

Town of Scarborough

Zoning Board of Appeals

January 9, 2008

AGENDA

1. Call to Order and Pledge of Allegiance (7:00 P. M.)\
2. Roll Call
3. Approval of Minutes
4. Appeals
 - a. Appeal No. 2431 - A Special Exception Appeal by Susan Williams, 116 Holmes Road, Assessor's Map R 31 Parcel 12, to operate a home occupation as a bookkeeper/accountant in the R-F Zone
 - b. Appeal No. 2432 - A Special Exception Appeal by Elizabeth Hanscom, 24 Coulthard Farms Road, Assessor's Map R95 Parcel 54, to operate an office as a home occupation in the R-F Zone
 - c. Appeal No. 2433 - A Variance Appeal by Fred and Kathleen Bayley, 76 Jones Creek Drive, Assessor's Map U22 Parcel 33, to demolish an existing cottage and rebuild as previously approved to expand in the B-1 Zone
5. Election of Officers
6. Zoning Board Comments
7. Adjournment

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

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Zoning Board of Appeals

January 9, 2008

MINUTES

Members Present

Staff

Mr. Blaise
Mr. Craft
Mr. Loisel
Mr. Maroon
Mr. Massengill
Mr. Temm

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

1. Call to Order and Pledge of Allegiance

Mr. Maroon called the meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; all members were present. Mr. Maroon noted that Mr. Temm is now a voting member.

3. Approval of Minutes (December 12, 2007)

Mr. Craft noted that Mr. Blaise had abstained from voting on the minutes, not Mr. Craft. With that amendment, Mr. Blaise moved to approve the minutes of December 12, 2007 as written; Mr. Temm seconded.

Voted 5-0

4. Appeals

a. Appeal No. 2431 - A Special Exception Appeal by Susan Williams, 116 Holmes Road, Assessor's Map R 31 Parcel 12, to operate a home occupation as a bookkeeper/accountant in the R-F Zone

Ms. Williams stated that she operated a seasonal business doing income taxes and a year round business doing payroll for small business; she stated that she had all the required state licenses and would like to remain in her home office. To a question from Mr. Maroon, Ms. Williams replied that she had gone to the Code Enforcement Office to obtain a building permit and learned that she needed approval from the Zoning Board for a Home Occupation with an employee.

Mr. Maroon and Ms. Williams addressed the criteria for a Special Exception and for a Home Occupation. Mr. Maroon read a letter in favor of the appeal from Jeremy and Karyn Grondin. Mr. Grysk noted that this appeal would make the home office legal for an employee and there had never been any complaints.

To a question from the Board, Ms. Williams replied that she did have a sign below her mailbox which was issued a permit in 1996. Mr. Grysk stated that the sign was less than six feet square. Ms. Williams stated that her office space was less than the 20% allowed.

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

Mr. Blaise asked whether there was adequate parking; Ms. Williams replied that she had room for four vehicles and there would be only one client onsite at once since no one came without an appointment. To a question from the Board, Ms. Williams replied that there was enough room for cars to turn around and drive out of the driveway. Mr. Temm noted that he knew the property and there was enough room to turn.

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

Voted 5-0

b. Appeal No. 2432 - A Special Exception Appeal by Elizabeth Hanscom, 24 Coulthard Farms Road, Assessor's Map R95 Parcel 54, to operate an office as a home occupation in the R-F Zone

Ms. Hanscom stated that she had begun an on-line store in 2000 to sell heating pads and ice packs. She stated that her products were manufactured in Portland where she picked them up and took them to the UPS Store to be shipped. She stated that her business had grown to the point that she needed a part time employee to assist with marketing and office work.

Mr. Maroon and Ms. Hanscom addressed the criteria. Ms. Hanscom noted that she was before the Board only because she needed an employee. Mr. Grysk noted that if no employee was involved, Ms. Hanscom would need permission only from him for a home office.

To a question from Mr. Craft, Ms. Hanscom replied that she went from the manufacturer to the UPS Store and nothing was delivered to her home.

Mr. Maroon opened the public hearing; no one spoke for or against the appeal. Mr. Maroon read an e-mail in favor of the appeal from Leslie Garber, of 22 Coulthard Farms Road.

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

Voted 5-0

c. Appeal No. 2433 - A Variance Appeal by Fred and Kathleen Bayley, 76 Jones Creek Drive, Assessor's Map U22 Parcel 33, to demolish an existing cottage and rebuild as previously approved to expand in the B-1 Zone

Mr. Johann Buisman, of Northeast Civil Solutions, apologized for returning to the Board, but when the appellants started to rebuild the house they realized the structure was not adequate; he stated that the construction was haphazard and the appellant was concerned about the safety of the structure which was an old camp with add-ons. He stated that they now wanted to raze the building and build anew to meet the current codes in the very same footprint.

To a question from Mr. Maroon, Mr. Grysk replied that the Board had approved the addition of a second story but the issues became apparent when construction started and Mr. Bayley spoke with him and, instead of trying to fix the problems, it was determined that it would be better to demolish the structure and build exactly what was approved in November 2007. Mr. Buisman stated that trying to rebuild the old cottage to code would double the cost.

Mr. Maroon and Mr. Buisman addressed the criteria as presented in writing.

Mr. Craft asked about the basement; Mr. Buisman replied that they would move the utilities up-stairs and fill in the basement because of the water table. He stated that they would put in only a frost wall and no basement. To a question from Mr. Blaise, Mr. Gryks replied that if this were a vacant lot of record it could be built upon. Mr. Blaise stated that his question was whether the house would be built according to all the codes in the Shoreland Zone; Mr. Grysk replied that all codes would be met including the Shoreland Zoning requirements. To a question from Mr. Temm, Mr. Grysk replied that if the structure was within the 75 foot buffer this would have to be approved by the Planning Board if the existing foundation were removed. Mr. Buisman stated that some of the existing foundation could be left and they could make a thicker frostwall to satisfy the Shoreland Zoning requirements.

Mr. Maroon stated that the bottom line was that they would build in the same footprint. Mr. Temm noted that in the past similar appeals were not approved because the entire structure was to be removed. Mr. Buisman stated that he would recommend that the foundation remain.

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

Mr. Loisel asked if there were physical hazards involved; Mr. Buisman replied that it was dingy and the construction was a mishmash of add-ons and did not meet any codes. Mr. Loisel noted that he did not agree that there would be a negative reasonable return on the property. It was agreed to change the word “negative” to “reduced.”

Mr. Craft moved to approve the appeal with the following conditions:

1. That the existing foundation be strengthened and not removed;
2. That the word “negative” be changed to “reduced” in Criteria No. 1 for reasonable return;

Mr. Massengill seconded.

Voted 5-0

5. Election of Officers

Mr. Blaise nominated Mr. Maroon as Chairman and Mr. Craft as Vice Chairman for the year 2008; Mr. Temm seconded.

Voted 5-0

6. Zoning Board Comments

There were no comments.

7. Adjournment

The meeting was adjourned at 7:40 P. M.