

ZONING BOARD OF ADJUSTMENT

MINUTES

November 2, 2021

APPROVED: 12/7/21

AGENDA: 21SPX10 SPECIAL EXCEPTION: HANNAFORD BROS., LLC, C/O WRCC, 505 Pleasant Street, #225-001
21SPX11 SPECIAL EXCEPTION: CAROL CLARK MACKLIS, 11 Pasquaney Shores, #110-084
21SPX12 SPECIAL EXCEPTION: CARRIE & JOHN BENNETT, 44 North Pikes Point, #105-002

ATTENDING: Richard LaFlamme (Vice Chair), Lorraine Bohmiller, Larry Denton, Melody Mansur

ABSENT: Alan DeStefano (Chair), Ashley Dolloff (Alternate), Jackie Elliott (Alternate)

OTHER: Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant), applicants

Mr. LaFlamme opened the meeting with a quorum at 6:00pm. He explained that there is not a full Board present which means that 3 of the 4 members will have to agree to approve a case. All applicants agreed to continue.

MINUTES OF OCTOBER 5, 2021:

L. Denton made a motion, second by Ms. Bohmiller, to approve the minutes as read. The motion carried 4-0-0.

21SPX10: HANNAFORD BROS. CO., LLC – ELIZABETH HOBBS, 505 Pleasant St, #205-001

Ms. Thompson read the application, abutters notified, where the hearing was advertised, and stated that she received no phone calls or written responses and there were no comments from the Department Heads.

M. Mansur made a MOTION, second by L. Bohmiller, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0-0.

Ms. Hobbs stated that the storage container is next to their dock and is used for storage of items, such as tents, chairs, etc., that cannot fit inside the building. They would like to be allowed to keep it for longer than one (1) year. It is all one color and as far from the road as possible. Ms. Mansur asked if they want it for permanent storage and Ms. Hobbs answered that, usually they expand buildings in about 2-years, but they have no future plans at this location to do that. Mr. Denton asked how long it has been here and Ms. Hobbs stated that it has been here 2 to 3 years and they did not know that they would need a Special Exception until they received a letter from the town. Mr. Denton asked if they will have any food in it and was told that they will not. It will only hold bulky items. Mr. Denton then asked if this is a usual practice for Hannaford stores and was told that it is. He asked if the access is only from outside and Ms. Hobbs answered yes.

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HANNAFORD SPECIAL EXCEPTION continued:

The criteria of the Special Exception were then addressed:

1. Use is only allowed by Special Exception as specified in Article V, section 4.3 of the Zoning Ordinance.
2. In an appropriate location and of adequate size for the use – The property is located in the Industrial District. The back of the building slopes and is encumbered by a swale so the container cannot be placed behind the building.
3. Will not adversely affect the character of the area – The storage unit is already there. It sits adjacent to the loading dock and is located far back from the store's street frontage so it is hardly noticeable.
4. No nuisance or serious hazard to vehicles or pedestrians – It is stationary and largely out of site.
5. Will not place excessive or undue burden on Town services or facilities – It does not tie into Town services or facilities.
6. No significant effect on public health, safety, and general welfare of the neighborhood – It is used for storage only and will not affect any of these. It will be contained on the lot and be maintained by the store.

With no questions from the Board, Mr. LaFlamme opened the hearing to the public, asking for anyone to speak for or against. There were no comments. Mr. Laflamme closed the public portion of the hearing at 6:22pm.

L. Bohmiller made a MOTION, second by M. Mansur, to VOTE THE CRITERIA AS ONE. The motion CARRIED 4-0-0. L. Denton made a MOTION, second by L. Bohmiller, to APPROVE THE APPLICATION FOR HANNAFORD BROS. CO., LLC TO HAVE A STORAGE CONTAINER ON-SITE FOR LONGER THAN ONE YEAR. The motion CARRIED 4-0-0.

The Notice of Decision was signed, and Mr. LaFlamme informed them of the 30-day appeal period.

21SPX11: CAROL CLARK MACKLIS – KANE LORAH, 11 Pasquaney Shores, #110-084

Ms. Thompson read the application, the abutters notified, where the hearing was advertised and stated that there were no telephone calls or written responses received nor any comments from Department Heads.

L. Bohmiller made a MOTION, second by M. Mansur, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0-0.

Mr. Lorah explained that they are proposing to keep the same footprint but will increase the height 3 feet 9 inches, and extend the roof over the present porch roof. There is to be a cathedral ceiling in the front area with storage in the back. This will be similar to the neighbor's building. When asked, he stated that there will be no additional bedrooms. They will utilize the porch for a multi-purpose room. Mr. Denton asked if the Association has agreed and was told that they

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MACKLIS SPECIAL EXCEPTION continued:

have and have issued their own restrictions (permission accompanied the application). Mr. Lorah added that no-one's view will be diminished.

