

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
September 24, 2019

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman. Kevin Stuart, Stephen Carroll & Dennis Vieira, Members of the Board. Shawn Matte, Alternate Member. Minutes prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement.

Absent: Dale Phillips, Alternate Member.

Mr. Wright called the meeting to order at 7:00 p.m.

Mr. Wright began by saying that there was one alternate missing but that they had a quorum and then moved on to introducing the members of the Board and to explain the procedure for tonight's hearing.

Mr. Wright also introduced Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer and thanked her for her attendance.

With that said, Mr. Wright asked Ms. Royce to begin by reading the first case into the minutes for the record.

Case #19-20

Joseph & Karen Lenehan

264 Appletree Road – Tax Map 18, Lot 44

Zoned Residential One

Applicant is requesting a Variance to allow the relocated structure to remain within the 50-foot front setback in a Residential One zone. Article 4, Section 4.06(6))

Mr. Lenehan began by reading his application into the minutes for the record. Mr. Lenehan also explained that, the contractor had measured 50 feet off of the existing pavement and commented that it was far enough from the side setback. Mr. Lenehan also commented that, it wasn't until he received a letter from the Code Enforcement Officer saying that it was too close and that he did not know that it was from the property line and not from the edge of pavement.

Mr. Wright wanted to add that, the Board did receive a letter from an abutter, Tammy and Michael Delahanty stating that they did not have an issue with the placement of the shed and wanted to express that to the Board. Mr. & Mrs. Lenehan both thanked the Board for informing them about that.

Mr. Wright asked Mrs. Rouleau-Cote if it was from the center line of the road. Mrs. Rouleau-Cote explained that, you can't really go from that. There is a 50-foot right of way but yet the pavement can lie anywhere within that right of way. Mrs. Rouleau-Cote further added that, in her observation that she noticed that they did go off of edge of pavement and they did stay 50 feet from the edge of pavement. Without having a survey done and they did have a certified plot plan for the house in the file which was what was given to them as kind of an indicator of where the property lines were. Mrs. Rouleau-Cote did not believe it was a 13-foot shoulder but probably more of a 5-foot shoulder but was not really certain. Mr. Wright thanked Mrs. Rouleau-Cote for her explanation and believed there were a number of applicants that were challenged with lots in that area and was familiar with the area.

Mr. Wright asked if there were any abutters present and if there were to please state their name and address please. Ms. Joanne Bresnahan of 272 Appletree Road wanted to know if it was going to stay where it was. Mr. Wright indicated that the applicant would like to keep it where it is and that is why they are before the ZBA tonight asking for a Variance.

Mr. Wright asked Mr. Lenehan that, if the shed was going to stay there, how much closer to the pavement would he be with any type of improvement. Mr. Lenehan stated that he was only thinking of grassing the area around and do some landscaping and put up a wall to match the house appearance. Mr. Wright asked how big the shed was. Mr. Lenehan indicated that it was 16 by 24-feet and it was sitting on blocks.

Mr. Stuart asked if there was an attached plan because the application stated that there was an attached plan but there was nothing attached to the application. Mr. Lenehan did show the Board a copy of the plan that was submitted when he filed for a permit. The Board reviewed the plan and also requested that a copy be attached to the minutes for future reference. Mr. Wright asked Mr. Lenehan that, where it stands right now the shed is 50-feet off the edge of pavement. Mr. Lenehan said yes.

Mr. Wright explained to the Board members that, if they grant relief that they could say no closer than 50-feet from the edge of pavement that it would be accurate and that Mr. Lenehan wouldn't have to move it. Mr. Lenehan said yes, that was what the contractor told them. Mr. Stuart asked Mr. Lenehan if he measured it. Mr. Lenehan stated that he was there when the contractor measured it and moved it in there. Discussion ensued with regard to whether or not on making a motion and referencing a plan. Mr. Wright believed that he would tend to go off the edge of pavement rather than a plan that was not to scale.

Mr. Wright asked the Board if they had a desire to enter into deliberation or if they had any further questions for the applicant. If there were no questions that he would entertain a motion to vote on the application with the condition that they go off the edge of pavement.

