

**ZONING BOARD OF APPEALS MEETING  
ON Monday, April 29, 2019 IN THE TOWN  
COUNCIL CHAMBERS -6:30 p.m.  
MEETING MINUTES**

**CALL TO ORDER 6:30 PM**

**PRESENT:** Mikaela Nadeau  
Ryan Howe  
Chair Ray DeLeo  
**ABSENT:** Tom Mourmouras  
Mark Lindquist  
Ron Regis

**PLEDGE TO THE FLAG**

**Chair Ray DeLeo read the Appeals Criteria**

**ITEM 1: Variance Consideration (front setback reduction) and Public Hearing**

**Owner: James and Lyn Blouin**

**Location: 21 Odena Avenue; MBL: 315-6-1 Zone: R3**

**Variance requested to allow proposed new structure 18' into the 20' front setback. The current structure which is 7' onto town ROW will be torn down and new proposed structure will be built.**

**Opened Public Hearing at 6:35 PM.**

Owner Jim Blouin from 21 Odena introduced himself. He explained that the hardship is due to his house sinking due to water problems. They are wanting to raise the home. They are in the flood plain and as part of the new FEMA plan they need to go up and the only way to fix this is to go higher. He explained that their house is 7' in the Towns R.O.W. and they would like to push it back 9' and move the side setbacks 9' from the current property line which is 2' on the West and 2.4' on the East side. Mr. Blouin stated that when he bought the property in 2005 the road was an old beat up road and was level to his front yard, then the town paved and raised the level. Since then he gets all of the water from the West coming down the hill, the grade is 26' and the water hits his place first then it moved on to the East (to the neighbors).

Ron Sabin from 18 Odena Ave. stated that the current base flood elevation on the street is about 3' above the street and the town doesn't allow anyone to build at least 1' above that so in this instance the homeowner wouldn't be able to build at least 4 ½ - 5' off the ground before he could have living space, but the new FEMA maps are going to raise that considerably by a couple of feet.

Mikaela Nadeau stated that she believes that this is definitely not a hardship because they are getting a reasonable return of value with the cottage as it stands now.

CEO Rick Haskell stated that the owner is in a flood zone, not a Shore land Zone so he could re-build on the footprint with exception of the public way.

Ryan Howe stated that this piece is not what the ZBA is here for tonight and added that we need to stick to what the question is at hand, which is the Variance that is in front of the Board tonight.

The applicants met with CEO Rick Haskell previously and they do have a secondary plan.

Rick Haskell stated that if they did come back to the ZBA Board they would have to come back with 3 Miscellaneous Appeals for the 2 sides and the back.

Ryan Howe recommended that if the Applicants are going to go through with Plan B, that they get in contact with Rick Haskell and discuss ways to make sure that they can address this specifically, making sure that the Misc. questions are addressed and to put together the best package that they can.

Chair DeLeo mentioned that the ZBA has no jurisdiction on size and scope of the building. Rick Haskell added that other than the fact that there is a change of character in the neighborhood.

Mikaela Nadeau stated that Part D on the Miscellaneous Appeal needs to be analyzed. One of her concerns is that they are wanting to put a foundation in, she would prefer stilts because of the issues of flooding and ground water.

Connie Cogswell from 19 Odena Ave. introduced herself. Her concerns are the water being disbursed with the applicants adding a large foundation, the surface water being exacerbated with more pavement and more impervious surface and the height of the building. Ms. Cogswell recommended the applicants speak with an architect to discuss other options.

Connie Caron from 23 Odena Avenue introduced herself. She is concerned that a new plan had been presented here tonight for Plan B and neighbors were not notified.

Ryan Howe stated that the Applicants were just asking the Board's opinion on it and stated that the Applicants will have to come back next month with Plan B.

Ms. Caron stated that she understands the water problem is the hardship, however with fixing their problems it will also be making problems for the neighbors. She is still concerned about the height of the house fitting into the rest of the neighborhood.

Ron Sabin stated that he had followed every code, regulations and laws that the town requires him to do in the construction of 2 other buildings in this neighborhood in previous years. He added that the letters presented here tonight are full of inaccuracies.

Ellen Smith from 16 Odena Ave. introduced herself. She states that she is unsure of the inaccuracies that are in these letters that Mr. Sabin is referring to. She is hoping that this can be resolved and they can come up with solutions that work for everyone involved.

Jennifer Sabin from 18 Odena Ave. introduced herself. She disagrees that the buildings are all cottages on that street. There are a variety of shapes and sizes of homes. She expressed her appreciation of the improvements that everyone is making to their properties in town. It brings in revenue, it will help the town, and it will help the taxpayers and schools. Half of the houses on that street have foundations.

She stated that she is in favor of this proposal and it is unfortunate that it has gone this far.

**The Public Hearing closed at 7:10 PM.**

The following are letters that were read to be included in these meeting minutes:

**FIRST LETTER:**

April 29, 2019

Re: 21 Odena Avenue ZBA requests

To: Members of the Town of Old Orchard Beach ZBA

From: Connie Cogswell 19 Odena Ave. Old Orchard Beach

Dear Sirs:

I understand the owners of 21 Odena Ave. have re-submitted the same request for zoning variances as were reviewed by the board last month. You will recall I and many of my neighbors are opposed to the requested relief in that the resulting building will have a negative impact on my house and others in the neighborhood. The board was kind enough to offer the proponent's another opportunity this month to submit something which wouldn't be so objectionable to the

neighborhood. Rather than addressing the multiple concerns of their neighbors, they have discussed a Plan B with the 00B building department. That plan calls for keeping some of the foundation in place, so that they will only need "Miscellaneous" variance requests, which may have a lower bar for approval. I think this is shameful non-response to the legitimate concerns we expressed. My view of this situation is that they are suggesting 'give us relief on what we've asked for or we'll go to the ZBA for this other (one wall 2' from the property line closest to my home.) project'. I will not cave on my opposition to make a choice between terrible and worse. It isn't what the spirit or purpose of zoning is nor the spirit of being a good neighbor (or even a non-bad neighbor). None of those who spoke in opposition last month suggested they not build something. Mrs. Caron suggested getting an architect to work with. Clearly, this Plan B is suggested by the builder, not a trained architect.

