

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
August 29, 2016**

Call to Order at 6:30 pm.	Call to Order
<p>Roll Call: Present: Chair Ray DeLeo, Ron Regis, Mark Lindquist, Paul Weinstein, Tom Mourmouras. Absent: Tianna Higgins, Owen Stoddard.</p> <p>Staff: Dan Feeney; Code Enforcement Official, Valdine Camire; Administrative Assistant.</p>	PUBLIC HEARING
Pledge to the Flag	
<i>Chair DeLeo read the criteria for the Public Hearing.</i>	
<p><u>ITEM 1: Acceptance of the minutes May 23, 2016 and June 27, 2016.</u></p> <p>Mr. Feeney stated that under Item #5 on the Variance for Mr. Samuel Geisinger, he wanted to make it clear that Mr. Feeney only requested to the ZBA Board Members to put this item on hold. Mr. Feeney did not put this on hold himself, the Board did.</p> <p>Ron Regis made a motion to approve the May 23, 2016 meeting minutes. Seconded by Mark Lindquist.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Paul Weinstein – Yes Tom Mourmouras – Yes Chair DeLeo – Yes</p> <p>Mark Lindquist made a motion to approve the June 27, 2016 meeting minutes. Seconded by Paul Weinstein.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Paul Weinstein – Yes Tom Mourmouras – Yes Chair DeLeo – Yes</p>	<p style="text-align: center;"><u>ITEM 1</u></p> <p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u> (5-0)</p> <p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u> (5-0)</p>
<p>ITEM 2: Miscellaneous Appeal: Raymond Boucher 56 15th Street Map 311 Block 3 Lot 4 Zone R-2 Expansion of deck into setback (4x6 existing) replacement planned for 6x16 and future handicapped ramp.</p> <p>The public hearing opened at 6:34 pm. Raymond Boucher introduced himself to the board members. Mr. Boucher is looking to add a deck for egress and a handicapped accessible ramp later on if needed. He stated that he has arthritis that may cause him to need the</p>	<p style="text-align: center;"><u>ITEM 2</u> <u>MISC.</u> <u>APPEAL</u></p>

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handicapped ramp. He had documents from his Dr's.

Mr. Feeny explained that this is a Miscellaneous Appeal because at some point it may become handicapped accessible when it is needed, but for now this will just be an exit and egress into the building.

It will not be a ramp at this time. Mr. Boucher wants the availability to add a handicapped ramp at some point.

Mr. Feeny stated that there was also a letter sent to the Zoning Office from Prescott Jamieson Murphy Law Group, LLC stating some concerns of the neighbors. Attorney Tim Murphy introduced himself. He is here representing abutters Jim and Constance Winder who live at 49 Church Street. While the Winders have no objection with Mr. Boucher replacing his deck, they do object to his current proposed expansion, and therefore the current appeal before the Board. The Boucher lot is, by virtue of its size, a non-conforming lot of record. Moreover, it is extraordinarily non-conforming in that it is about one tenth the size required of lots today. The Winders are very concerned about the value and use of their property.

The area between the two homes is quite narrow. It also doesn't appear that he needs this handicapped ramp at this moment in time. In section D4 of the ordinance, states that the impact be minimum and it is not. He cannot legally meet the standards to meet the Miscellaneous Appeal. They have no objection on replacing the deck, they are objecting to expanding it closer to the Winder's home. If this ramp is built and it is sold to someone else it would go with the land unless it is stipulated that the ramp has to be removed.

The public hearing was closed to the public at 6:50 pm.

Ray DeLeo read through the criteria:

1. LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE.

A. The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot of record.

Response: The building was erected before 1950. No changes since.

Paul Weinstein - Agree

Tom Mourmouras – Agree

Ron Regis – Disagree

Mark Lindquist - Agree

Chair DeLeo– Agree

B. The requested reduction is reasonably necessary to permit the owner occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district.

Response: The deck will become handicapped ramp access.

Paul Weinstein - Disagree

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Tom Mourmouras – Disagree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Agree

C. Due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or lot coverage requirements.

Response: Setback existing is 12' max. No area to do anything else.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Agree

D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.

Response: Similar changes to existing dwellings common in neighborhood.

Paul Weinstein - Disagree
Tom Mourmouras – Disagree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Agree

2. NON-CONFORMING MEANS OF EGRESS CONSTRUCTION.

A. The requested stairway or ramp is the minimum structure, dimensionally, as required by the Town of Old Orchard Beach Building Code.

Response: The 6' x 16' structure will replace the 4' x 6' existing structure and will be used as the principle entrance and eventually (as needed) will become a wheelchair ramp.

