

Poland Board of Appeals Meeting
August 12, 2013 – 7:00 pm
Town Office Conference Room

MINUTES

CALL TO ORDER

Chairman Richard Carlson called the meeting to order at 7:02 pm with members Joseph Radziszewski, and Bryan McNulty present. Members Holly Bubier and Mark Hyland are absent with notification.

MINUTES

July 29, 2013

- Vice Chairman Joseph Radziszewski makes a motion to accept the minutes for July 29, 2013 as presented, seconded by Member Bryan McNulty. No discussion.

Vote: YES – 3 NO – 0

COMMUNICATIONS

Copy of Decision Letter to Julie A. Keene

Copy of Decision Letter to Ernest A. Ray

OLD BUSINESS

Ernest A. Ray Administrative Appeal Reconsideration – Map 37, Lots 14-18

- **Vice Chairman Joseph Radziszewski makes a motion to reconsider the Administrative Appeal of Ernest A. Ray, seconded by Member Bryan McNulty. No discussion.**

Vote: YES – 3 NO – 0

- **Findings of Fact:**

- The appellant and owners of the property are Ernest A. Ray and Rita C. Ray. They have shown legal interest by warranty deed.
- The property is located at 16 & 12 Cardinal Lane, Poland, Maine and it is in the Rural Residential Zoning District 2, and Limited Residential Zone. It is identified as Assessor's Map #37, Lot #14 & 18, and contains 3.5 acres.
- Mr. Ray is appealing a notice of violation issued by the Code Enforcement Officer, stating that the detached garage with apartment above fails to comply with the Comprehensive Land Use Code.
- The appeal application was submitted on July 8th 2013. The public hearing was held on July 29th 2013.
- Relevant sections of the ordinance are chapter five, sections 507.1.G, 507.2, 508.6.B, and 508.27A.
- Appellant was able to present a permit for the twenty-four (24) by twenty-six (26) foot garage dated June 8th 1985. The permit makes no mention to an apartment above.
- The garage and apartment do not meet minimum lot area requirements, and the combined lots do not meet the requirements for multiple structures on a lot.
- Appellant has received separate tax bills for the house and garage from 2005-2008. It appears that they were taxing on the apartment. The tax bills were merged in 2008.

- **Conclusion:** The building permit, Planning Board minutes, and septic design make no mention to the apartment above the garage. The septic system was only designed to handle a single family home. The board hears testimony from the site evaluator confirming that decision.
- **Decision:** Based on the above findings of fact and conclusions, the Town of Poland Board of Appeals voted to deny the application for an administrative appeal. This decision can be appealed in the Superior Court within 15 days.
- **Vice Chairman Joseph Radziszewski makes a motion to accept the Findings of Fact and Decision as written, seconded by Member Bryan McNulty. No Discussion.**

Vote: YES – 3 NO – 0

OTHER BUSINESS

None

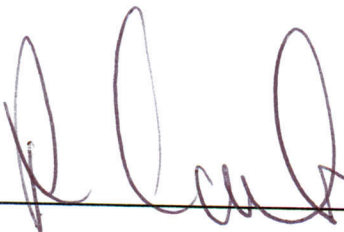
ADJOURNMENT

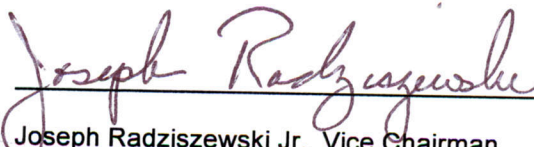
Vice Chairman Joseph Radziszewski makes a motion to adjourn at 7:09 pm, seconded by member Bryan McNulty. No discussion.

Vote: YES – 3 NO – 0

Recorded by Alex Sirois

Date Approved:
Board of Appeals


Richard Carlson, Chairman

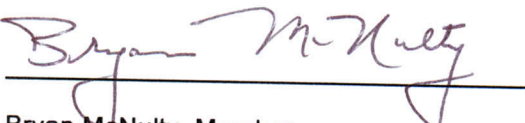

Joseph Radziszewski Jr., Vice Chairman

Absent

Holly Bubier, Secretary

Absent

Mark Hyland, Member


Bryan McNulty, Member