. Mr. Tatarczuk responded that it would be a one-car garage. Mr. Murch then asked what the hardship is. Mr. Tatarczuk responded that this is his retirement home and that there is currently no room for storage and that plowing in the winter is very difficult.

Mr. Higgins asked who owned the right-of-way. Mr. Tatarczuk responded that the right-of-way is owned by Willis and that the right-of-way is unusable because it is overgrown and contains many large rocks. Mr. Tatarczuk has approached the Willis' regarding purchasing the right-of-way. Mr. Tatarczuk has lived in the home year round for four years.

Mr. Cooper stated that the garage should be 30' from the right-of-way and would now be 10' and 15'.

**MOTION:** Michael Higgins motioned to grant a variance for a garage to be constructed within 10' and 15' of the deeded right-of-way. Seconded by Robert Fey.

**VOTE:** Unanimous.

5. Ferland, James E. Map 67, Lot 19 33 Rusty Road

Seeking a variance for set backs to construct an addition.

**DISCUSSION:** Mrs. Ferland explained to the Board that she needs an 8' hallway to walk from the existing house to an addition and this would be built in a direction away from the lake.

Mr. Tatarczuk spoke in favor of the variance. There was no one present in opposition.

Mr. Higgins confirmed with Mrs. Ferland that the 30% expansion rule was granted 10 years ago. Mr. Leavitt discussed the Ferland application. Mr. Cooper stated that the sun porch and the 8' hallway would amount to a 33% of an increase.

**MOTION:** Lawrence motioned to grant the variance for the addition. There was no second to the motion.

**MOTION:** Michael Higgins motioned to grant a conditional variance provided an existing wood shed structure be moved behind the 100' set back requirement. Seconded by Robert Fey.

The applicant stated that she would be willing to do this.

**VOTE:** Three (3) in favor. One opposed – Peter Leavitt.

Other business.

**DISCUSSION:** The Board asked Jack Cooper for an update on the violation notices recently sent out. Mr. Cooper responded that: 1.) Burnham complied with the notice by tearing down the violating structure; 2.) Hall moved their structure back 100' but may now not meet the front set back requirement; and 3.) Holloran will come before the Board next month.

**DISCUSSION:** Elisa Trepanier brought to the Board's attention that both the Shoreland Zoning Ordinance and Land Use Ordinance state that "All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof." Jack Cooper suggested the Board have Bob Faunce, Town Planner, help them to implement a Findings of Fact format.

**DISCUSSION:** Peter Leavitt asked the status of an alternate Board member. Mr. Cooper responded that the Selectmen will be making an appointment at the next meeting and that they have been waiting for responses to the advertisement in the RoadRunner.

**DISCUSSION:** Term limits. Michael Higgins term is up this year 1999. Mr. Cooper suggested Mr. Higgins prepare a letter to the Town Manager requesting reappointment.

There will be a site walk on Sunday, August 22<sup>nd</sup> at 10 a.m.

The next schedule meeting of the Appeals Board is Monday, August 30<sup>th</sup>.

Adjournment.

**MOTION:** Michael Higgins motioned to adjourn. Seconded by Lawrence Murch.

**VOTE:** Unanimous.

**ADJOURNMENT:** Peter Leavitt adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Elisa A. Trepanier  
Secretary