

AGENDA

1. Call to Order and Pledge of Allegiance (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (October 12, 2005)
4. Appeals
  - a. Appeal No. 2240 – Miscellaneous Appeals by Peter and Nicholas Truman, dba Lighthouse Inn, 366 Pine Point Road, Assessor's Map U22 Parcels 108 and 109A, to convert and expand a nonconforming motel into a 6 unit condominium project in the R-4A Zone
  - b. Appeal No. 2241 – A Practical Difficulty Variance Appeal by Peter and Nicholas Truman, 366 Pine Point Road, to add a third story with nonconforming setbacks in the R-4A Zone
  - c. Appeal No. 2243 – An Administrative Appeal by David Miley, dba Commercial Place, 200 Enterprise Drive, Assessor's Map U39 Parcel 4702, against the decision of the Code Enforcement Officer who determined that a detention pond is not allowed in the Stream Protection Zone
  - d. Appeal No. 2274 – A Limited Reduction of Yard Size Appeal by King Weinstein, 96 East Grand Avenue, Assessor's Map U23 Parcel 76 to construct a second floor addition above his garage 11.06 feet from the left property line and 14 feet from the right property line in the R-4 Zone
  - e. Appeal No. 2260 – A Special Exception Appeal by King Weinstein, 96 East Grand Avenue, Assessor's Map U23 Parcel 76, to create an Accessory Unit above a detached garage in the R-4 Zone
  - f. Appeal No. 2272 – A Special Exception Appeal by U. S. Cellular, 15 Longmeadow Road, Assessor's Map R24 Parcel 58, to place communication antennas in a flag pole in the R-F Zone
  - g. Appeal No. 2275 – A Special Exception Appeal by Peter and Kim Kunkel, 7 Holly Street, Assessor's Map U24 Parcel 14, to create an Accessory Unit above their garage in the R-2 Zone
  - h. Appeal No. 2277 – A Special Exception Appeal by William and Susan Dion, 4 Ottawa Woods Road, Assessor's Map R14 Parcel 2217, to create an Accessory Unit in their garage in the R-F Zone
  - i. Appeal No. 2278 – A Special Exception Appeal by Scott Doherty, 12 Ferry Road, Assessor's Map U17 Parcel 81, to create an Accessory Unit above his garage in the R-2 Zone
  - j. Appeal No. 2279 – A Practical Difficulty Variance Appeal by Brown Development Corporation, 178 and 180 U. S. Route One, Assessor's Map U45 Parcels 22 and 23, to construct an office building with a 50 foot buffer to the residential area and a 70 foot setback from the front property line in the B-2 Zone
  - k. Appeal No. 2280 – A Limited Reduction of Yard Size Appeal by Stephen and Mary Welch, 25 Forest Street, Assessor's Map U2 Parcel 160C, to construct an addition and steps 22 feet from the front property line in the R-4 Zone

l. Appeal No. 2281 – A Limited Reduction of Yard Size Appeal by Bennett Thompson and Marcia Taylor, 22 Riversands Drive, Assessor’s Map U21 Parcel 29, to construct a second floor addition 30 feet from the front property line in the R-2 Zone

m. Appeal No. 2282 – A Practical Difficulty Variance Appeal by John and Barbara O’Brien, 28 Morning Street, Assessor’s Map U2 Parcel 40, to demolish a cottage and rebuild a new home in a more conforming location in the R-4 Zone

5. Zoning Board Comments

6. Adjournment

NO NEW ITEMS SHALL BE TAKEN UP AFTER 10:30 P. M.

MINUTES

Members Present

Mr. Blaise  
Mr. Craft  
Mr. Dryzga  
Mr. Maroon  
Mr. Massengill  
Mr. Tgettis

Staff

Mr. Grysk, Code Enforcement Officer  
Mrs. Logan, Recording Secretary

1. Call to Order and Pledge of Allegiance

Mr. Dryzga called the meeting to order at 7:00 P. M.; the Pledge of Allegiance was recited.

2. Roll Call

The Recording Secretary called the roll; Mr. Temm was absent.

3. Approval of Minutes (October 12, 2005)

Mr. Blaise moved to approve the minutes of October 12, 2005 as written; Mr. Maroon seconded. Mr. Craft abstained as he was absent from the meeting.

