

Town of Scarborough

Zoning Board of Appeals

September 12, 2007

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (August 8, 2007)
4. Appeals
 - a. Appeal No. 2375 – A Special Exception Appeal by Nathan Clark and Sandra Sargent, 4 Blueberry Lane, Assessor’s Map R4 Parcel 11, to operate a pet grooming business in the R-F Zone
 - b. Appeal No. 2394 - A Special Exception Appeal by Shannon Trudeau, 5 Milliken Mills Road, Assessor’s Map R67 Parcel 17, to construct an accessory unit in a new garage in the R-F Zone
 - c. Appeal No. 2399 – A Miscellaneous Appeal by David Aranovitch, dba The Dunes Motel, 95 East Grand Avenue, Assessor’s Map U23 Parcel 92, to convert 12 motel units to 12 condominium units in the R-4A Zone
 - d. Appeal No. 2400 – A Special Exception Appeal by Suzette Bergeron, 4 Earles Way, Assessor’s Map R13 Parcel 1I, to operate a business distributing promotional products as a Home Occupation in the R-F Zone
 - e. Appeal No. 2401 – A Practical Difficulty Variance Appeal by Ann Marie McGonigle and Thomas Vancourt, 16 Pleasant Street, Assessor’s Map U6 Parcel 56, to construct a second story and a breezeway with nonconforming setbacks in the R-2 Zone
 - f. Appeal No. 2402 – A Practical Difficulty Variance Appeal by William Ramos, 12 Ashton Street, Assessor’s Map U2 Parcel 57, to demolish an existing cottage and construct a new home with nonconforming setbacks in the R-4 Zone
 - g. Appeal No. 2403 – A Special Exception Appeal by Roland Pinette and Diane Freelove, 7 Honan Road, Assessor’s Map R55 Parcel 27, to operate a landscape business as a Home Occupation in the R-2 Zone
5. Zoning Board Comments
6. Adjournment

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

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MINUTES

Members Present

Staff

Mr. Blaise
Mr. Craft
Mr. Dryzga
Mr. Loisel
Mr. Massengill
Mr. Temm

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

1. Call to Order

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. Maroon was absent. Mr. Dryzga authorized Mr. Temm to vote.

3. Approval of Minutes (August 8, 2007)

Mr. Blaise moved to approve the minutes of August 8, 2007; Mr. Massengill seconded.

Voted 4-0-1 – Mr. Craft abstained.

4. Appeals

a. Appeal No. 2375 – A Special Exception Appeal by Nathan Clark and Sandra Sargent, 4 Blueberry Lane, Assessor’s Map R4 Parcel 11, to operate a pet grooming business in the R-F Zone

This appeal was tabled at the request of the appellant.

b. Appeal No. 2394 - A Special Exception Appeal by Shannon Trudeau, 5 Milliken Mills Road, Assessor’s Map R67 Parcel 17, to construct an accessory unit in a new garage in the R-F Zone

This appeal was withdrawn by the appellant.

c. Appeal No. 2399 – A Miscellaneous Appeal by David Aranovitch, dba The Dunes Motel, 95 East Grand Avenue, Assessor’s Map U23 Parcel 92, to convert 12 motel units to 12 condominium units in the R-4A Zone

This appeal was tabled at the request of the appellant.

d. Appeal No. 2400 – A Special Exception Appeal by Suzette Bergeron, 4 Earles Way, Assessor’s Map R13 Parcel 11, to operate a business distributing promotional products as a Home Occupation in the R-F Zone

Ms. Bergeron stated that she was a distributor who worked with suppliers to distribute advertising products. She stated that she worked only with a computer and phone and would like to have one employee who was not a family member. She stated that the need for the Special Exception was for the employee; she stated that there would be no sign and no visitors.

Mr. Dryzga and Ms. Bergeron addressed the criteria. Mr. Dryzga stated that if the appellant wanted a sign she would have to return to the Board

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

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

Voted 5-0

e. Appeal No. 2401 – A Practical Difficulty Variance Appeal by Ann Marie McGonigle and Thomas Vancourt, 16 Pleasant Street, Assessor’s Map U6 Parcel 56, to construct a second story and a breezeway with nonconforming setbacks in the R-2 Zone

Ms. McGonigle stated that they wanted to change their ranch house by adding a second story, which would look like the other capes on the street. She stated that they were asking for the existing setbacks to be approved for the second story.