Paul Weinstein - Disagree
Tom Mourmouras – Agree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Disagree

B. Due to physical features of the lot or location of structures on the lot it would not be practical to construct the proposed stairway or ramp in conformance with applicable space and bulk requirement.

Response: The building was built in the 1950's. Setback has existing since. There is limited area around structure to do deck/ramp. This is the best solution.

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<p>Paul Weinstein - Disagree Tom Mourmouras – Disagree Ron Regis – Disagree Mark Lindquist - Agree Chair DeLeo– Agree</p> <p>Mr. Feeney’s recommendation is for the board to deny this application and have the applicant come back at a future date to apply for a deck with a ramp.</p> <p>Ron Regis made a motion to deny this Miscellaneous Appeal as written and allow the applicant to come back at a future date and have plans for the deck and wheelchair ramp at the same time. Seconded by Mark Lindquist.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Paul Weinstein - Yes Tom Mourmouras – Yes Ron Regis – Yes Mark Lindquist - Yes Chair DeLeo– Yes</p>	<p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(5-0)</u></p>
<p>ITEM 3: Miscellaneous Appeal: Joyce Novella & Jacqueline Blaswick Agent: Adam Goodwin 20 West Casco Avenue Map 209 Block 13 Lot 2 Zone R-3 Addition of bedroom, bathroom and expansion of deck</p> <p>Adam Goodwin from Carl A. Goodwin, Inc. representing the applicants introduced himself to the Board Members.</p> <p>The applicants would like to put an addition onto an existing house. This is a narrow lot in front and expands into the back. They are proposing to take off the existing enclosed porch and open deck and add on another bathroom and bedroom. They would also like to move the enclosed porch to the rear of the house. They need to reduce the left yard setback to 9.4’ and to get a side entrance. The right set back would need to be reduced to 12 ½’. The current house is a single family house and the addition is proposed to be single story as well.</p> <p>The public hearing was opened to the public at 7:09 pm. The public hearing was closed to the public at 7:10 pm.</p> <p>A. The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot of record.</p> <p>Response: The existing structure was built in 1965. This was before the adoption of this provision.</p> <p>Paul Weinstein – Agree</p>	<p style="text-align: center;"><u>ITEM 3</u> <u>MISC.</u> <u>APPEAL</u></p>

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Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo - Agree

B. The requested reduction is reasonably necessary to permit the owner occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district.

Response: The reduction in left and right side yard setbacks will allow an addition of a second bedroom and a larger bathroom, which will assimilate this cottage to other multi-bedroom properties in the R3 zone.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

C. Due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or lot coverage requirements.

Response: The size of the existing structure is of common width, but the size of the lot makes the structure non-conforming on both sides. We reduced the width on the addition to mitigate side yard encroachment. A more narrow addition would not allow for the required special requirements to be obtained.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.

Response: The reduction to allow the addition will have the exact same effect on the neighborhood as the existing structure. Usage will not change and the addition is at the rear of the house.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

Mark Lindquist made a motion to grant a Miscellaneous Appeal to Joyce Novella & Jacqueline Blaswick 20 West Casco Avenue Map 209 Block 13 Lot 2, Zone R-3

MOTION

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<p>Not to exceed 30% of existing structure, all FEMA requirements will be followed and any driveway charges have to go to the Public Works Department. Seconded by Ron Regis.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Paul Weinstein - Agree Tom Mourmouras – Agree Mark Lindquist - Agree Owen Stoddard - Agree Vice Chair Higgins – Agree</p>	<p><u>VOTE</u></p> <p><u>(5-0)</u></p>
<p>ITEM 4: Miscellaneous Appeal: Suzanne and Brian Dix Agent: Adam Goodwin 73 Randall Avenue Map 322 Block 7 Lot 2 Zone R-4 Tear down and rebuild as a 4-season home.</p> <p>Adam Goodwin from Carl A. Goodwin, Inc. representing the applicants introduced himself to the Board Members. The applicants are looking to tear down their house and utilize the majority of the existing footprint. They are looking to do an expansion. The existing width of the front porch which is the whole width of the house will remain the same. They need a setback reduction for the front of 18’ and a side yard to 12’ to complete this project. Future handicapped is written in the application. This is not a reason to lessen from the variance to a miscellaneous appeal and it has to do with the layout of the house inside. Building a master suite down stairs and it will be built with 3’ doors to get a wheelchair through.</p> <p>The public hearing was opened to the public at 7:19 pm. The public hearing was closed to the public at 7:20 pm.</p> <p>A. The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot of record. Response: The existing structure on this lot was built in 1921. This makes the structure erected prior to this provisions adoption.</p> <p>Paul Weinstein - Agree Tom Mourmouras – Agree Ron Regis – Agree Mark Lindquist - Agree Chair DeLeo– Agree</p> <p>B. The requested reduction is reasonably necessary to permit the owner</p>	<p><u>ITEM 4</u> <u>MISC.</u> <u>APPEALS</u></p>

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occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district.