Voted 4-0-1

4. Appeals

a. Appeal No. 2240 – Miscellaneous Appeals by Peter and Nicholas Truman, dba Lighthouse Inn, 366 Pine Point Road, Assessor’s Map U22 Parcels 108 and 109A, to convert and expand a nonconforming motel into a 6 unit condominium project in the R-4A Zone

b. Appeal No. 2241 – A Practical Difficulty Variance Appeal by Peter and Nicholas Truman, 366 Pine Point Road, to add a third story with nonconforming setbacks in the R-4A Zone

These appeals were tabled at the request of the appellants.

c. Appeal No. 2243 – An Administrative Appeal by David Miley, dba Commercial Place, 200 Enterprise Drive, Assessor’s Map U39 Parcel 4702, against the decision of the Code Enforcement Officer who determined that a detention pond is not allowed in the Stream Protection Zone

This appeal was tabled at the request of the appellant.

d. Appeal No. 2274 – A Limited Reduction of Yard Size Appeal by King Weinstein, 96 East Grand Avenue, Assessor’s Map U23 Parcel 76, to construct a second floor addition above his garage 11.06 feet from the left property line and 14 feet from the right property line in the R-4 Zone

Mr. Massengill recused himself from this appeal as he had a business relationship with the attorney representing Mr. Weinstein.

Attorney Peter Hatem explained that they were requesting a reduction for one corner of the building; he

stated that the stairway for access to the proposed accessory unit would be in the existing shed. He noted that the Board, at its previous meeting, had questions about the setbacks; he stated that the other side of the structure was questionable because of the overhang. Mr. Hatem read the criteria as submitted in writing. Mr. Hatem noted that the construction would be built up and there would be no added footprint.

Mr. Blaise stated that the problem at the last meeting was that the lot was only 30 feet wide; Mr. Hatem stated that a copy of the revised plan had been submitted.

Mr. Dryzga opened the public hearing. Attorney Sally Daggett, who represented Peter and Steven Gross, of Beach Realty Trust, abutters at 5 Eleventh Street, stated that she would pursue their objections during the public hearing for the accessory unit, but wanted to go on record as opposing the unit. Mr. Dryzga closed the public hearing.

To a question from Mr. Blaise, Mr. Grysk replied that he sent one of the Code Officers to look at the site and take photographs. Mr. Grysk noted that the survey of July 28, 2005 showed the setbacks. To a question from Mr. Maroon, Mr. Hatem replied that a floor plan of the unit and a sketch of the existing footprint were enclosed with the package.

Mr. Maroon moved to approve the appeal as presented; Mr. Tgettis seconded.

Voted 5-0

e. Appeal No. 2260 – A Special Exception Appeal by King Weinstein, 96 East Grand Avenue, Assessor’s Map U23 Parcel 76, to create an Accessory Unit above a detached garage in the R-4 Zone

Mr. Grysk stated that one of the Code Enforcement Officers had photographed “for rent” signs at the site so there was a question as to whether the home was owner-occupied; he stated that the appellant indicated at the last meeting that he would rent the home in the summer and live in the accessory unit, and during the winter would live in the house and rent the unit. Mr. Grysk stated that the appellant did not indicate whether the use would be seasonal or year round and there was a question of whether this property was his home. He stated that the “for rent” sign indicated the main house was for rent.

Mr. Dryzga and Mr. Hatem addressed the Special Exception criteria as presented in writing. Mr. Grysk stated that a portion of the lot was in the Shoreland Zone but it was more than 75 feet from the structure so there was no impact on the lot coverage. Mr. Dryzga and Mr. Hatem addressed the Accessory Unit performance standards. Mr. Hatem stated that the appellant knew he had to live in one of the units.

To a question from Mr. Maroon, Mr. Hatem replied that he did not know whether the property was occupied now but it had been rented seasonally and during the winter in the past. Mr. Dryzga read a letter in opposition to the appeal from David Sytsma, of 94 East Grant Avenue.

Mr. Dryzga opened the public hearing. Attorney Sally Daggett, who represented Beach Realty Trust, stated that her client opposed the appeal because the request was not compatible with existing uses with respect to visual impact and proximity to other structures. She stated that the tenants would be looking down from their windows into her client’s bedroom window and into their back yard; she stated that this was a privacy concern because the accessory unit would be so close.