Mr. Grysk stated that the appellant wanted to fill in a corner with a breezeway and change the roof pitch of the garage. Ms. McGonigle stated that they wanted to turn the garage around so the face of the house and the garage were the same to eliminate the shade so there would be no ice buildup.

Mr. Dryzga and Ms. McGonigle addressed the criteria as presented in writing.

Mr. Craft confirmed that the footprint would not change. To a question from Mr. Temm, Ms. McGonigle replied that the walls of the garage would not change but the roof line would change.

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

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

Voted 5-0

f. Appeal No. 2402 – A Practical Difficulty Variance Appeal by William Ramos, 12 Ashton Street, Assessor’s Map U2 Parcel 57, to demolish an existing cottage and construct a new home with nonconforming setbacks in the R-4 Zone

Mr. Walter Wilson, of The Design Company, stated that this cottage was on a small corner lot; he stated that the structure was about 100 years old with a low pitched roof and add-ons and needed a lot of repair. Mr. Wilson stated that they proposed demolishing the cottage and replacing it with a more architecturally compatible home; he stated that the 45 by 60 foot building would have a little less coverage and the setback from the street would be a little more conforming. He stated that the house would be a small cape with two bedrooms and would be squared on the lot. Mr. Wilson corrected the appeal to read “...variances requested...9.2 feet from the left side line.”

Mr. Grysk stated that demolishing the existing cottage was the best way to deal with it because it was in poor condition.

Mr. Dryzga and Mr. Wilson addressed the criteria as presented in writing.

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

Mr. Dryzga stated that this was a good example of the Practical Difficulty Appeal because the house should be torn down and the lot was too small to meet the bulk and space requirements. To a question from Mr. Loisel, Mr. Wilson replied that all the houses in the neighborhood were two stories and did not meet the front setback.

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

Voted 5-0

g. Appeal No. 2403 – A Special Exception Appeal by Roland Pinette and Diane Freelove, 7 Honan Road, Assessor’s Map R55 Parcel 27, to operate a landscape business as a Home Occupation in the R-2 Zone

Mr. Pinette stated that they had had a part time business for about five years and wanted to become a full time operation; he stated that the only activity at the house was paperwork. Mr. Grysk stated that this was a situation where the vehicles are parked in the yard so he wanted to bring this to the Board as a Home Occupation; he stated that there was one employee.

Mr. Dryzga and Mr. Pinette addressed the criteria as presented in writing.

Mr. Blaise asked where the trucks were kept; Mr. Pinette replied that the plows hung on a stanchion and the trucks were in front of it; he stated that the trailer was taken away during the day. He stated that the equipment was covered by a tarp on the trailer because they had no garage. Mr. Craft asked about other nearby businesses; Mr. Pinette replied that there was a day care at the other end of the street. Mr. Temm asked what had changed; Mr. Pinette replied that their business was starting to grow and the only change was one employee and the addition of one vehicle. Mr. Pinette stated that the dump truck was the only new vehicle and all vehicles went out in the morning and did not return until afternoon unless it rained.

To a question from Mr. Massengill, Mr. Pinette replied that they would like to build their garage within the next two years if financially feasible. To questions from Mr. Craft, Mr. Pinette stated that their lot was a little larger than a half acre and the vehicles were parked on the lawn in the space of the future driveway and did create some mud. Mr. Craft asked whether there were any plans to expand at some other location; Mr. Pinette replied that he had no plans but it could happen. To a question from Mr. Dryzga, Mr. Pinette replied that after 7:00 P. M. there would be two commercial vehicles on the site; he stated that his employee usually took one vehicle home with him. To a question from Mr. Craft, Mr. Grysk replied that there was one other similar business on Broadturn Road with one employee and equipment inside a garage.

To a question from Mr. Temm, Mr. Dryzga quoted from the ordinance, “...no exterior storage of materials or evidence of the business...” and stated that it could mean no storage of vehicles. Mr. Dryzga noted that a homeowner could have a snow plow and the Code Enforcement Officer would determine whether there was too much storage to look like a home; he stated that one commercial vehicle was allowed. There was discussion as to whether the pickup truck should be considered a commercial vehicle.

