

**Town of Waldoboro
Board of Appeals Minutes
Thursday, February 21, 2008, 6:30 p.m.
Town Office Meeting Room**

1. **Roll Call** - The Board of Appeals met at the Municipal Building on Thursday, February 21, 2008 at 6:02 p.m. to discuss official business. This meeting was called to order by Chairman Sam Chapman with a quorum present. Members present were Arthur Emanuelson, Tyler Lupien, and Chairman Sam Chapman. Barbara Swiderek and C. Russell Hanson Jr., Esq. were absent.

2. **Public Hearing:**

2.1. **Jan & Susan Wejchert RE: Road Setback Request for 370 Deaver Road, Tax Map R 9, Lot 91A** - There were no comments for or against the request.

3. **Variance from Dimensional Standards:**

3.1. **Jan & Susan Wejchert RE: Road Setback Request for 370 Deaver Road, Tax Map R 9, Lot 91A** - Chairman Chapman read through the application and there were no conflicts of interest within the Board.

Mr. Wejchert was present for comment. He stated the need for an eleven (11) foot variance from the seventy-five (75) foot setback as stated in the Waldoboro Land Use Ordinance (Article 3, G. Schedule of Dimensional Requirements) to build a house. Before the existing garage was built in the year 2000, the house was also planned and designed to be connected to the garage with a breezeway. These building conformed to the then existing setback requirement of fifty (50) feet. The septic for the home is already in place. There is also ledge and wetlands as obstacles to moving the proposed house further away from the road.

Roy Winchenbach, an abutter called from Florida and verbally stated he had no objections. Brooke Pacy, another abutter, wrote a card of approval to the Wejcherts.

On the motion of Lupien / Emanuelson, the Board voted to grant an eleven (11) foot variance to Article 3, G. Schedule of Dimensional Requirements at 370 Deaver Road, Tax Map R 9, Lot 91A for the purpose of constructing a house (Vote 3-0) based on the following criteria:

- 1) Unique Circumstances. That the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood. Vote in favor of petitioner 3-0. *Ledge, wetland, and existing septic.*
- 2) Undesirable Change. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties. Vote in favor of petitioner 3-0.

- 3) Action Taken by the Petitioner. The practical difficulty is not the result of action taken by the petitioner or a prior owner. Vote in favor of petitioner 3-0. *The Waldoboro Land Use Ordinance changed during the process.*
- 4) Other Feasible Alternative. No other feasible alternative to a variance is available to the petitioner. Vote in favor of petitioner 3-0.
- 5) Natural Environment. The granting of a variance will not unreasonably adversely affect the natural environment. Vote in favor of petitioner 3-0.

The process of recording the variance was discussed with the petitioner. They left an eighteen (18) dollar check for the Lincoln County Registry of Deeds.

4. Adjourn - On the motion of Lupien/Emanuelson, the Board adjourned at 6:55 p.m.

Board of Appeals:
Waldoboro, Maine

Sam Chapman, Chairman

Absent _____
C. Russell Hanson Jr., Esq.

Arthur Emanuelson

Absent _____
Barbara Swiderek

Respectfully submitted,

Michael C. Ducharme,
Recording Secretary

Tyler Lupien