Ms. Daggett stated that their second issue was with the Accessory Unit Performance Standards which stated that the units should be for family members or for extra income for an elderly couple. She stated that the policy showed the amount of land required was for single family residents and that the owner must be in residence; she stated that her clients did not believe the appellant had met the burden of proof

that he lives at this address. Ms. Daggett stated that her research showed the appellant lived at 5 Sunset Drive in Old Orchard Beach and was registered to vote and registered his car in that town; she stated that the appellant owned many properties in Old Orchard Beach and in several states; she noted Mr. Grysk's photos of the "for rent" sign. She stated that Mr. Weinstein had not given a clear picture of his intent and her client felt he had not met the burden of proof of living on the property.

Mr. Dryzga stated that the performance standards were very clear so one phone call to the Code Enforcement Officer indicating that the owner did not live onsite could revoke the approval and impose a fine; he stated that there was nothing in the ordinance requiring that the appellant live onsite while making application. Ms. Daggett stated that there was no supporting evidence that said the appellant lived at the site off and on, and given all the property he owned and his place of residence now, it was difficult to believe he would leave Old Orchard Beach to live on this site; she stated that his statements were conflicting.

Mr. Dryzga closed the public hearing.

Mr. Maroon stated that one of the problems was that Mr. Weinstein was not present to answer questions and his Accessory Unit Registration Form did not indicate whether the unit would be seasonal or year round. Mr. Maroon stated that when the unit was rented, the main house could no longer be rented, and the applicant had to live onsite. Mr. Maroon stated that if the appellant did what he said and moved back and forth between the two units, he would create a nightmare for property rental.

There was discussion regarding the requirement for the applicant's onsite residency. Mr. Grysk stated that the owner could rent the unit when he was on vacation, but extended residency elsewhere would not allow him to rent the unit. Mr. Dryzga stated that the registration form should have indicated whether the use would be seasonal or year round and the appellant could not choose after the application had been submitted. Mr. Maroon stated that this was the exact problem the ordinance was trying to control; he stated the accessory unit ordinance was not adopted to create rental properties and if the owner was not in residence, the property could deteriorate. Mr. Maroon stated that he was getting mixed messages. Mr. Hatem stated that he had to make a choice of seasonal or year round now. Mr. Grysk stated that he had to know what he was enforcing.

To a question from Mr. Craft, Mr. Grysk replied that normally finished areas were not allowed in an accessory structure, such as the garage, and if this unit were no longer used as an accessory unit, the additional living space would remain and the Code Enforcement Office would have to deal with making it unfinished; he stated that he had a problem with finishing an accessory structure.

The Board agreed that the appellant should be present to answer questions from the Board. Mr. Dryzga stated that he was concerned that the Limited Reduction appeal did not allow the Board to consider visual impact but the Special Exception did; he stated that the appellant could raise the roof with the Limited Reduction appeal but there was some care for visual impact and proximity to abutters which should be addressed. Mr. Dryzga stated that an elevation of the building should be submitted.

Mr. Maroon moved to table the appeal for further information when the appellant attended a meeting; Mr. Craft seconded.

Voted 5-0 to table

f. Appeal No. 2272 – A Special Exception Appeal by U. S. Cellular, 15 Longmeadow Road, Assessor's Map R24 Parcel 58, to place communication antennas in a flag pole in the R-F Zone

Ronald Owens, Scarborough Town Manager, explained that there were some areas in town that had poor communications; he stated that the town worked with U. S. Cellular to put in flagpoles at fire stations and

antennas in those poles had worked successfully. He stated that the town chose flagpoles because they fit in with the properties. Mr. Owens stated that they had looked at several locations and the decision came down to Springbrook Park; he stated that the town worked with U. S. Cellular to place antennas at the top of the pole and U. S. Cellular's antennas would be below them. Mr. Owens stated that the Town Council approved a contract with U. S. Cellular to construct a flagpole with no cost to the town. He stated that there was a lot of concern from the neighbors and the town tried to balance the need to improve safety communication in a way that was as pleasing as possible; he stated that the flagpole design would offer the best camouflage for antennas.

