

**Poland Board of Appeals Meeting
February 3, 2014 – 7:00 pm
Town Office Conference Room**

MINUTES

CALL TO ORDER

Chairman Richard Carlson called the meeting to order at 7:00 pm with members Joseph Radziszewski, Mark Hyland, Holly Bubier, and Bryan McNulty present.

MINUTES

August 12, 2013

- Vice Chairman Joseph Radziszewski makes a motion to accept the minutes for August 12, 2013 as written, seconded by Member Bryan McNulty. No discussion.

Vote: YES – 3 NO – 0

COMMUNICATIONS

None

APPEALS

Barry and Karyn Kurland Variance Appeal – Map 24, Lot 2

- **Member Mark Hyland informs the board and appellant that he and the architect for the Kurland's have the same last name, however they are not related, and there is no conflict of interest.**
- **Member Mark Hyland moves that the Board has jurisdiction to hear the appeal, seconded by Vice Chairman Joseph Radziszewski. No discussion.**
Vote: YES – 5 NO – 0
- **Member Mark Hyland moves that the appellant has standing as the owner of Map 24, Lot 2 by presentation of a deed, seconded by Vice Chairman Joseph Radziszewski. No discussion.**
Vote: YES – 5 NO – 0
- **Appellant Barry Kurland, Architect Andy Hyland, and Code Enforcement Office Nick Adams are present.**
- **Appellant:** Architect Andy Hyland of Port City Architecture is representing the Appellant. Barry and Karyn Kurland are the owners of 53 Rockwood Lane, the property in question. They have hired Andy Hyland of Port City Architecture to redesign the roof. The current roof has minimal pitch and because of that is failing. In order for the architects to design a roof that will last they are seeking a variance to the Shoreland Zoning maximum structure height ordinance. The structure is non-conforming due to its distance from the lake. A portion of the structure is required to have a maximum height of twenty (20) feet, and another portion is required to have a maximum height of twenty-five (25) feet. The current roof pitch is less than a one and twelve pitch. The minimum pitch the architect feels comfortable with is four and twelve. This roof pitch would require a variance of three (3) feet eleven and a half (11.5) inches.

- Member Mark Hyland asks if they have researched the negative effects of changing the direction that water is diverted off of the roof. Currently the roof is pitched 30% to the water and 70% toward the rear. The new roof will pitch 70% to the water and 30% to the rear. The Appellant has not researched this. The Board will likely require any plans be reviewed by Androscoggin Valley Soil and Water Conservation should they approve the variance.
- Vice Chairman Joseph Radziszewski asks if they will do anything around the perimeter to control run off.
 - The architect would like to do something to control the phosphorus but nothing has been designed yet.
- There will be no change to the buildings footprint, nor will it increase the living area.
 - Member Bryan McNulty asks the CEO, Appellant, and Abutters if an increase in the structures height would obstruct any neighbors' view of the lake.
 - The Appellant owns roughly 350 feet behind the structure so raising it would not directly obstruct anyone's view.
 - Member Mark Hyland asks what the height of the abutting structure is. It appears to be taller than the house in question. After research by the CEO it is determined that the abutting structure is more than seventy-five (75) feet from the water and has different height requirements.
- A dormer will be added for character and aesthetics. This will help the home fit in with the general characteristics of the neighborhood and it would meet the height requirements.
- **Public Statement:** Stan Tetenman is an abutter of the Kurland's. He has no problem with what is being proposed. He has seen the previous owner snow blowing the current roof many times and Mr. Tetenman feels that it is unsafe.
- **CEO Nick Adams:** The Town's ordinance is a little stricter than the State's. DEP has not had a comment on the applications and Mr. Adams believes it is because it actually meets their requirements. Overall the CEO thinks the application is acceptable.
- **Member Mark Hyland makes a motion to close the public hearing at 7:37 pm, seconded by Vice Chairman Joseph Radziszewski.** No discussion.
 Vote: YES – 5 NO – 0
- **Board Deliberation:** The board feels as though the plans submitted represent a good solution to the current structures problem while still meeting the ordinance to the best possible extent. The Board comes to the consensus that three (3) feet eleven and half (11.5) inches is a reasonable request in this situation.
- **Member Mark Hyland makes a motion to grant a three (3) foot eleven and a half (11.5) inch variance to section 504.3.A.1c of the Comprehensive Land Use Code pending the approval of a phosphorus control system by Androscoggin Valley Soil and Water Conservation District, seconded by Vice Chairman Joseph Radziszewski.** No discussion.
 Vote: YES – 5 NO – 0 **Appeal is granted**
- **Findings of Fact:**
 - The applicants and owners of the property are Barry and Karyn Kurland.