Mr. Vieira made a motion to vote on the Variance application to have the 16-foot by 24-foot shed to remain 50-feet from the edge of pavement for 264 Appletree Road, Tax Map 18, Lot 44, for Case #19-20. Seconded by Mr. Stuart. Mr. Vieira voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant as he believed all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors for the Variance request have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright explained that there was a 30-day appeal period. Mr. and Mrs. Lenehan both thanked the Board for their time and exited the meeting. Mr. Wright asked Ms. Royce to move on to the next case on the agenda.

**Case #19-21
Matthew Provost
417 Manchester Road – Tax Map 25, Lot 2
Zoned Residential Two**

*Applicant is requesting a Variance to permit removal and reconstruction of existing non-conforming structure. Preference to replace versus repair in a Residential Two zone.
Article 3, Section 3.05(2)(a)*

Mr. Provost read his application into the minutes for the record. Mr. Provost explained that it was a very small lot and that his intention was to keep it within the same footprint and that the new structure would only enhance the neighboring property. Mr. Wright asked Mr. Provost go through #4 and #5 of the application. Mr. Provost went through the remaining requests and also informed the Board that he did receive a Shoreland Permit which was required from the State. Mrs. Rouleau-Cote added that, this structure was probably the furthest from the lake than anything else on the property and in order for him to do it a Shoreland Permit was required. Mrs. Rouleau-Cote and Mr. Provost all talked about the septic being replaced recently as well and that there was not another location that he could place this.

Mr. Wright did not see any abutters present as Mr. Provost was the only one in the audience and Mr. Wright also indicated that they have heard from Mrs. Rouleau-Cote as well. With that said, Mr. Wright asked the Board members if they had any questions or comments. None were noted.

Mr. Wright began by saying that, taking something down and putting something that is new and nicer and that the footprint is staying the same and asked Mr. Provost if the height was going to change. Mr. Provost indicated that the current roof line was quite tall and believed it would not be any higher than the one that is in place currently. Mrs. Rouleau-Cote asked if it would be a single-story garage. Mr. Provost stated that it would be single-story. A brief discussion ensued with regard to whether or not there was an existing foundation. Mr. Provost stated that, it looks like there is a lot of concrete but there

is certainly some stone in it. Mr. Carroll asked Mr. Provost if he would be able to replace the septic when the time comes. Mr. Provost stated yes, that he would probably be putting in a smaller leachfield like he did for his other property that he owns next door at 415 Manchester Road.

Mr. DiPietro indicated that he was prepared to make a motion at this time.

Mr. DiPietro made a motion to vote on the Variance application as presented to remove and replace the existing garage to remain within the same footprint, for Case #19-21, 417 Manchester Road, Tax Map 25, Lot 2. Seconded by Mr. Vieira. Mr. Vieira voted to grant as he believed all five (5) factors have been met and would be a considerable improvement, Mr. Carroll voted to grant as he believed that all five (5) factors have been met, Mr. Stuart voted to grant as he believes all five (5) factors have been met, Mr. DiPietro voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors for a Variance have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed Mr. Provost that their decision can be appealed within 30 days and Mrs. Rouleau-Cote informed Mr. Provost that he had two (2) years to complete the garage. Mr. Provost understood the process and thanked the Board members and Mrs. Rouleau-Cote for her help and exited the meeting.

Minutes

Mr. Stuart made a motion to accept the minutes of August 27, 2019 as written, seconded by Mr. Vieira. All were in favor, and the motion passed.

Other Business

Mr. Wright informed the Board that, next month the meeting is back to their normal schedule and would be on Tuesday, October 22nd and that they moved the November hearing up a week to Tuesday, November 19th due to the Thanksgiving holiday. Mr. Wright informed the Board that he would be present for the October hearing but would not be available for the November hearing but that Mr. DiPietro would be chairing that meeting. With that said, Mr. Wright asked the Board members to please inform Ms. Royce if you will not be attending a meeting so that we can be sure to have a quorum. Mr. Wright asked Ms. Royce if there were any applications. Ms. Royce stated that we may have one applicant but to date we did not have any cases.

Mr. Wright asked if there was any new business. None noted.

Mr. Wright thanked Mrs. Rouleau-Cote for her input at the meetings which was always very helpful. Mr. Wright commented to the Board members that the meeting was very productive and very efficient and thanked everyone. With that said, Mr. Wright asked for a motion to adjourn.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7.33 p.m.

The Zoning Board of Adjustment is scheduled for Tuesday, October 22, 2019 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.