

**TOWN OF WALDOBORO
BOARD OF APPEALS
JANUARY 18, 2007**

Present: Sam Chapman, Tyler Lupien, Art Emanuelson, Russ Hansen, CEO John Black

Absent: Barbara Swiderek

Public: Drew Greiner, Pat Ecker, Justin Nash, Don LaFlamme, Herb Kauffman, Ruth Castner, Jack Castner, Marion West, John West, Robert Neault, Georgina Dean and Peter Eisener.

Minutes

Chairman Chapman opened the meeting at 6:32 pm and roll call was taken.

Jurisdiction was established under Article 11. Appeals A. 4. C. Page 11-3 and B. 2. Page 11-4.

Chairman Chapman outlined the procedure for tonight's meeting.

Greentree Servicing, LLC; Sideline setback variance of 15 feet for a home and a 10 foot variance for the driveway, 136 Back Cove, Tax Map R10, Lot 3A-4.

Chairman Chapman read the application.

Drew Greiner, a surveyor, is here to represent this case. A side setback variance of 15 feet for a mobile home (which is already in place) and a 10 foot variance for a driveway (also in place) is being requested. The mobile home has been in place on this lot since 1997. At the time of this most recent survey it was found to be in non compliance with the set back requirements. In 1997 the Planning Board decided not to act on a waiver request stating it was not their duty to do so. The current owner had no knowledge of this and were not told of the situation by the previous (original) land owner. There is no option to buy or have an easement granted by the abutter. The driveway could be moved, however, there is quite a high slope at this area requiring extensive excavation.

Georgina Dean, an abutter is not opposed to the variance request but she would like a stipulation that the upper part of the driveway be blocked from her property so there is no parking being done on her property. She wants Greentree to take responsibility for garbage, etc. that has been left on the property line (this is not the BOA's job). She also was not aware of the existing line problems.

Pat Ecker the realtor for the potential buyer of the property would like a permanent variance for this property. She also noted a new well is to be placed on this property. Currently the well is on the abutter's property.

The subject lot and the abutter's lot (Dean) are both at minimum lot size for ordinance requirements.

**MOTION: Tyler Lupien motioned to grant the request for variance, seconded by Art Emanuelson.
VOTE: 0-4 to grant the request. Variance request is denied.**

Following the motion and prior to the vote, Practical Difficulty requirements were discussed with a consciences that 1) Unique Circumstances, 3) Action Taken By the Petitioner and 4) Other Feasible Alternative did not meet the tests. 2) Undesirable Change and 5) Natural Environment requirements were believed to be satisfied.

Ruth Castner, Road Frontage Variance to divide a 330 foot lot into two lots of 170 feet and 160 feet, 317 Bremen Road, Tax Map R5, Lot 10.

Jurisdiction was established under Article 11. Appeals A. 4. C. Page 11-3 and B. 2. Page 11-4.

The applicant is seeking variance of the road frontage requirement from 200 feet to 170 feet for an approximate 2 acre parcel she wishes to retain when she sells the existing house and remaining 5 acres.

Herb Kauffman is an abutter who spoke in favor of the variance. There is an existing driveway that is already in place and hot topped that will go with the existing house if the variance is granted. Mr. Kauffman wishes to purchase the property if Mrs. Castner can retain a lot and have a new home. The purchase of the property by Mr Kauffman and his wife Debra Tillou will combine it with several hundred feet of road frontage on their present parcel, therefore affording the 200 feet needed for the portion of the subject property they will be receiving.

Mr. Lupien asked about a well. There is a well already in place for the new home as well as a proposed leech field.

Mr. Hansen went over practical difficulty and it's definition.

The Wests, who live across the road are in favor of the variance..

MOTION: Tyler Lupien motioned to grant the variance request, seconded by Art Emanuelson.

VOTE: 0-4 to grant the request. Variance request is denied.

Prior to the vote during the discussion regarding the Practical Difficulties, Chairman Chapman pointed out that there is no known reasoning for the 200 foot frontage requirement.

Mr. Hansen suggested that Mrs. Castner keep 200 feet road frontage and to grant a right of way for the existing house. Both the owner and buyer agreed this suggestion would work for them.

The Board agreed that the proposal does not meet 1) Unique Circumstances or 4) Other Feasible Alternative tests of the Practical Difficulty requirements. It was also agreed that 2) Undesirable Change, 3) Action Taken by the Petitioner and 5) Natural Environment issues were satisfactory.

Minutes:

The minutes of the October 18, 2006 meeting were approved on a motion by Chairman Chapman and seconded by Art Emanuelson. Vote: 2-0-2.

The meeting adjourned at 8:30 pm with a motion by Mr. Chapman and second by Mr. Lupien

Respectfully submitted,

Norma A. Hill
Recording Secretary

Chairman Sam Chapman

Tyler Lupien

Art Emanuelson

C. Russel Hansen