I looked at the internet to see what options might be available for a 'narrow lot', not to proscribe what they must build, but rather to show that an architect can design something that either complies with existing zoning, or needs only modest variances which would lower the impact on the adjoining and neighboring properties. I have attached copies for your reference. I apologize, the print isn't great, but I believe you will understand my point.

I respectfully request the ZBA recommend that the proponents seek an architect's study and proposal.

My neighbors and I, and in fact there will be more of us in May, will stand to oppose the 'Plan B' if the proponents bring that to the next ZBA meeting.

I genuinely appreciate the attention that you and the town staff has paid to this very important situation.

**SECOND LETTER:**

12 April 2019  
Town of Old Orchard Beach  
Department of Planning  
1 Portland Avenue  
Old Orchard Beach, ME 04064

To Whom It May Concern:

We are writing in support of the proposed tear-down and rebuilding of 21 Odena Avenue. As longtime Old Orchard Beach vacationers and now residents at 18 Odena Avenue, we have seen the houses along the street change with time; renovations, restorations, and the rebuilding of many houses on Odena have made the neighborhood nicer and more valuable. The proposed changes to 21 Odena would continue that trend.

In the last five years, there has been a wave of renovations down Odena and across the entire communities of Old Orchard Beach and Ocean Park. Our family enjoys walking down West Grand Avenue, zig-zagging through the side streets, and counting the number of new projects each year. Houses, cottages, and condos are being sold, bought, remodeled, and repaired across

the town in order to make Old Orchard Beach an even better place to visit, live, or retire. We have been happy to see such an investment in these houses because it represents an investment in the town as a whole. Generations of our family have visited Old Orchard over the last nearly half-century, and the recent boom in renovations is a sign that individuals and families plan on visiting Old Orchard Beach for another half century and beyond.

The rebuilding of 21 Odena is one example of such investment. Our neighbors across the street have spent many summers in their home and are excellent stewards of Odena Avenue. Their desire to rebuild their home only points their commitment to this town and community. Their roots have been in Old Orchard Beach for a long time; they want a beautiful and modern home to strengthen their roots here, to begin the next stage of their lives. In the process of rebuilding their home, they could only be continuing the town-wide revitalization trend and increasing the value of our street, as a whole. Their plans are not just going to benefit them and their family, but also the rest of the families on the street and throughout Old Orchard Beach. For that reason, we stand strong in our support of the project at 21 Odena Avenue.

Sincerely,

Ron and Jennifer Sabin  
18 Odena Avenue  
Old Orchard Beach, ME 04064

**THIRD LETTER:**

Dear Members of the Zoning Board of Appeals,

We are writing in response to the Variance request for 21 Odena Ave. We are unable to attend the meeting with the Zoning Board of Appeals, set for Monday, March 25, 2019, but would like our opinion heard, if possible. Thank you for that opportunity.

We oppose the variance requests (Items 3) for several reasons. The lot parcels in Old Orchard Beach, and particularly in this neighborhood are not large. The original camps and cottages were built with zoning regulations according to the site of the lot, the zoning regulations allowed individual neighbors to enjoy the use of their property without worrying about the overbuilding of another neighbor. Such overbuilding can infringe on another neighbor's enjoyment, peace and tranquility as we feel is the case with these variance requests.

Unfortunately, a common trend in developing is to tear down the small camp and cottages and re-build much larger, non-traditional houses. The larger homes essentially take over the entire footprint of the small lot, eliminating any yard and infringing on the neighbor's property line.

Since we moved onto Odena Ave., in 2011, we witnessed the destruction of two small cottages. They were replaced by very large homes at least two to three stories (much bigger than the original one story homes they were,) it has definitely taken away the small town street we moved onto as the homes are overwhelming.

The construction of these larger homes also had an adverse impact on one neighbor's property, who experienced run-off water onto her property and into her home. As we understand this has caused her financial hardship not to mention unnecessary stress both physically and mentally. Allowing this variance could add an additional impact, as it is next door to her on the other side. Not to mention how her home would be dwarfed between these two very large homes, and have a negative impact on the value of her home.

By allowing the variances for 21 Odena Ave it would have an adverse impact on the character of the street, and the abutting neighbors. Our concern is the setting of a precedent on Odena that these types of homes can be constructed without any concern for the zoning laws. We have no issue if our neighbors seek to improve their homes, so they can get maximum enjoyment out of them, but not when it could impact the integrity of the neighborhood or one's neighbor. We believe the zoning regulations were initially implemented to maintain the integrity of the neighborhood and the entire community, Allowing variances that significantly alter the use of the property will have an adverse effect on the neighborhood and should not be considered. Like sad, previously precedent is being set here. The original home of this kind, built four years ago, was what we thought the only one, then two years later that contractor built another one and is now looking to build a third, which we think will be even bigger and again non-conforming to the neighborhood and violates the multi-variances. We are concerned as other homes may sold In this neighborhood and the trend will be to go bigger, ask for a variance, and because of precedence the zoning board will have no choice but to allow this as they have allowed for previous homes. We know many neighbors go along to keep the peace of the neighborhood, but as this is the third home on Odena we need to oppose this variance.

Thank you for your time and consideration.

Sincerely,

Nancy and Daniel Napolitano

**FOURTH LETTER:**

Zoning Board of Appeals  
1 Portland Ave  
Old Orchard Beach, Maine 04064

1 May 2019

Meeting date: 25 March 2019 Topic: 21 Odena Ave Variances ■

Dear Ray, Thomas, Mark, Mikaela, Ronald and Ryan:

We own the property at 14 Odena Ave, across the street of the Blouin family at 21 Odena Ave. After seeing their request for variances for their home project, we must give you our most honest disapproval for their requests to move closer to the street and to expand on the East side.