Response: The reduction is reasonably necessary to allow us to create a first floor master suite. A master bedroom on the first floor will allow use of the house better should a handicap prevents someone's use of the second floor. First floor master bedrooms are common place in other R3 located structures.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

C. Due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or lot coverage requirements.

Response: Due to the small size of the lot, no expansion is possible anywhere to the house that would meet conformance with currently applicable yard requirements.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.

Response: The structure's use remains the same and the house's general look will remain consistent to others in the neighborhood and the R3 zone. Overall impacted will not change.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

Paul Weinstein made a motion to approve the miscellaneous appeal for Suzanne and Brian Dix, 73 Randall Avenue, Map 322 Block 7 Lot 2 Zone R-4 To tear down and rebuild as a 4-season home. Seconded by Ron Regis.

Dan Feeney called for the vote:

Paul Weinstein - Yes

MOTION

VOTE

(5-0)

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<p>Tom Mourmouras – Yes Mark Lindquist - Yes Owen Stoddard - Yes Vice Chair Higgins – Yes</p>	
<p>ITEM 5: Miscellaneous Appeal: Valerie Forman Agent: Adam Goodwin 38 Randall Avenue Map 323 Block 10 Lot 15 Zone R-3 Square off rear of existing structure to add a 4-season bedroom/living Quarters utilizing existing bathroom and kitchen.</p> <p>Adam Goodwin from Carl A. Goodwin, Inc. representing the applicants introduced himself to the Board Members. The applicant had a very sudden marriage status change and she has a very tight financial situation. The house is very large. She would like to make a primary residents for 4-season living. Adding on a bedroom, small living area, has existing bathroom and existing kitchen that will get insulated so that she can have a little living quarters for 4 seasons so she doesn't have to bring the whole house up to insulation code. Need a rear setback reduction of 16'.</p> <p>The Board Members questions seasonal conversion. Mr. Feeney stated that seasonal conversion is based on value. It is the value of the structure vs. the improvements being made. The improvements appear to be at 50% or less. These improvements will not make it a 2 family. Mr. Feeney stated that if they come back to renovate the rest of the structure, then the whole structure would have to come up to code.</p> <p>The public hearing opened at 7:29 pm. The public hearing closed at 7:30 pm.</p> <p>A. The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot of record. Response: The existing building on this lot was erected in 1890. This is well before the adoption of this provision.</p> <p>Paul Weinstein - Agree Tom Mourmouras – Agree Ron Regis – Agree Mark Lindquist - Agree Chair DeLeo– Agree</p> <p>B. The requested reduction is reasonably necessary to permit the owner occupant of the property to use and enjoy the property in essentially the same</p>	<p style="text-align: center;"><u>ITEM 5</u> <u>MISC.</u> <u>APPEALS</u></p>

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manner as other similar properties are utilized in the zoning district.

Response: The reduction of the rear setback would allow Mrs. Forman to make the structure her permanent residence. R3 is made up primarily of permanent residences.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Agree

C. Due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or lot coverage requirements.

Response: The size and location of the existing structure on the Ocean Park undersized lot would not allow the expansion to be made elsewhere, conform to the requirements, and utilize the existing bathroom and kitchen. Budget constraints would not allow for the 4-season conversion of the entire existing structure.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Agree

D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.

Response: This addition’s impacts are identical to another single family home which met the requirements. The addition is on the rear on the building and will not be seen from the street.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Disagree
Mark Lindquist - Agree
Chair DeLeo– Agree

Mark Lindquist made a motion to grant a Miscellaneous Appeal to Valerie Forman, 38 Randall Avenue, Map 323 Block 10 Lot 15 Zone R-3 Square off rear of existing structure to add a 4-season bedroom/living quarters utilizing existing bathroom and kitchen. Seconded by Tom Mourmouras.

Dan Feeney called for the vote:

Paul Weinstein - Yes

MOTION

VOTE

(4-1)

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Tom Mourmouras – Yes Ron Regis – No Mark Lindquist - Yes Chair DeLeo– Yes	
<u>OTHER BUSINESS:</u>	
ADJOURN Ron Regis made a motion to adjourn this meeting at 7:35 pm. Seconded by Paul Weinstein.	
GOOD AND WELFARE	

I, Valdine Camire, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of nine (9) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on August 29, 2016.

Valdine Camire