Mr. Owens noted that the pole had been proposed behind home plate in the park, but, as a result of discussion with the neighbors, they found another location at the cul de sac closer to the driveway and tucked into the corner and had lowered the height to 90 feet. He stated that they would surround the pole with vegetation such as spruce trees that would grow to shield the entire area. He stated that it was suggested a maintenance shed behind the pole be used for the equipment. He stated that the pole was now proposed in that area without a fence, which is sometimes an attractive nuisance. Mr. Owens stated that they were trying to blend the pole as much as possible and wanted the neighborhood to design the shed to make it as nice as possible. He stated that nothing could be done about the part of the pole that extended above the tree line about 20 to 30 feet because the antennas had to be above the trees to get reception.

Mr. Owens stated that they could also erect the pole with no flag or pulleys or golden ball at the top. He stated that they would do as much as possible to screen the facility and there would be no lights and no cabinets other than the combined maintenance shed.

Mr. Dryzga stated that this appeal had been tabled for more information and he was inclined to reopen the public hearing. He stated that a letter was received from the Town Attorney indicating that the Board could address only the cellular equipment in the pole and not the placement of the pole itself.

Mr. Dryzga opened the public hearing. Ms. Betsy Gleysteen, of 14 Longmeadow Road, stated that she appreciated the need for safety communications, but a park was the wrong place for this facility. She stated that the town could build a tower, but U. S. Cellular needed a Special Exception and the Zoning Board could vote its conscience on that issue. She stated that if the Board did not approve the Special Exception, there was no reason to build the tower at the park. Ms. Gleysteen stated that the residents had all signed covenants saying that this would be for recreational purposes only. She stated that there were safety and security issues, and issues of compatibility with the neighborhood and the visual impact were her concerns. She stated that a 7 by 20 foot maintenance shed was not in keeping with the neighborhood; she distributed a photo of a child next to a similar pole at one of the fire stations.

Ms. Gleysteen stated that the town should live up to its covenants and there was nothing that would stop U. S. Cellular if they wanted a higher tower if they were granted the Special Exception. She stated that if there was a dire need for public safety communication it should have been addressed by the town some years ago; she stated that technology changes so fast that a tower may not need to be built. She reiterated that U. S. Cellular had not met the burden.

Ms. Colleen Wood, of 6 Longmeadow Road, stated that the neighborhood at first thought the structure was just a flagpole. She stated that they did want to work toward emergency communication but a town park was not the place and she did not feel the need to help U. S. Cellular.

Mr. Kenneth Kazara, of U. S. Cellular, stated that they were here to meet their needs and the town's needs; he stated that they had a federal license to operate in this area, which required that they provide a level of coverage so people could use their phones anywhere. He stated that the towers had to be within the line of sight of each other to get reception so towers had to be built above the trees. He stated that

Springbrook was surrounded by the area that had a significant gap in coverage, but with this pole that gap could be filled. Mr. Kazara distributed a map showing the coverage areas and the gaps in coverage; he stated that one tower covers about 1.5 to two miles.

Attorney Richard Trafton, who represented U. S. Cellular, stated that the chairman had referred to this as a transmission tower, but it is not a tower under the definition in the ordinance. He stated that it is a tele-communications facility. Mr. Trafton stated that Ms. Gleysteen indicated the pole may change in scope, but the appellant was tied to what the Board approved as presented and would not change it without the Board's further approval.

Mr. Owens stated that it was never easy to make a decision in a residential area, and the town worked with the neighbors to craft something that would meet the town's needs and be as inoffensive as possible. He stated that he tried to show this would be a win/win situation and the town would continue to work with the neighborhood. He stated that there was no perfect site and there would be the same arguments with a different site; he stated that he knew the Board would make the best decision within the laws of the town and he was present to show the town's needs.

Mr. Dryzga closed the public hearing.

Mr. Tgettis noted that it was mentioned that someone on a ladder truck had checked for reception at 100 feet; Mr. Owens stated that 90 feet would satisfy the town's needs. Mr. Tgettis stated that the appellant had no say where the tower would go and the Board was limited on what to make its decision. He stated that the Board could stipulate that its decision was void if the tower became 100 feet. To a question from Mr. Tgettis, Mr. Owens replied that the existing maintenance shed would be rebuilt a little larger to hold both the park equipment and the equipment necessary for the antennas and would look as pleasing as possible. He stated that U. S. Cellular would pay the cost of the shed. Mr. Tgettis stated that, whether or not this pole was erected, the town would eventually put up a tower. Mr. Owens noted that there was no other town land in the area; he stated that the town would keep trying to solve the communications issue. To a question from Mr. Tgettis, Mr. Owens replied that the town would own the flagpole and U. S. Cellular would be a tenant; he stated that if the tenant no longer used the pole at some point, other antennas or none could be put in the pole. Mr. Owens stated that the lease was for 20 years.

