

THE ZONING BOARD OF APPEALS
Monday, March 25, 2019 IN THE TOWN
COUNCIL CHAMBERS -6:30 p.m.
MEETING MINUTES

CALL TO ORDER 6:30 pm

ROLL CALL

Present:

Ryan Howe
Mark Lindquist
Ray DeLeo – Chair

Absent:

Mikaela Nadeau
Ron Regis – Vice Chair
Thomas Mourmouras

Staff:

Rick Haskell -CEO
Valdine Camire - Administrative Assistant

PLEDGE TO THE FLAG

Chair Ray DeLeo read the ZBA 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.

Contractor Ron Sabin introduced himself to the Board Members. He is here with owner Lyn Blouin.

Ron Sabin is the neighbor across the street and owns 18 Odena Ave. Mr. Sabin explained that the Blouin’s are wanting to tear down their home and replace it with a new one on an existing non-conforming lot but they are trying to make it less non-conforming. They are proposing to go back 2 ft. from the property line so that they will be out of the town right of way. In the existing left and right setbacks are 2’ and the owners are proposing a new structure that would have 9’ on each side. They are proposing a home which has 3 stories. 2 floors will be living space and the first floor is to keep it out of the flood zone. This building cannot be any more than 35’ high in this district.

Connie Caron from 3 Odena Avenue introduced herself. She explained that her and her husband are not against anyone making improvements to their homes however they have some concerns about the proposal on this project.

- It is their understanding that the current footprint is grandfathered so if the house were renovated the footprint could stay as it is.
- There are no hardships involved with this proposal.
- They also questioned replacing the house with 3 stories that will dwarf the other buildings in the neighborhood and block sunlight into the homes.
- Potential water and drainage issues.

Mrs. Caron stated that If this plan goes through this will be the 3rd house on this street to be torn down changing the whole personality and complexion of the street.

Cornelia Cogswell from 19 Odena Avenue introduced herself. She expressed opposition to this proposal.

Her concerns:

- Flood Zone. She has water problems and has more surface water problems since her neighbor built a new house beside hers and by blocking her house with less sunlight it would add to the problems. She also has concerns about the side setbacks being more troubling for her in terms of noise etc.
- This will diminish the quality of life for her as well as the value of her home.

Ellen Smith Cron from 16 Odena Avenue introduced herself. She explained that her family owned the house since 1988. They have had water damage from the new structures that have been built around her home. Her family wants everyone to have a home that suits them but not to the detriment or the damage to any neighbor.

Ron Sabin stated that the town will not let you tear down a property and rebuild on the towns right of way. He also mentioned that Mrs. Cogswell, having water under her cottage for quite some time and has requested that the town come in and put some kind of curbing in and nothing has happened. Mr. Sabin suggested that they could maybe use a sump pump in the basement or rain barrels at the end of the gutters.

Mrs. Blouin stated that the house is not structurally sound. She is trying to accommodate every concern. There is a huge chimney in the middle of their house and the whole house is leaning towards the chimney.

Mark Lindquist agrees that it would be a good idea to look at more options and to get Code Enforcement involved as well as Public Works.

Ryan Howe stated that they have a reasonable return on their property right now. That is the burden of proof that they need to get over is the first question:

“The land in question cannot yield a reasonable return unless the variance is granted.”

MOTION

Ryan Howe made a motion to table items 1 until the next ZBA meeting which will be held on April 29, 2019, seconded by Mark Lindquist.

VOTE:

Ryan Howe – Yes

Mark Lindquist – Yes

Chair Ray DeLeo – Yes

Mark Lindquist suggested that at the next meeting the ZBA Board will read the letters from abutters into the record at the April 29, 2019 meeting.

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

Mark Lindquist made a motion to table Item 2 until the next ZBA meeting which will be held on April 29, 2019, seconded by Ryan Howe.

VOTE:

Ryan Howe – Yes

Mark Lindquist – Yes

Chair Ray DeLeo – Yes

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

Mark Lindquist made a motion to table Item 3 until the next ZBA meeting which will be held on April 29, 2019, seconded by Ryan Howe.

VOTE:

Ryan Howe – Yes

Mark Lindquist – Yes

Chair Ray DeLeo – Yes

ITEM 4: Acceptance of February 25 Meeting Minutes.

MOTION:

Ryan Howe made a motion to accept the February 25, 2019 meeting minutes, seconded by Mark Lindquist.

VOTE:

Ryan Howe – Yes

Mark Lindquist – Yes

Chair Ray DeLeo - Yes

GOOD & WELFARE

ADJOURNMENT

CHAIRMAN

Ryan Howe made a motion to adjourn the meeting at 7:33 PM, seconded by Mark Lindquist
Chairman

I, Valdine Camire, Administrative Assistant to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting Four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on March 25, 2019.

Valdine Camire