The criteria for the Special Exception were addressed:

1. Special Exception from Article IV section 4.12,c1a.
2. Appropriate location and adequate size for the use – No change in the size or location.
3. Will not adversely affect the character of the area – It will be in line with the other units in the Association. The footprint will not change. The Association Board approval has been received.
4. No nuisance or serious hazard to vehicles or pedestrians – The footprint and location will not change.
5. Will not place undue burden on Town services or facilities – It is only a roof project and will not need any additional Town services or facilities. It will continue as a seasonal use only.
6. No significant effect on public health, safety, and general welfare of the neighborhood – It is a seasonal residential use property only. Nothing hazardous will be stored in the cottage.

Ms. Goodwin mentioned that this case came for the height as it is a non-conforming structure in the Lake District. The footprint isn't changing, so the building is allowed to remain in the setback but since it is non-conforming it would require the Special Exception.

Mr. LaFlamme opened the public portion of the hearing. There were no comments for or against the project. He closed the public portion of the hearing at 6:40pm.

Mr. Denton stated that they are not changing the footprint, so the non-conforming part is okay as is. L. Denton made a MOTION, second by M. Mansur, to VOTE THE CRITERIA AS ONE VOTE. Mr. Denton felt that the request is reasonable. It does not make it more or less non-conforming. The motion CARRIED 4-0-0. L. Denton made a MOTION, second by L. Bohmiller, TO APPROVE THE SPECIAL EXCEPTION APPLICATION FOR CAROL CLARK MACKLIS. The motion CARRIED 4-0-0.

The Notice of Decision was signed, and Mr. LaFlamme mentioned the 30-day appeal period.

21SPX12: PAUL FLEMMING FOR CARRIE & JOHN BENNETT, 44 North Pikes Point, #105-002

Ms. Thompson read the application, the abutters notified, where the hearing was advertised and stated that there were no telephone calls or written responses received nor any comments from Department Heads.

R. LaFlamme made a MOTION, second by M. Mansur, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0-0.

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BENNETT SPECIAL EXCEPTION continued:

Mr. Flemming explained that the owners wish to add an 18 x 20 dormer to expand an existing bedroom. This is their best bet for expansion. The elevation goes down to the water and there is nothing behind them. The Board had him explain the drawings of the present cottage versus the proposed. Ms. Bohmiller asked about bedrooms. Mr. Flemming stated that there are two (2) and the loft area will be added to one (1). Mr. Denton asked if the number of baths will stay the same and was told that they would.

The criteria for the Special Exception were addressed:

1. Special Exception per Article IV, section 4.12,c,1a.
2. Appropriate location and adequate size for the use – Due to the steep slope of the south end of the property, there are no abutters that this will/should effect.
3. Will not adversely affect the character of the area – The proposed dormer will be located to not affect any abutters' views and will be built to suit the existing cottage.
4. No nuisance or serious hazard to vehicles or pedestrians – The proposed dormer will be located on the existing cottage.
5. Will not place excessive or undue burden on Town services or facilities – The proposed dormer is simply an expansion of existing lot coverage by going up.
6. No significant effect from such use to public health, safety, and general welfare of the neighborhood – It will have no effect as there are no right-of-ways or easements on the property.

Mr. LaFlamme asked for public input both for and against and there were no comments. He closed the public portion of the hearing at 6:56pm.

L. Bohmiller made a MOTION, second by L. Denton, to VOTE THE CRITERIA AS ONE. The motion CARRIED 4-0-0. L. Bohmiller made a MOTION, second by M. Mansur, to APPROVE THE APPLICATION FOR CARRIE & JOHN BENNETT TO INCREASE THE ROOF FOR A DORMER. The motion CARRIED 4-0-0.

The Notice of Decision was signed, and Mr. LaFlamme added the 30-day appeal period.

COMMUNICATIONS:

There were no communications.

UNFINISHED BUSINESS:

There were no unfinished business items.

NEW BUSINESS:

The Board discussed what is legally done if there is a tie vote. Tie votes are denials. It was thought that the applicant could ask for a continuance, however the public hearing is closed, and it not allowed to be reopened as there is the potential that the public may leave before deliberations. The Board asked that Ms. Goodwin and Ms. Thompson double check on this.

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NEW BUSINESS continued:

Ms. Goodwin explained that storage containers may be kept for 90 days without permitting. If kept longer than 90 days, the owner would need an approved Land Use Permit, which is allowed for up to one-year. Beyond one-year, requires a Special Exception.

NEXT MEETING:

The next meeting will be held on December 7, 2021 at 6:00pm. There are currently no applications submitted, but the deadline is November 19, 2021, so there may be cases.

With no other business before the Board, L. Denton made a MOTION, second by L. Bohmiller, TO ADJOURN AT 7:11pm. The motion CARRIED 4-0-0.

Respectfully submitted,
Jan Laferriere
Land Use Associate