

Board of Appeals  
Minutes of Meeting  
August 6, 2012

ORIGINAL

**CALL TO ORDER**

Meeting was called to order at 7:00 by Chairman Mark Hyland with members, Richard Carlson, Holly Bubier, Joseph Radziszewski, alternate Bryan McNulty present. Roger Ducharme was absent with notification. Alternate Bryan McNulty will be a voting member tonight.

**MINUTES**

None

**APPEALS**

**Administrative Appeal: Map 11 Lot 68A – Jeffrey Mitchell**

- Motion by Member Radziszewski that jurisdiction has been established, seconded by Member Carlson. Discussion: None  
VOTE: 5 – YES 0 - NO
- Motion by Member Radziszewski that we have standing by the warranty deed, seconded by Member Carlson. Discussion: None  
VOTE: 5 – YES 0 - NO
- Code Enforcement Officer Nick Adams and appellant Jeffrey Mitchell are present.
- Appellant – Here today because he would like to build a bigger house to accommodate their family size and would need a variance to do so. Plot layout given to each Board member showing current house footprint and proposed footprint. Confirmed that they would have to build first before they can remove the mobile home that is currently on property. Other options they have looked at are other mobile homes but have not been able to find anything that would work for their family. Mark Hyland, question whether they could purchase land from abutter in the rear, answer is that they can't due to complications with the mortgage company. Start date of construction would be based on variance being granted, would like to build this year.
- Abutter – Mr. Tibbetts would like to show support for them with anything they can do. Own property to left and behind the Mitchell's lot. From a privacy standpoint the new location would be more private than it was previously.
- Bill Turner – Contractor for Mr. Mitchell, states it is already not conforming and they could move the home into an area where they could possibly be 19 feet from the rear. Mark Hyland would like to know if there was something magical with the 26 x 40, or can the home be made narrower and longer. Not impossible but not recommended by the contractor.
- CEO – Front setback is 34.00 feet now and he can go to the right more. Front setback does not have to meet current code because it is already non-conforming so he can set it the same from the front. Could be about 22' feet from rear if kept in the same footprint. Confirmed that they can move proposed house at least 14' more forward and they wouldn't make it any more non-conforming.
- RECAP FROM BOARD – Without granting appeal they will have to either work with neighbors or abandon the home. 304.2.d states that the Board cannot grant variance unless it finds the provisions to be true. Property is unique, would not affect the abutting properties detrimentally, action was taken by the petitioner, there is another feasible alternatives available, variance won't affect the environment, not located in the shoreland or flood plain. Chairman Hyland doesn't feel it meets the standard of hardship. Member McNulty agrees with the logic of the code. Consensus of the Board that is is within the scope of the Board to adjust.
- Motion by Member Carlson to table the application to Monday, August 27, 2012 at 7:00 PM seconded by Member Radziszewski. Discussion: None  
VOTE: 5 - YES 0 - NO

**OTHER BUSINESS**

None

**ADJOURNMENT**

Motion to adjourn made by Member Radziszewski, seconded by Member Carlson at 8:20 PM.

Discussion: None

VOTE: 5 – YES    0 – NO

**BOARD OF APPEALS**

  
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Mark Hyland, Chairman

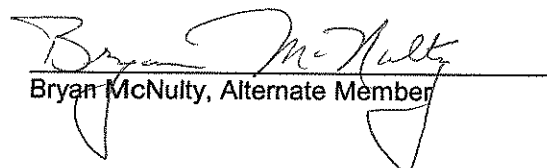
Not present on 8/6/2012

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Roger Ducharme, Secretary

  
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Holly Bubier, Member

  
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Joseph Radziszewski Jr., Vice Chairman

  
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Richard Carlson, Member

  
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Bryan McNulty, Alternate Member