

From: Richard D. Bayer [RDB@rkmllegal.com]

Sent: Wednesday, October 28, 2009 8:59 AM

To: Amanda Stearns

Cc: Albert Farris; Patrice Perreault; jberry@jonathanberry.net; stan.given@pmppl.com.; audetland@aol.com; dkeeler@maine.rr.com; dkeeler@pierceatwood.com; Jay.Meyer@tdbanknorth.com; Richard D. Bayer; tibs@adpengeering.com

Subject: RE: Discussion of Practical Difficulty Variance

Hello Amanda:

We met last night and discussed this. We decided that the ZBA supports the Town Council's consideration of this new type of variance. We talked about several recent variance requests within the past two or so years.

The members felt this type of variance would be an additional helpful tool in addressing applicants' requests.

Here is our view of the likelihood that the new type of variance would have changed any decision we have made within the past two or so years: The members' opinions vary. The opinions range from "highly unlikely" to "there is the possibility on one or two" that we may have made a different decision.

However, there was a unanimous feeling that, if this new type of variance is adopted, some seekers of variances may misapprehend its scope and flood the ZBA with variance requests that really may still not have merit.

I have included all members of the Board in this reply so that any member who wishes to may respond to you directly about this issue.

Rich Bayer

Chair, ZBA

From: Amanda Stearns [mailto:astearns@town.falmouth.me.us]

Sent: Wednesday, October 28, 2009 8:40 AM

To: Richard D. Bayer

Cc: Albert Farris; Patrice Perreault

Subject: Discussion of Practical Difficulty Variance

Hi Rich,

I spoke with Patrice this morning and am waiting for the DVD to view the meeting discussion. Would you have a moment to put together a summary paragraph from your perspective of the outcome and any conclusions drawn from the discussion last night? It would be most helpful.

I sincerely appreciate your willingness to place this item on the agenda for discussion. We hope to begin the rewrite of Section 6, Nonconformities, in the near future.

Kind regards,

Amanda

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"Planning is a process of choosing between those many options. If we do not choose to plan, then we choose to have others plan for us." *Richard I. Winwood*



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