Mr. Dryzga opened the public hearing and read a letter in favor of the appeal from Ruth and Sumner Thompson, of 8 Honan Road, a letter opposing the appeal from Barbara Guy, of 5 Honan Road, and two letters with comments from Pam Doughty, of 9 Honan Road, and John and Shirley Pooler, of 209 Gorham Road.

Mr. Richard Rumph, of 11 Honan Road, stated that he was opposed to any nonconforming business in a residential zone. He stated that he took exception to the equipment on the site which looked like a public works yard; he stated that the trucks and trailers parked on the road bothered him and there was no place to cover the equipment. Mr. Rumph stated that this was a small residential neighborhood and this business had progressively grown on this half acre lot. He stated that he strongly opposed this business.

Mr. Dryzga closed the public hearing.

Mr. Blaise noted that the definition of Home Occupation indicated that the business shall be carried on within a building and this request did not fit those guidelines; Mr. Dryzga agreed and reiterated that there was no place for the equipment. Mr. Dryzga stated that the equipment stored outside was an issue for him. Mr. Temm agreed but stated that he hated to turn the appellant down when he was trying to better his lively-hood. He stated that the aesthetics and the safety of leaving a trailer on the road was an issue and he would require that the parking area be graveled and there be no parking on the street.

To a question from Mr. Loisel, Mr. Pinette replied that he picked up materials from the distributors on a daily basis for each job and took them directly to job sites. At the request of Mr. Massengill, Mr. Pinette addressed the letters and Mr. Rumph's comments; he stated that the trailer was parked on the side of the street and had reflective tape according to DOT regulations. Mr. Pinette stated that the only traffic on the street was from the homes and the day care and his property was in the middle; he stated that he had never had a problem with the Town when he parked on the street overnight. Mr. Loisel stated that the Ordinance did not address the storage of equipment and a landscape business was heavy-equipment related; he stated that the appellant could store his equipment elsewhere. Mr. Grysk stated that the storage of equipment for more than 24 hours was considered outside storage. To a question from Mr. Temm, Mr. Pinette replied that he would need a side setback variance to build a garage. Mr. Dryzga noted that if the Board granted the appeal with storage of no more than two vehicles the appellant would have to find a place for all the other equipment; he stated that the house should look like it did not have a Home Occupation.

Mr. Temm asked whether the applicant could agree to gravel the parking area; Mr. Pinette replied that he could. Mr. Temm stated that he did not like the trailer parked on the road. Mr. Pinette stated that he would take the trailer off the road. To a question from Mr. Loisel, Mr. Pinette replied that it would cost about \$1,000 per month to store his equipment offsite and he could not afford that. Mr. Massengill stated that he was against this appeal because the equipment should be stored inside a garage and a temporary shelter was not the answer; he stated that the request did not meet the standards for a Home Occupation. He stated that he did not like the trailer on the street but was not in favor of gravel because it did not add to the aesthetics. Mr. Blaise stated that he did not think the Home Occupation criteria were met because of the visual impact and his biggest concern was the opposition from the neighbors.

Mr. Craft agreed that the criteria was not met and this was a residential area. Mr. Loisel stated that he was not in favor because this was not compatible with the neighborhood and he had concerns about how the appellant would be affected financially if the Board required a garage. Mr. Dryzga stated that he found that the request did not meet the Home Occupation criteria because of the storage of equipment.

Mr. Pinette stated that he would withdraw his appeal and remove the equipment. Mr. Dryzga suggested that the Board table the appeal so the appellant could have time to work with the neighbors. Mr. Massengill moved to table the appeal to the next meeting; Mr. Craft seconded.

Voted 5-0 to table

5. Zoning Board Comments

Mr. Blaise stated that he did not think the Board should hear requests of conversion of motels to condominiums until the Town Council had approved the proposed amendment to the Ordinance. Mr. Dryzga noted that the Board could not refuse to hear an appeal. Mr. Grysk stated that the conversions were changes from one use to another and one of the options the Council was considering was the Miscellaneous Appeal process or the operation of a condo/motel facility. Mr. Dryzga noted that the Ordinance had to be addressed as it was written today and each appeal should be heard on its own merit.

6. Adjournment

The meeting was adjourned at 8:40 P. M.