

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
March 28, 2016**

Call to Order at <u>6:31 pm</u>	Call to Order
<p>Roll Call: Present: Tianna Higgins, Paul Weinstein, Mark Lindquist, Owen Stoddard, Thomas Mourmouras. Absent: Chairman Ray DeLeo, Ron Regis.</p> <p>Staff: Dan Feeney; Code Enforcement Official, Valdine Camire; Administrative Assistant.</p>	PUBLIC HEARING
Pledge to the Flag	
<i>Vice Chair Higgins read the criteria for the Public Hearing.</i>	
<p><u>ITEM 1: Acceptance of the minutes of the May 18, 2015 and December 28, 2015 meetings.</u></p> <p>Paul Weinstein made a motion to approve the meeting minutes for May 18, 2015. Seconded by Owen Stoddard. Unanimous.</p> <p>Owen Stoddard made a motion to approve the December 28, 2015 meeting minutes. Seconded by Owen Stoddard. Unanimous.</p>	<p style="text-align: center;"><u>ITEM 1</u></p> <p style="text-align: center;"><u>MOTION</u> <u>VOTE</u> <u>(5-0)</u></p> <p style="text-align: center;"><u>MOTION</u> <u>VOTE</u> <u>(5-0)</u></p>
<p><u>ITEM 2: Miscellaneous Appeal: Home Restoration Services, 6 Seaview Avenue, MBL: 315-13-13 Zone: R-2</u> Request is to relax the sideline setback from neighbor dwelling to allow some room between structures. Applicants would like to enlarge said structure to allow a 26x26 structure in place of the 18 x 26 that exists. The new structure will be below the maximum height for the area (35 ft.)</p> <p>Public hearing began at 6:35 pm.</p> <p>Brad Sawyer introduced himself to the Board Members. He and his brother Greg Sawyer from Home Restoration Services, LLC are requesting a Miscellaneous Appeal to improve the property. They would like to build a 26' x 26' structure in place of an 18' x 26' that exists currently. Moving the structure away from the neighbor by approximately 2 ft. This is a non-conforming lot so it makes it difficult to comply with all of the regulations to remodel.</p> <p>Geraldine Coleman who lives at 10 Seaview introduced herself to the Board Members and she had the following concerns: She is concerned with this being a 2 story, year round structure compared to a seasonal rental. She is also concerned about the parking. She would also want to know which way the house will be facing.</p> <p>Paul Cabelle from 4 Seaview Avenue introduced himself to the Board Members. He is concerned with water issues. Dealing with the run-off with the additional roof</p>	<p style="text-align: center;"><u>ITEM 2</u></p>

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ZONING BOARD OF APPEALS MEETING MINUTES
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and how they control the water. Would like some kind of plan in place to deal with the water issues pooling in the front left of his driveway.

Brad Sawyer addressed the parking issue stating that they have a driveway that is wide enough to accommodate 3 rows of parking cars that can go 2-3 deep. They also have a fence that is on the lawn which could also be moved for more parking and could make parking in the front of the relocated building as well. Mr. Sawyer stated that they could create some kind of plan to alleviate the water run-off problem and address the grading issue.

They would also like to have the 3 unit structure facing towards the driveway.

Code Official Dan Feeney stated that all structures have to meet year round standards.

Vice Chair Higgins read this letter to be included in the minutes:

March 27, 2016

Attn: Town of Old Orchard Beach Planning Board

Re: Plan review 6 Seaview Ave.

Hello,

I am writing to express my concern with regards to the proposed development at above address.

My primary concern is water runoff and drainage issues associated with this project. Having owned the house at 4 Seaview for over thirty years, I know all too well the water and storm runoff associated with the house next door.

The house at 6 Seaview Ave is located at a slightly higher natural grade and has a driveway consisting of the compacted base with gravel top. This results in water runoff that naturally heads toward the front left corner of my house. We have had water enter my house in that corner countless times due to this issue.

My heating oil tank is also located below my front porch in that same corner. We have had to on many occasions build up the ground beneath this tank due to runoff issues.

With the increase in square footage created by proposed roof as well as any sub soil movement and displacement, I have concern with this will increase and worsen the existing issue. With 6 Seaview recently changing ownership, I have discussed the water issue with the new owner.

We would ask water runoff, from adjacent development, 6 Seaview Ave, be managed within that parcel of land. Included within scope the driveway be corrected and managed for any additional runoff expected.

Thank you

Alice Dooling

There being no one else speaking for or against this item, the public hearing closed to the public at 6:45 pm.

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
March 28, 2016**

Vice Chair Higgins read through the criteria:

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 front structure appears to be over 50 years old and is in disrepair. It needs to be completely rebuilt, however Old Orchard Beach codes indicate it must also meet MUBEC-2009 standards which it cannot. Therefore we wish to replace the existing structure with new.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Vice Chair Higgins - 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 existing size of 18' x 26' does not easily accommodate newer design standards and central flow. We intend to upgrade the site with a new attractive structure with appropriate bedroom sizes. Current size is 7.5' x 9' and new will be.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Vice Chair Higgins – 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: We are attempting to meet three goals:

1. Enhance the property.
2. Allow for more space between our building and the neighbor as they have done substantial improvements which we do not want.
3. Safety by increasing the distance between one building and the neighbor.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Vice Chair Higgins - 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: All improvements will be positive to the existing conditions and will help

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
March 28, 2016**

<p>improve the neighborhood.</p> <p>Paul Weinstein - Agree Tom Mourmouras – Agree Mark Lindquist - Agree Owen Stoddard - Agree Vice Chair Higgins – Agree</p> <p>Owen Stoddard made a motion to approve this Miscellaneous Appeal for 6 Seaview Avenue MBL: 315-13-13 in the R2 Zone to enlarge said structure to allow a 26x26 structure in place of the 18 x 26 that exists. The new structure will be below the maximum height for the area (35 ft.) Seconded by Mark Lindquist.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Paul Weinstein - Yes Tom Mourmouras – Yes Mark Lindquist - Yes Owen Stoddard - Yes Vice Chair Higgins – Yes</p> <p>Dan Feeney also stated that if anyone has any concerns or questions, they can feel free to contact either Valdine Camire or himself.</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><u>OTHER BUSINESS:</u></p>	
<p>ADJOURN Owen Stoddard made a motion to adjourn this meeting at 6:45 pm. Seconded by Mark Lindquist.</p>	
<p>GOOD AND WELFARE</p>	

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 four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on March 28, 2016.

Valdine Camire