The increased footprint of the structure will adversely affect the storm water drainage pattern in the area, a problem that has already become exasperated by previous construction on both Odena and Seacliff.

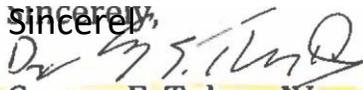
The staircase would add extra noise from the family and their guests. If the staircase is needed for fire laws, then why not put it in the back or on the West side where there is not a house close by? A simple walkway to the steps from the driveway would work, thus not creating the noise the close neighbors can hear.

Expanding the house to each side, why not only to the West. The house to the east already has drainage problems and moving 21 Odena to the East would impact the neighbor.

Some people are considerate of their neighbors. We are not seeing that in this design. Please consider the neighbors before extending the front so there is a deck hanging into the street. A deck where people can be outside late, making noise. Our bedroom is close to the street.

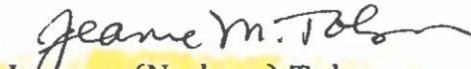
We hope you consider our request in your discussion,

Sincerely,



George E. Tolson IV

COL, USA Army (Retired)



Jeanne (Nadeau) Tolson

**FIFTH LETTER:**

Cornelia Cogswell, 19 Odena Ave.  
Old Orchard Beach, ME 04064

March 18, 2019

Re: 21 Odena Avenue MBL: 315-6-1

Dear Mr. Chairman and Zoning Board Members:

I live at 19 Odena Avenue immediately next to 21 Odena Ave. On March 16<sup>th</sup>, I received the notice to abutters regarding Mr. and Mrs. Blouin's request for zoning relief on three matters; 1) front setback, 2) side setback, and 3) rear setback. Per the application for zoning relief, the

existing four season Cape styled home and garage will be torn down and replaced by a 35 foot high single family house built over a garage and 2 car (wide) driveway. Their builder is Ron Sabin, lives across the street at 18 Odena Avenue, I am deeply opposed to the proposed zoning relief requested.

The requested relief on the various setbacks would allow the proposed construction of a 35' tall house, roughly 32' wide and 45' long. For context, my home is a single story renovated cottage 28' wide and 32' deep. The other abutter to 21 Odena is similarly a single story renovated cottage.

I've bulleted the top reasons for my opposition, and then provide a further detail and important context.

- The proposed 3 story building and foundation and widened driveway would exacerbate an already serious water issue in my home as well as my neighbors.
- Reducing the side yard setback would mean putting the new home closer to my home
- The massing would block afternoon sunlight to my home and neighbors; particularly important in the winter.
- The inconsistency of the size and massing of proposed building with the rest of the neighborhood.

Flood Zone:

Most of Odena Avenue, including 17, 19 and 21 Odena as well as its neighboring streets are within FEMA designated AE flood zone and the Goosefare Watershed. There is a very high water table which a foundation would disturb. Increasing the footprint of the building and changing from the existing single story (and attic) with crawlspace to a 3- story building with a larger foundation would displace more water toward the closest home; mine. In fact, the request for relief on side yard setback requirement would move the house closer to my home and crawlspace. Further, the roof of the proposed building would be larger, and I believe run front to back (vs. the existing home which is parallel to the street). The proposed two car wide driveway further reduces the amount of permeable surface causing more water issues.

I speak with a great deal of relevant experience. Approximately two years ago, Ron Sabin was hired to tear down a recently renovated cottage and build a 35' high (22' at its widest to 46' long) home for my neighbors on the other side of my home (17 Odena). I have noticed an increase in overall flooding in my crawlspace since the construction of the three-story house at 17 Odena. Our homes are 12' apart. En addition, Ron built up the ground on 17 Odena with a significant grade change leading the water down from their new large roof and my land, home as wet as to the neighbors on the other side of 17 Odena. Rather than make a big deal with my neighbors, or the town, I purchased and (by myself) spread 8 cubic yards of soil (one and a half dump trucks' full) and installed perforated piping leading to a rain garden I built. The scope of my project also included installation of sod. Alt of that amounted to more than \$1,000 from my savings. There is still significant runoff.

## Setback Relief:

With regard to the side setback, while the application may be technically correct, it doesn't show the full picture. The Bloutin's garage is 2.46' (assuming that's the right number.) from the property line. Their house -the living space is approximately 14.5' from the property line and 19.5 feet from my house (my two bedrooms and sleeping porch are on that side. The proposal calls for the distance from the house to the property line be reduced to 9 feet, therefore reducing the space between my home to their home (living space) to approximately 14 feet. It is even closer as the legal notice indicates the exterior staircase would be within the setback. The proposed site plan also shows a 2<sup>nd</sup> story porch on the front of the house, which would also be 14' away and 8-10 feet over the sleeping rooms in my house. My experience with 17 Odena is 12' away and looms over my living room. I hear distinct conversations, music, etc. more so than when it was 1 story. The second floor windows overlook my living room. I feel like I am on display when I am on my couch. I cannot imagine being in a similar situation with windows overlooking my bedrooms.

The assessor's data base indicates the front width of the existing home at 21 Odena is 26', the garage and closed in porch are set back from the street, providing a staggered view from the street. The application for zoning relief indicates that the proposed home at 32' wide would be a reduction from the existing 45'. If the garage, porch and house were set side by side, it appears they would be 45'. That is not the case. While it may be technically correct, it doesn't accurately depict the actual situation.

Item 2, Rear Setback: Similarly, while the application may be technically correct, the description does not provide the complete picture. The proponent requests building out to a 10-foot rear setback and indicates that is only a slight reduction from the existing 15' setback. It should be noted that the rear deck on the existing property is built out to a 15' setback, not the actual home. The existing home appears to be well outside the 20' mark. A three-story home occupying the same space as the deck would be an immense change.