To a question from Mr. Dryzga, Mr. Kazara replied that antennas at 65 feet would be nonfunctioning. To a question from Mr. Dryzga, Mr. Owens replied that the shed would be the size it is now with a couple of feet added for accessing the equipment. Mr. Kazara stated that the equipment varied in size from 7 by 7 feet to 10 by 10 feet and they proposed 12 by 16 feet for the entire shed. Mr. Dryzga stated that the Board had to consider the tower a done deal and he wanted to know the difference in size of the equipment between the town and U. S. Cellular. Police Chief Robert Moulton stated that the equipment would be half the size of a refrigerator with space to move around it. To a question from Mr. Dryzga, Mr. Kazara replied that they had structures without fences and they built aluminum structures that attracted no vandalism because it was a federal offence to deface their property.

Mr. Maroon stated that he was angry that he did not receive Mr. Vaniotis' letter until tonight and he did not agree with him that this was represented by the town; he stated that the letter was very directive in what the Board could or could not do and he did not like that. He asked whether the Board was comfortable with Mr. Vaniotis' letter. Mr. Tgettis stated that all the Board could vote on was whether U. S. Cellular could put equipment in the tower. To questions from Mr. Tgettis, Mr. Kazara replied that they would not make the significant investment in the towers or poles if they did not think they would be needed. Mr. Owens stated that U. S. Cellular would be strictly tenants and would have no rights to ask for payment toward the tower if they left before their lease expired.

Mr. Dryzga stated that he felt this was putting the cart before the horse, but there was a signed contract to have the tower built, and the town, therefore, owned the tower. Mr. Maroon stated that this was a request from U. S. Cellular, not the town. To a question from Mr. Maroon, Mr. Moulton replied that the lack of communication in this area was an issue when he started working for the town 28 years ago. Mr. Maroon asked who the intent was to benefit when the Town Council decided to make this change; Mr. Owens replied that the town needed to develop partnerships with businesses to address the cost and location of weak spots for both safety and public communication. Mr. Maroon stated that he cared about safety of the town but did not care about U. S. Cellular's towers. Mr. Moulton stated that many areas in Scarborough had been considered and this was the best spot in terms of need; he stated that safety communication was a significant problem today and was not new, but had become more of a problem as the two had grown to the west. To a question from Mr. Maroon, Mr. Moulton replied that the higher the antennas the better the reception. Mr. Moulton stated that many things had been tried but the costs were high and when it was learned that U. S. Cellular had the same problem, this seemed like a good solution.

Mr. Blaise moved to approve the appeal as presented; Mr. Maroon seconded.

Mr. Maroon stated that he believed the tower could be lower. Mr. Tgettis asked whether there would be additional meetings between the public and the Town Council; Mr. Owens replied that they would get input from the neighbors on color and design. Mr. Dryzga stated that there should be a condition that the pole be located as indicated last by the Town Manager and that there be at least one meeting between appropriate parties regarding color of the tower and design of the shed.

Mr. Blaise stated that he did not want those conditions and withdrew his motion.

Mr. Maroon moved to grant the appeal with the conditions that the pole be located as indicated last by the Town Manager and that there be at least one meeting between appropriate parties regarding color of the tower and design of the shed. Mr. Tgettis seconded the motion and the conditions.

Voted 4-1 Mr. Blaise opposed.

Mr. Dryzga called a recess at 9:40; the meeting reconvened at 9:50 P. M.

g. Appeal No. 2275 – A Special Exception Appeal by Peter and Kim Kunkel, 7 Holly Street, Assessor's Map U24 Parcel 14, to create and Accessory Unit above their garage in the R-2 Zone

Mr. Kunkel stated that they wanted to convert a storage area into an in-law apartment. He stated that they had responded to the criteria and would use the unit on a year round basis. The Board agreed that the standards, which had been presented in writing, did not need to be read.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

To a question from Mr. Maroon, Mr. Grysk replied that the Code Officers would verify that the unit was no larger than 600 square feet. Mr. Dryzga thanked the appellant for the complete package and confirmed that this would be their primary residence.