- The property is located at 53 Rockwood Lane, Poland, Maine and it is in the Limited Residential zone. It is identified as Assessor's Map #24, Lot #2, and contains 1.82 acres. The lot has 150 feet of frontage on Thompson Lake.
- The house is forty-five (45) feet from the lake which makes it a non-conforming structure. Moving the structure away from the water is not possible due to a full foundation and existing septic system.
- The house was constructed in 1953. Alterations took place sometime between 1960 and the early 1970's. The current roof pitch is less than a one and twelve pitch. It is currently unsafe.
- The appeal application was submitted on January 14, 2014. The public hearing was held on February 3, 2014.
- Relevant sections of the ordinance are chapter five, sections 504.3.A.1c and 504.2b
- The applicants propose to demolish the existing roof and replace it with a roof of a steeper pitch. This would make the structure more non-conforming than it already is. The structure height will increase from approximately twenty (20) feet to twenty-three (23) feet and eleven and a half inches (11.5).
- The current roof slopes 30% to the water and 70% to the rear. The proposed roof would slope 70% to the water and 30% to the rear.
- The land in question cannot yield a reasonable return unless the variance in question is granted.
- The unique circumstances of the roof pitch prevent the current structure from meeting the general characteristics of the neighborhood.
- The hardship was not created by the applicant; it was created by a previous owner. However, the construction was done prior to the State and Town's adoption of Shoreland Zoning Laws.
- **Conclusion:** The board concludes that the applicant is allowed a three (3) foot, eleven and half (11.5) inch variance of the height requirements in section 504.3.A.1c to increase the pitch of the roof. The applicant will present a plan to the Code Enforcement Officer that has been reviewed by Androscoggin Valley Soil and Water Conservation District for the reduction of phosphorus from the structure.
- **Decision:** Based on the above findings of fact and conclusions, the Town of Poland Board of Appeals voted to approve the application for a variance appeal. This decision can be appealed in the Superior Court within 45 days.
- **Vice Chairman Joseph Radziszewski makes a motion to accept the Findings of Fact, Conclusion, and Decision as written, seconded by Member Bryan McNulty.** No discussion.

Vote: YES – 5 NO – 0

OTHER BUSINESS

None

ADJOURNMENT

Vice Chairman Joseph Radziszewski makes a motion to adjourn at 7:05 pm, seconded by Member Bryan McNulty. No discussion.

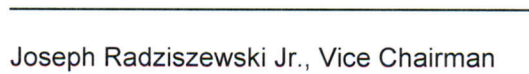
Vote: YES – 5 NO – 0

Recorded By Alex Sirois

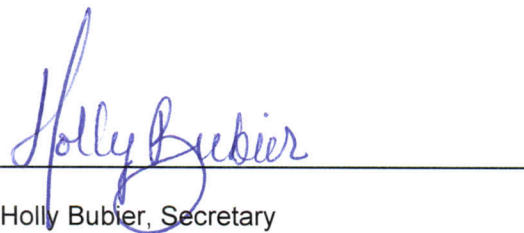


Richard Carlson, Chairman

Date Approved: 6-26-14
Board of Appeals



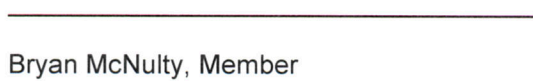
Joseph Radziszewski Jr., Vice Chairman



Holly Bubier, Secretary



Mark Hyland, Member



Bryan McNulty, Member