## Massing

The footprint on the application for zoning relief indicates the building will be 35 ft high (will the ground be built up again?), 32' by approximately 45 feet would be a 3 story mass which would no doubt obscure the winter sun to me, the Caron family on the other side of 21, as well three other homes across the street. Though not the large living room window in Mr. Sabin's house.

## Inconsistency with existing neighborhood

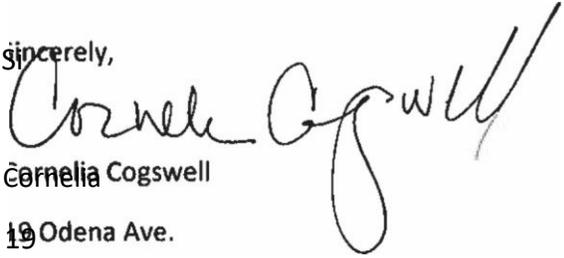
Of the 6 homes on this side of the street, 5 are single family cottages or cottages converted into single story year-round homes. My home was converted by my cousins to be year-round and I occupy it as my primary residence. My home is a single story with attic storage space. The only tall building on my side of the street is on the other side of me, 17 Odena. If the zoning relief for 21 Odena is approved, I would be the little house between two towering houses. In addition to

the concerns I've cited above, I'm certain it would negatively impact the value of my home, and more importantly, my enjoyment of this home which has been in my family since the 1970's.

The house at 17 Odena serves in direct support of my positions. The existing house at 21 Odena has been on site since it was built in the 1940's. It has been non-conforming from not long after that. The requests for relief from existing zoning regulations hardly makes the property significantly 'less nonconforming", but it would in fact have significant negative impacts on my home, and my neighbors.

We respectfully request denial of all of proponents' requests for zoning relief.

sincerely,



Cornelia Cogswell

19 Odena Ave.

**SIXTH LETTER:**

My name is Nancy Koket and my property address is 17 Odena. I own this house with my husband Seth and we spend our summers at the property and occasionally some off-season time as well. We intend to continue to spend more time at the property as we move toward retirement.

Like many of the people who live on Odena. I have lifelong ties to summering in Old Orchard Beach which date back many generations with my extended family. I am the first generation to actually own property in 00B.

My copy of the variance notification did not get delivered to me before the last meeting in March so I apologize for not writing this letter sooner.

We have owned the property at 17 Odena since 2011 and in 2016 we tore down the structure that was there and rebuilt an entirely new structure due to serious water issues and the inability to stabilize the foundation. We had to go through this same variance process to move our structure out of the town right of way. Our variance with a hardship was granted due to the serious water issues we had and a decaying a-year foundation that could not be improved upon.

It is a known fact that we have water issues on the street of Odena and this has been an ongoing issue for a while now. I have been told by two homeowners on the south side of the street that those issues became of concern starting after the last time the city repaved the street. Those two homeowners lived there both before and after the repaving. Both myself and Connie Cogswell at 19 Odena who have suffered from this did not own our property before the repaving so neither of us have a before and after perspective, The other two homeowners who have also suffered from this have seen the before and after, one of whom is Lynn and James at 21 Odena and the other being Bob and Dee who live on the corner of Odena and West Grand. I do know Bob and Dee have recently had to do foundation repairs as well. I hope that we as neighbors can join together with the town to help resolve some of this water issue. A possible resolution could be putting in some sort of curb or bringing the topography of the street back to the way it was before the last repaving. That is a separate issue but an important issue in considering this

variance as it has caused the hardship at hand. Hopefully this issue will be looked into now that it is actually causing conflict with neighbors and their desire to improve property.

I am a practicing Real Estate agent for 15+ years and I understand the need for property improvement, of protecting property rights, of preserving property values and the governing body related to it. I also serve on my primary home town's Economic Development Board and recognize the demand for continued progress to keep cities and towns a desirable place to live and work, and in our town, vacation. Dilapidated houses run down property values and deter others from investing in our town. If we are not continuing to take note of possible improvements and what is desirable for all kinds of lifestyles we will be stagnant. If we are not moving forward we are basically moving backwards.

I am in favor of my neighbor at 21 Odena improving their property. I'm in favor of them rebuilding and moving the property off of the town right of way. I'm in favor of improving our street including asking for help from the town with water flow. I'm in favor of increasing our property values. I'm in favor of paying higher property taxes if it helps the good of our town. Lynn and James's desire to upgrade their property is a benefit to our street, our town, and our property taxes. This does not mean I don't recognize other property owners and protecting their property within towns codes and guidelines. I'm in favor of building to proper codes and following the correct city guidelines. We don't currently have any city guidelines that refer to keeping with the current feel or appeal of the street. As it stands now we have quite a diverse mix on Odena that includes two story townhomes, and one and two-story homes of various styles, sizes and ages. Nothing can stay the same and still be useful forever.

I am in favor of allowing a property owner to use their property to their highest and best use, as this is our right as a property owner. I'm in favor of allowing someone the opportunity to convert their home to a full-service year-round home for their continued family life even if that is not how they have used it for the prior years. I am in favor of stopping the decay of a home that is 70 plus years old. We should not have to prove a hardship of a home that was built to standards 70 plus years ago, but the fact of the matter is we do. A home 70 plus years old is a hardship in and of itself because of building standards at that time, and even more so for a family who wants to make it their full-time retirement home.

Retiring couples making OOB their year-round residence is a welcome addition to our economy. Planning for retirement and aging requires modifications to a home that usually cannot be modified on building standards from 70 + years ago. Let's not forget about planning for what is about to happen to our insurance and building requirements due to the new FIMA maps. Building taller homes will be required. This is definitely something we all have to consider as well. I am in favor of this advanced planning. Protecting by rebuilding before the maps are adopted is a plan to prevent a hardship that will incur huge insurance hikes later. We have personally been told by our insurance agent that our rebuild coupled with paying for flood insurance before the maps are adopted will grandfather us from spiking premiums later.