Mr. Blaise moved to grant the appeal as presented; Mr. Tgettis seconded.

Voted 5-0

h. Appeal No. 2277 – A Special Exception Appeal by William and Susan Dion, 4 Ottawa Woods Road, Assessor’s Map R14 Parcel 2217, to create an Accessory Unit in their garage in the R-F Zone

Mr. Dion stated that this would be their primary residence and the unit would be 599 square feet. He stated that they would install a new septic system and the other utilities would be combined. Mr. Grysk stated that it was a better alternative to have a new septic system. Mr. Tgettis confirmed that the closest neighbor had no issues.

Mr. Dryzga noted that the performance standards and the registration form had been addressed in writing; the Board was satisfied without reading them aloud.

Mr. Maroon moved to grant the appeal as presented; Mr. Blaise seconded.

Voted 5-0

i. Appeal No. 2278 A Special Exception Appeal by Scott Doherty, 12 Ferry Road, Assessor’s Map U17 Parcel 81, to create an Accessory Unit above his garage in the R-F Zone

Mr. Doherty stated that this was his primary residence and the unit would be 600 square feet. Mr. Grysk noted that the appellant had been granted a Limited Reduction of Yard Size Appeal to enlarge his garage earlier this year and now wanted to put an accessory unit above it; he stated that recent phone callers had no issues with the garage but did have issues with more people living on the site.

The Board was satisfied with the criteria and performance standards as addressed in writing.

To a question from Mr. Blaise, Mr. Doherty replied that he had added 15 feet to the garage and the new section was higher than the original roof line; he showed the new addition. To a question from Mr. Blaise, Mr. Doherty replied that the entry door to the accessory unit was at the rear and the stairway was inside the building; he stated that the unit would be on the second floor with cars beneath. Mr. Doherty stated that he built the garage in the event his parents needed to live there, but did not think it would be so soon. Mr. Dryzga confirmed that there would be no additional construction. Mr. Doherty stated that the living area would be 15 feet from the property line and there was a storage area in between.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

Mr. Blaise moved to grant the appeal as presented; Mr. Maroon seconded.

Voted 5-0

j. Appeal No. 2279 – A Practical Difficulty Variance Appeal by Brown Development Corporation, 178 and 180 U. S. Route One, Assessor’s Map U45 Parcels 22 and 23, to construct an office building with a 50 foot buffer to the residential area and a 70 foot setback from the front property line in the B-2 Zone

Mr. Shawn Frank, of Sebago Technics, displayed the location of the site near Foxcroft Drive and stated that the site was in the B-2 Zone, which required an 80 foot setback from Route One and a 100 foot undisturbed buffer from the residential zone to the rear; he stated that those setbacks left a 15 foot building envelope. Mr. Frank showed the concept plan for a 6,000 square foot office building with parking for 36 vehicles; he stated that the building would be 60 feet from the rear property line with the extra 10 feet for access around the building. Mr. Frank stated that the structure would be wood with vinyl siding and would meet the town’s design standards. He stated that they had addressed the criteria in writing and felt

this would be an upgrade from the existing rundown buildings which would be demolished.

Mr. Grysk stated that there had been many inquiries about this property; he stated that there was a letter from the Assistant Town Planner which indicated that the Ordinance Committee was discussing reducing the Route One setbacks and summarized what the Planning Board would address. Mr. Grysk stated that there was not much that could be done on these lots as they were and this was a compromise that would be consistent with Route One.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal Mr. Dryzga closed the public hearing.

Mr. Maroon asked whether they had considered moving the building toward Route One to avoid the rear buffer; Mr. Frank replied that it was a matter of parking and they needed vegetation and kept the rear of the building quiet for the residents. Mr. Frank stated that there would be no access so there would be no headlights shining into that area. To a question from Mr. Maroon, Mr. Frank replied that they would camouflage the HVAC equipment. Mr. Frank stated that they had considered access from Foxcroft Drive but that would affect the parking and the entrance would be too close to the condominiums. To a question from Mr. Maroon, Mr. Frank replied that the property to the south was a motel and they could provide a sewer easement to it.

