

**TREMONT BOARD OF APPEALS
DECEMBER 8, 2004
TREMONT COMMUNITY BUILDING
6:00PM**

1. CALL TO ORDER

The December 8, 2004 Board of Appeals meeting was called to order by Acting Chairman Mel Atherton at 5:30pm.

2. ROLL CALL

Acting Chairman Mel Atherton, Board of Appeals members Phil Worden, Marcia Madeira and Mark Mosenteen (arrived at 5:35pm) Visitors included: Planning Board Chairman George Urbanneck, Selectmen Scott Grierson, Town Manager & CEO Millard Billings, Recording Secretary McKenzie Clough, Appellant Ralph Reed, Cary and Priscilla Harper, Jim Wade, Margo Stanley, Real Estate agent Johna Barkhouse, James and Patricia Butler.

3. ADMINISTRATIVE APPEAL

Mr. Reed is appealing the CEO's decision for a new driveway that was built right to his property line; the Tremont Zoning ordinance states that no part of any driveway or road shall be located within a minimum of 6ft of a side property line.

The Board of Appeals feels that they have jurisdiction over this case and the applicant does have standing. None of the board members had conflicts with this case.

On June 22, 2004 the Town of Tremont received a Building Permit application submitted by Stephen Stanley for a driveway 16feet by 300 feet. On July 1, 2004 Stephen Stanley sold a portion of this property to Cary and Priscilla Harper. On July 2, 2004 Building permit number 1731 was issued to Stephen Stanley for a driveway 16 feet wide by 300 feet long, to be 6 feet from the property line. Upon investigation on August 31, 2004 CEO Billings found that the permit had not been paid for or picked up and the driveway was indeed to close to the new property line created when the property was sold to Mr. and Mrs. Harper. A notice of Violation/Order for Corrective Action was issued to Mr. Stanley on September 7, 2004. A row of rocks were placed 6 feet from the property line on this part of the driveway, preventing anyone from driving on this particular part of the driveway. The CEO agreed that the row of rocks prevented vehicular access to this section, therefore this section was not a driveway and the driveway started beyond the row of rocks six feet from the property line, which satisfied the notice of violation. The building permit number 1731 was picked up and an after the fact fee was paid by Mr. Stanley. On October 12, 2004 Stephen Stanley sold the remaining portion of this property to James and Patricia Butler.

Mr. Reed is appealing the permit for the driveway. He feels the driveway is to close to his property line, he feels that damage has been done to his trees and he says his property is not draining properly. Mr. Reed would not agree to have a row of rocks on his side of

the driveway. Mr. Reed want the fill removed that is within six feet of his property line he believes that this fill is part of the driveway and should be six feet from his property line.

It is noted that the Harper's always have had problem with drainage. Both parties supplied the members of the board with pictures and CEO Billing's had film to show the board. There was much discussion about whose responsibility the drainage was. All sides have expressed their concerns. Patricia and James Butler are present as well. When Mr. and Mrs. Butler purchased the property from Stephen Stanley the driveway was already in place. The Butler's would like to have access to their property and also keep good relations with their neighbors. Mr. Reed, Mr. and Mrs. Harper would like to see the ditching taken care of, and would like the fill taken away. They would also like to have any trees that may have been damaged to be taken care of. There was much debate on the definition of driveway, some members felt the shoulder of a driveway was considered part of the driveway, other members felt the shoulder shouldn't be considered.

Motion made by Phil to close the open part of the meeting at 7:07pm, Mark Mosenteen seconded the motion. All in favor of closing open portion of the meeting.

Short recess followed this motion, meeting reconvened at 7:15pm

Motion made by Phil to accept the minutes of January 7 and October 13 as written, Marcia Madera seconded the motion. All in favor of approving the minutes.

It is made clear that the real issue before the board is drainage. All parties agree this is the greatest concern.

Motion made by Phil to table the matter for further consideration, motion died for lack of a second.

Motion made by Phil to grant Mr. Reed his appeal, Marcia Madeira seconded the motion. There was no further discussion; all members were in favor of granting Mr. Reed's appeal. The Board hopes that this matter can be resolved between all the neighbors. Mrs. Stanley will contact the contractor who installed the driveway.

Motion made by Phil to adjourn the December 8, 2004 Board of Appeals meeting at 7:40pm, Marcia Madeira seconded the motions. All Board members in favor of adjourning.