I am in favor of protecting our homes from the constant water damage we receive from the current flow. I know the property owner at 21 Odena gets this water flow the same way my property did. They should have the opportunity to improve their property the same way I did and the same way all property owners have the right to do. The problem starts near 21 Odena and comes from the top of the street and across the street and flows into all 4 property homes from there to the end of the street. Please don't make them fix their problem the way that we did then find out thousands of dollars later it did not work. Within 1 year after fixing our foundation we saw new rot and constant flow of water into our foundation and home from one side and out the other side each time it rained. It felt as if my neighbor at 19 Odena was dumping all her water

into my foundation because when her yard flooded it all came gushing into mine. I know she was not personally doing that nor did she have control of that. The water was coming in from the side of the yard at 19 Odena and under my house and out the other side, I finally corrected my problem when I was allowed to rebuild my house and every neighbor should have the right to do the same. This is not one property owners fault, nor is there one easy fix, but we need to work together to fix it. Decaying foundations and the aging of homes coupled with more rapid water flow since the street topography was changed with repaving is a community problem. I do hope the town can ease some of this stress with some sort of curb as I do understand not everyone wants to rebuild. For some it is already too late due to the original construction style and age of the homes.

We have been in a recovery phase in 00B while the economy is on an upswing and we have to take advantage of that. People are interested in coming to our town and spending money to improve our environment. We have one of the best natural resources, our beach, in the state and we need to make sure we improve with the times. Not everybody has the resources to rebuild or improve their property but when they do let's find a way to work together with property owners while following the town codes and guidelines to make our town better. If you don't move forward with progress you are moving backwards. There is no standing still that can help our property values and improve our great town.

Please allow my neighbor to invest in our town and improve our street and property values. Allow them the opportunity to turn their property into a year-round residence the same way we were allowed. Give them the opportunity to correct the drainage problem so their property does not further sink into the ground. We can't allow homes that were build 70 plus years ago to sit and decay when there is a way to revive them for the next 70 years. Please work with them to come up with a plan of approving a

variance. Everyone should have the opportunity to improve their property.

Sincerely,

Nancy Koket  
17 Odena Ave  
Old Orchard Beach, ME 04064  
[Nancy@NancyKoket.com](mailto:Nancy@NancyKoket.com)

**SEVENTH LETTER:**

March 24, 2019  
Zoning Board of Appeals  
Town of Old Orchard Beach  
1 Portland Ave  
Old Orchard Beach, ME 04064

Re: Hearing of requests for several variances for proposed building project at 21 Odena Avenue

Hearing Date: March 25, 2019

Dear Board Members,

I am a partial owner, along with my brother and mother, of the home and property at 16 Odena Avenue, across the street, facing the Blouin family's home at 21 Odena Ave. We have owned our home here since 1988,

In light of reviewing the requests for building variances that the Blouin family is requesting in their efforts to build a new home at 21 Odena Avenue, I wish to register my objection to their requests for variances from the regulations for zoning which are applicable to our residential neighborhood.

Each of the requests for a variance that is being made would be detrimental to the character of the neighborhood, and particularly acutely detrimental to the abutting neighbor at 19 Odena Avenue,

The character of the neighborhood has long been a charming street of mostly one story, single family bungalows and cottages owned by long-time residents as seasonal, year-round homes, some of which exercise some minimal and responsible seasonal family rental use. The houses are quite close together and close to the street. For a new, two-story home to be built at 21 Odena Avenue in the place of the current cottage, to be allowed to be built closer to the street, expanded farther to the East side (further crowding the neighboring home at 19 Odena) would be overcrowding the lot and increasing the trend toward overcrowding of the neighborhood.

We have seen overcrowding of new construction in the last several years with the construction of 18 Odena (my next-door neighbor), 17 Odena (across the street from my property, and which abuts 19 Odena), and the home on Seacliff Ave., my abutting neighbor to the North, owned by George Hogan. While I don't begrudge a property owner a chance to build a house that will suit his or her needs, being granted variances for doing so in a way that changes the character of the neighborhood in a significant way, and particularly in any way that proves detrimental to a neighbor or neighbors should not be approved. One further issue is that of the problem of water damage that will be exacerbated by the proposed project.

The proposed increased footprint of the proposed new home will certainly increase the adverse effects of already substantial storm water drainage pattern on Odena Avenue and in the

immediate neighborhood comprised of the properties on Odena and Seacliff. The drainage pattern is an enormous problem on some parts of the street; the recent construction of new homes with expanded footprints have effected changes to the landscape of the street (mentioned above), and the results have been detrimental and damaging to rear of my property at 16 Odena (which is flooded, or wet to some degree most of the year), to the property at 19 Odena, and to others on the street (14 Odena and the property at the Southwest corner of West Grand and Odena). The water and drainage problem is substantial and hasn't been solved. To make that problem worse would be unacceptable.

When a building project is proposed, it seems reasonable and neighborly to create a structure that will suit the families needs and take into consideration the likely effects on the neighbors, and actively avoid creating negative effects. Perhaps the exterior staircase required to meet fire laws as another means of egress from the home could be placed on the West side of the home, where there is more space between the home and its neighbor to the West.

In the past, when neighboring building projects have come to my attention, I haven't spoken up and have opted to trust in what I hoped would be a universal and innate sense of consideration and neighborliness. What I've seen in recent years is a trend and a drive toward razing cottages and building up and out to what seems to be the greatest extent possible. The results more often than not are expanded, two story structures towering over the smaller neighboring homes, diminishing the neighbors' enjoyment of their use of their own homes because of the detrimental effects that the new homes have on the landscape: crowding, increasing and intensified water damage, second-story decks over the street and increasing noise at night projecting down into neighboring homes\* windows in summer, and a sense of new, substantially larger homes dwarfing and unpleasantly shading from the sun and blocking the sea breeze to the older, smaller cottages which continue to be well-loved and maintained by their owners, but which unfortunately then become squashed by and sandwiched between the new structures. Couple that with water damage, and the investment that the owners have made in their homes has been reduced substantially.