Mr. Tgettis stated that he needed to be comfortable about taking away the buffer. Mr. Dryzga noted that there was 150 feet between the current buildings and the condominiums, which was a large buffer. Mr. Tgettis stated that he could not envision a fire truck turning around; Mr. Brown stated that he would have to get approval from the Fire Department. Mr. Maroon noted that this property had been for sale for a long time, was a difficult property to develop and he would like to see it improved. Mr. Tgettis noted that going from three curb cuts to one was a positive aspect. To a question from Mr. Maroon, Mr. Frank replied that nothing could be removed from the undisturbed buffer past the requested 10 foot envelope for ease of construction. Mr. Grysk stated that nothing could be done in the buffer and they had allowed the extra 10 feet for construction equipment.

Mr. Maroon moved to grant the appeal with the conditions that the Planning Board address the issues of an easement to the abutting motel and that the buffer remain undisturbed beyond the 10 feet allowed for construction vehicles; Mr. Tgettis seconded.

Voted 5-0

k. Appeal No. 2280 – A Limited Reduction of Yard Size Appeal by Stephen and Mary Welch, 25 Forest Street, Assessor’s Map U2 Parcel 160C, to construct an addition and steps 22 feet from the front property line in the R-4 Zone

Mr. Walter Wilson, of The Design Company, stated that this lot was on a right of way to the rear of Forest Street with an easement from which the front setback was measured. He stated that the proposed kitchen and garage with overhang would be 25 feet from the front property line but the total reduction necessary was for a 22 foot setback to include the steps.

Mr. Grysk stated that this was a straightforward request; he stated that this was a grandfathered lot on a pre-1985 lot that required only a 20 foot wide right of way.

Mr. Dryzga noted that the criteria had been addressed in writing; the Board agreed there was no need to read them. Mr. Maroon stated that this was a large, 3,100 square foot house and his concern was whether the addition was reasonably necessary. Mr. Dryzga asked the sizes of the houses in the area; Mr. Wilson replied that this house was larger than a lot of the houses, but the lot was also larger. He stated that the

addition would give the appellants to use the house in the same manner of other houses of its size; he stated that other houses of this size had two car garages. Mr. Maroon asked why this addition could not be moved back; Mr. Wilson replied that the fireplace would have to be removed and a bearing wall and bathroom would be disturbed if they were to expand toward the rear.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal. Mr. Dryzga read a letter in favor of the appeal from William and Patricia Rodimon, of 22 Forest Street. Mr. Dryzga closed the public hearing.

Mr. Maroon stated that Criteria 3 also concerned him because, on this large lot, there were other options for the addition. Mr. Blaise noted that only the kitchen and steps and not the garage needed the reduction; Mr. Maroon stated that he thought it was the garage. Mr. Wilson stated that they did not exceed the 25% coverage allowed. Mr. Grysk stated that he wrote the reduction as eight feet because it was the maximum needed though it was for the steps only.

Mr. Blaise moved to grant the appeal as presented; Mr. Maroon seconded.

Voted 5-0

l. Appeal No. 2281 – A Limited Reduction of Yard Size Appeal by Bennett Thompson and Marcia Taylor, 22 Riversands Drive, Assessor’s Map U21 Parcel 29, to construct a second floor addition 30 feet from the front property line in the R-2 Zone

This appeal was tabled to the December meeting because of the late hour.

m. Appeal No. 2282 – A Practical Difficulty Variance Appeal by John and Barbara O’Brien, 28 Morning Street, Assessor’s Map U2 Parcel 40, to demolish a cottage and rebuild a new home in a more conforming location in the R-4 Zone

This appeal was tabled to the December meeting because of the late hour.

#### 5. Zoning Board Comments

Mr. Dryzga stated that he thought the Town Council was well-intentioned with the flagpole but did not notify the neighbors of exactly what they were doing at Springbrook Park and he was disappointed in the Council. Mr. Massengill noted that several Board members received e-mails on that appeal that were not received in the Code Enforcement Office; he suggested that future e-mails be forwarded to the Recording Secretary so there would be a clearing house.

Mr. Tgettis complimented the chairman on his handling of the cell tower issue.

#### 6. Adjournment

The meeting was adjourned at 10:45 P. M.