I wish for each of my neighbors to have a home on Odena that satisfies him or her, and simultaneously shows high consideration for, maintains harmony with, and refrains from damaging or decreasing the enjoyment and use of the property of his or her neighbors.

Many thanks for your time and attention.

All my best and sincerely,

Ellen Smith Cron

**EIGHTH LETTER:**

12 April 2019

Town of Old Orchard Beach  
Department of Planning  
1 Portland Avenue  
Old Orchard Beach, ME 04064

To Whom It May Concern:

We are writing in support of the proposed tear-down and rebuilding of 21 Odena Avenue. As long-time Old Orchard Beach vacationers and now residents at 18 Odena Avenue, we have seen the houses along the street change with time; renovations, restorations, and the rebuilding of many houses on Odena have made the neighborhood nicer and more valuable. The proposed changes to 21 Odena would continue that trend.

In the last five years, there has been a wave of renovations down Odena and across the entire communities of Old Orchard Beach and Ocean Park. Our family enjoys walking down West Grand Ave. zig zagging through the side streets, and counting the number of new projects each year. Houses, cottages, and condos are being sold, bought, remodeled, and repaired across the town in order to make Old Orchard Beach an even better place to visit, live, or retire. We have been happy to see such an investment in these houses because it represents an investment in the town as a whole. Generations of our family have visited Old Orchard over the last nearly half-century, and the recent boom in renovations is a sign that individuals and families plan on visiting Old Orchard Beach for another half century and beyond.

The rebuilding of 21 Odena is one example of such investment. Our neighbors across the street have spent many summers in their home and are excellent stewards of Odena Avenue. Their desire to rebuild their home only points to their commitment to this town and community. Their roots have been in Old Orchard Beach for a long time; they now want a beautiful and modern home to strengthen their roots here, to begin the next stage of their lives. In the process of rebuilding their home, they would only be continuing the town-wide revitalization trend and increasing the value of our street, as a whole. Their plans are not just going to benefit them and their family, but also the rest of the families on the street and throughout Old Orchard Beach. For that reason, we stand strong in our support of the project at 21 Odena Avenue.

Sincerely,

Ron and Jennifer Sabin  
18 Odena Avenue  
Old Orchard Beach, ME 04064

**Public Hearing re-opened at 7:22 PM**

Jennifer Sabin asked, in regards to the flooding issues, when does the Town get involved with the maintenance?

Ryan Howe suggested that it would be in their best interest to present their hardship as a whole, collectively to the Town.

Lyn Blouin from 21 Odena Avenue asked if her neighbor was granted a Variance because of a hardship because of the water issues, she doesn't understand why her and her husband is not being granted that request as well.

Mikaela Nadeau stated that it was granted by a previous ZBA Board and she also stated that going to a seminar in regards to the hardship question is that as long as the applicant is getting a use from the property it is not meeting the hardship.

Ms. Blouin and her husband are working with an architect and they will continue to do that. The Applicants will come back with plan B at next month's ZBA meeting.

**Closed Public Hearing at 7:25 PM.**

**MOTION:**

Ryan Howe made a motion to table all the request before the Board for 21 Odena Avenue, seconded by Mikaela Nadeau to table items #1, #2, and #3.

**CEO Rick Haskell called for the vote:**

**VOTE:**

Ryan Howe – Yes

Mikaela Nadeau – Yes

Chair Ray DeLeo – Yes

**PASSED:**

(3-0)

**ITEM 2: Miscellaneous Appeal (side and rear setbacks) and Public Hearing**

**Owner: James and Lyn Blouin**

**Location: 21 Odena Avenue; MBL: 315-6-1**

**Zone: R3**

**Miscellaneous Appeal request for reduction of side setback from the required 15' to 9' on both sides. Current structure has a left side setback of 2.04' and right setback of 2.46'. Secondly, a**

**request for a reduction of the rear setback from the required 20' setback to a proposed 10' setback. Current structure has a setback of 15'.**

**MOTION:**

Ryan Howe made a motion to table all the request before the Board for 21 Odena Avenue, seconded by Mikaela Nadeau to table items #1, #2, and #3.

**ITEM 3: Non-Conforming Means of Egress Appeal and Public Hearing**

**Owner: James and Lyn Blouin**

**Location: 21 Odena Avenue; MBL: 315-6-1**

**Zone: R3**

**The proposed new structure will have the required means of egress staircase on the left side and in the required setback. Staircase to be of minimum size to meet town ordinances.**

**MOTION:**

Ryan Howe made a motion to table all the request before the Board for 21 Odena Avenue, seconded by Mikaela Nadeau to table items #1, #2, and #3.

**Item 4: Variance Consideration (front setback reduction) and Public Hearing**

**Owner: David Lavoie**

**Location: 0 Ninth Street**

**Zone: R2**

**Variance requested to allow new structure to be built up to the front property line with 0 setback. There is a permit issued for an 18" wide X 25' deep structure on a 20' X 30' lot. The variance is to allow a 4' porch overhang. The encroachment would be on the 2<sup>nd</sup> and 3<sup>rd</sup> levels and not at ground level.**

**Opened Public Hearing at 7:35 PM.**

David Lavoie, owner of 0 Ninth Street introduced himself to the Board. The lot is 20' x 30' and is the smallest buildable area that is available in the neighborhood. In meeting with the Town Planner, he stated that it may be possible to build a single family dwelling because the lot was originally conforming to the code at the time. In this situation there was a garage on this lot that was torn down and a building permit was issued to allow a rebuild of an 18' x 25' structure. Upon drafting the rebuilt up, he realized he is having a hard time beyond the house itself in terms of exterior space. With this Variance he is asking for is a projection beyond the 18' x 25' structure. He would like to extend 4' for an elevated front porch overhang. This would be used as a second means of egress as well as quality of life to enjoy this extra space.

Mikaela Nadeau stated that she lives by Mr. Lavoie and the homes around are all extremely close together. Some are 2 and 3 stories.

Ryan Howe asked if he can still have a livable space on the footprint that has already been approved. Mr. Lavoie stated that yes he can.

**Public Hearing closed at 8:00 PM.**

**Chair DeLeo read the Justification of Variance:**

**A. The land in question cannot yield a reasonable return unless the variance is granted.**

**Response:** Because of its size, 600 sf (20' x 30'), the lot is essentially unbuildable with present requirements; however, as the lot was originally conform (upon creation) but subsequently became non-conforming, the possibility of building a single-family dwelling at the present time is allowed.

The permit allows for an 18' wide x 25' deep building. The project is articulated on those dimensions, as the foundations are precisely 18' x 25'.

The building is precisely 18'3" x 25'x3" because of the furring and siding projecting 1 1/2" beyond the foundation on all four sides.

All interior space is contained within the building.

The ground space is used to park two cars and for an interior floor space (16'4" wide x 7'4" deep) to enter the building) essentially to access the staircase leading to the studio above, as well as a small basement below).

The second floor (main floor) houses the bathroom, kitchen/dining space and living room – these are the main spaces of the dwelling and they open up onto a front porch, on the Ninth St. side.

This porch is cantilevered from the building, precisely 3'-10 1/2 (4 minus the 1 1/2 siding): it has not posts or impact on the level below, leaving the ground imprint at the buildings size.

On a "domestic" level, the porch becomes the only exterior space for the house; the ground floor has no available space to sit or garden or whatsoever. As such, it constitutes an important element for the quality of life in the house; the actual size of the house is quite limited and to be able to consider adding such a unique space makes it possible to sit outside, put up a small table, get some air, etc. It also becomes the interface between the interior space of the house and the public space (street) and creates a certain intimacy between the two.

On an architectural level, the projection of the gable roof accentuates the typical pitched roofs of New England, protects the porch and main windows from adverse weather and, in its own way, replicates and re-interprets a common feature of the neighborhood houses, which almost all contain a front porch, closed in or not. The overhang completes the core of the building and opens it up to the street.

On a building code level, the porch allows for a second egress: a trap opens up to below (see drawing 1, page 103) and offers another way out. As the only other egress is through the door on the ground level, this adds a comforting security purpose to the porch and enhances conformity to the fire code.

Rick Haskell – No

Mikaela Nadeau – Yes

Chair DeLeo – Yes (with stipulation that this is to remain a balcony and to never be enclosed and no awning above it).

**B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.**

**Response:** The whole Camp Meeting area was originally subdivided in 20’x30’ lots; when the lots were put up for sale, they were joined by groups of two, three, four or more, in very diverse configurations. For example, two lots could be joined to form a 40’x30’ lot or a 20’x60’ lot; this explains the variety of lot shapes and configurations (see attached document 1).

This lot is one of the few to retain the original size. As such, it constitutes the smallest buildable area possible. Consequently, the need to maximize the inhabitable square footage in relation to the site (lot coverage) increases.

By respecting the 18’x25’ limits, the livable space would be significantly reduced if we were to include a porch or balcony as well; the variance would allow to complement this space with some exterior “breathing room”, all the while respecting the limits by enclosing all the interior space and foundation work within them.

Rick Haskell – No

Mikaela Nadeau – Yes

Chair DeLeo – Yes

**C. The granting of a variance will not alter the essential character of the locality.**

**Response:** The project was definitely with the local flavor in mind. It is a play on the typical New Englander typology and draws upon vernacular components to fit into the neighborhood and yet retain its own character.

The gable roof and simple volumetry create a strong recall of the basic house, once again outlined by the roof projection and porch terrace.

The materials are typical as well: cedar shakes, wood and metal roofing (although asphalt shingles are quite present). The metal siding from the roof extends down the lateral walls and by contrast, puts the cedar shakes and wooden components in value.

The main features (window openings and cedar siding) are concentrated on the south-east corner, the most visible part of the building; the west (back) and north facades are less visible, because of proximity to neighbor on west side and wooden fence on the north side.

This area has a particular charm and the choice to aim for a petrol blue color on the wooden elements stems from the fact the most of the houses are painted or adorned with some color or another.

The project has only one building close to it, on the west side; we find parking space for neighboring house to the north and vacant land for the neighboring house on the south side (the property on the south side is made up of four lots creating a 40'x60' site; the house is built on the north-west corner of said lot, facing Tenth St).

This proximity between two buildings is quite frequent in the area: see attached document 4, where such situations have been highlighted on the adjacent streets. Because of the sector's particular history and evolution, we encounter this situation where most of the structures do not meet today's requirements as to setbacks and lot coverage.

Ryan Howe – Yes  
Mikaela Nadeau – Yes  
Chair DeLeo – Yes

**D. The hardship is not the result of action taken by the appellant or a prior owner.**

**Response:** The lot has existed as such from the onset. The owner has not created an unbuildable lot; the modernization and evolution of zoning regulations have rendered this lot out-of-date.

However, its original conformity allows us to consider actually building and creating a livable space, there by tying into the built environment and in continuity with the neighborhood's particularities, anomalies... and possibilities!

Ryan Howe – No  
Mikaela Nadeau – Yes  
Chair DeLeo – Yes

**MOTION:**

Ryan Howe made a motion to approve a Variance Consideration for a front setback reduction on 0 Ninth Street, R-2 Zone. Variance requested to allow new structure to be built up to the front property line with 0 setback. There is a permit issued for an 18" wide X 25' deep structure on a 20' X 30' lot. The variance is to allow a 4' porch overhang. The encroachment would be on the 2<sup>nd</sup> and 3<sup>rd</sup> levels and not at ground level. Seconded by Mikaela Nadeau with the stipulation that it will not become an enclosed porch and no awning above it.

**CEO Rick Haskell called for the vote**

**VOTE:**

Ryan Howe – No

Mikaela Nadeau – Yes

Ray DeLeo – Yes

**PASSED:**

(2-1)

**Item 5: Non-Conforming Means of Egress and Public Hearing**

**Owner: Chris Rioux and Daphne Rioux**

**Location: 2 York Street**

**Zone: BRD**

**The proposed new means of egress would encroach 7.5' into the required 15' side setback. Existing structure is 3' 10" into the required 15' side setback. Proposed means of egress will eliminate the common entrance thru the front of the building that currently exists.**

Opened Public Hearing at 8:05 PM.

Neil Cassavant, the applicant's contractor introduced himself. The front entryway is quite a cluster and for safety reasons they would like to have their own private exit out of the second floor apartment with no common hallway area. This is the easiest way to approach the egress issue.

Closed Public Hearing at 8:06 PM.

A letter was read into the meeting minutes:

*Comments on Item 5: Non-Conforming Means of Egress and Public Hearing Owner: Chris Rioux and Daphne Rioux*

*Location: 2 York Street*

*Zone: BRD*

*Scheduled for April 29, 2019 Zoning Board of Appeals meeting.*

- 1. I am the owner of 6 & 10 York Street. The proposed egress variation will obstruct the view of the sea when a person is sitting at their tables on the Traynor Street side of the residences. This would create a hardship for us.*
- 2. The proposed variance is requested while extensive renovations to 2 York Street are being performed. Thoughtful design to achieve the owner's goal could be completed during the ongoing renovation without variance.*
- 3. I have reviewed the diagram of the proposed variance at the town hall and question the accuracy of the setbacks on the Traynor Street side. My understanding is that there are both State of Maine pins inserted on Traynor Street during the East Grand Avenue*

*renovation several years ago. These pins do not represent property boundaries. There is question on what is exactly the property boundary on the Traynor Street side of 2 York Street. Minimally, a boundary survey should be performed to be precise about location of what the variance is being proposed.*

4. *The exact location of the boundaries are of particular importance to me as the owner of 2 & 4 Traynor Street. I would like to be assured that there will be no structures/fences located on Traynor Street that are constructed "in the street." My concern is prompted by the ability of firefighting/emergency apparatus being able to access my properties in the event of a fire/emergency.*
5. *I believe the Town of Old Orchard Beach would also be very concerned about structures located in the street as a risk management issue. Using the location of the Traynor Street fence as a definitive measurement for the purpose of a setback used in a variance request (raising concern of structures in the street as referenced in items 3, 4, & 5) is questionable.*
6. *I am quite certain that all concerned are aware of 2 York Street being located in the Velocity Zone according to the Maine Department of Environmental Protection. I believe consideration of how the variance request would be evaluated by the state will be relevant.*

*My comments reflect my opposition to the variance request based upon my review of the diagrammed proposal at town hall.*

*I have been informed by Rick Haskell that submission of my comments by email to him will become part of the permanent record. I apologize to the Zoning Board of Appeals that I will be unable to attend the meeting when this agenda item is reviewed. My telephone number is 207-650-9311 if you have any questions. My current mailing address is 2 Riverview Circle, Biddeford, ME 04005.*

*Respectfully Submitted,*

*Paul & Leslie Puchalski*

#### **NON-CONFORMING MEANS OF EGRESS CONSTRUCTION**

- a. The use or structure is legally nonconforming, as set forth in Section 78-176, if the use or structure is nonconforming.

**RESPONSE: Property has 2 existing street fronts, required for both is 15 ft. setback. We have 11 ft. on both streets.**

Ryan Howe – Yes

Mikaela Nadeau – Yes

Ray DeLeo – Yes

- b. The requested stairway or ramp is the minimum structure, dimensionally, as required by the Town of Old Orchard Beach Building Code.

**RESPONSE: Yes design has been approved in discussion with CEO Rick Haskell.**

Ryan Howe – Yes

Mikaela Nadeau – Yes

Ray DeLeo – Yes

- c. Due to the physical features of the lot or location of structures on the lot, it would not be practical to construct the proposed stairway or ramp in conformance with applicable space and bulk requirements.

**RESPONSE: It is the most practical location to provided safe egress for second floor apartment with 0 property available on Oceanside.**

Ryan Howe – Yes

Mikaela Nadeau – Yes

Ray DeLeo – Yes

Mikaela Nadeau made a motion to approve the new means of egress for Chris Rioux and Daphne Rioux, 2 York Street, Zone: BRD that would encroach 7.5’ into the required 15’ side setback. Existing structure is 3’ 10” into the required 15’ side setback. Proposed means of egress will eliminate the common entrance thru the front of the building that currently exists, seconded by Ryan Howe.

**CEO Rick Haskell called for the vote**

**VOTE:**

Ryan Howe – Yes

Mikaela Nadeau – Yes

Ray DeLeo – Yes

**PASSED:**

(3-0)

**ITEM 6: Acceptance of March 25 Meeting Minutes.**

Ryan Howe made a motion to accept the March 25, 2019 meeting minutes, seconded by Ray DeLeo.

**VOTE:**

Ryan Howe – Yes

Mikaela Nadeau – Yes

Ray DeLeo – Yes

**PASSED:**

(3-0)

**GOOD & WELFARE**

**ADJOURNMENT 8:26 PM**

**Chairman**

*I, Valdine Camire, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting TWENTY FOUR (24) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on April 29, 2019.*

*Valdine Camire*