

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES  
November 26, 2018**

<p><b>Call to Order at <u>6:33 pm</u></b></p>	<p>CALL TO ORDER</p>
<p><b>Roll Call:</b> Present: Chair Ray DeLeo, Vice Chair Ron Regis, Mikaela Nadeau. <b>Absent:</b> Mark Lindquist, Tom Mourmouras.</p> <p><b>Staff Present:</b> Code Official Rick Haskell.</p>	
<p><b>Pledge to the Flag</b></p>	
<p><i>Chair Ray DeLeo read the criteria for the Public Hearing.</i></p>	
<p><b><u>ITEM 1: Miscellaneous Appeal (side setback)</u></b>  <b>Owner: Dominator Golf, LLC</b>  <b>Location: 58 Wild Dunes Way; MBL: 105A-1-44</b>  <b>Zone: PMUD</b></p> <p>Proposal to construct a 5 x 16 attached deck within a 10' side setback which will result in a 6' setback (not more than 50% of side setback).</p> <p>Dominic Pugliares, owner of Dominator Golf, LLC, introduced himself. He is building a house for his son which borders the golf course. This is a canter levered deck so there are no posts that actually go into the setback. They are less than 50% into the setback. Mr. Pugliares doesn't believe that this is an unreasonable request. This is something that will enhance the property and it also provides a level of security for the golf course since it overlooks their maintenance building, the clubhouse and the driving range. He stated that no other property owners will be affected by this and no one can actually see the deck other than themselves.</p> <p><b><u>Opened to the public at 6:35 pm.</u></b></p> <p>There was no one speaking for or against the appellant.</p> <p><b><u>Closed to the public at 6:35 pm.</u></b></p> <p><b><u>Chair Ray DeLeo read the criteria for a Miscellaneous Appeal.</u></b></p> <p><b><u>1. LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE.</u></b></p> <p><b>A. The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot of record.</b></p> <p><b>Response:</b> The lot was approved by the Planning Board in April of 2016. The lot is conforming with all applicable approvals.</p>	<p style="text-align: center;"><b><u>ITEM 1</u></b>  <b><u>MISC.</u></b>  <b><u>APPEALS</u></b></p>

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Mikaela Nadeau – Yes  
Chair Ray DeLeo – Yes  
Vice Chair Ron Regis - Yes

**B. The requested reduction is reasonably necessary to permit the owner occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district.**

**Response:** The Dunegrass Community is about enjoying the views and experience of the golf course. The proposed deck will help enhance the experience of the golf course and be consistent with other properties that border the course.

Mikaela Nadeau – Yes  
Chair Ray DeLeo – Yes  
Vice Chair Ron Regis - Yes

**C. Due to the physical features of the lot and/or the location of the existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or lot coverage requirements.**

**Response:** Because of the unique design of the lot the house could only fit on property as laid out. The house is conforming, it is just the canter levered deck that falls into the setback.

Mikaela Nadeau – Yes  
Chair Ray DeLeo – Yes  
Vice Chair Ron Regis - Yes

**D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.**

**Response:** As stated above, most all homes, townhouses and condos at Dunegrass have decks that overlook the golf course. This is the main reason why people move to Dunegrass to be part of the outdoor activities provided at Dunegrass. This deck is consistent with other structures at Dunegrass.

Mikaela Nadeau – Yes  
Chair Ray DeLeo – Yes  
Vice Chair Ron Regis - Yes

**MOTION:** Ron Regis made a motion to approve the Variance for Dominator Golf, LLC located at 58 Wild Dunes Way; MBL: 105A-1-44 in the PMUD Zone, seconded by Mikaela Nadeau.

**MOTION**

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<p><b>VOTE:</b> <i>Code Official Rick Haskell called for the vote:</i></p> <p>Mikaela Nadeau – Yes Chair Ray DeLeo – Yes Vice Chair Ron Regis - Yes</p>	<p style="text-align: center;"><u><b>VOTE</b></u> <u><b>(3-0)</b></u></p>
<p><b><u>ITEM 2: Variance (front and rear setbacks, building coverage)</u></b> <b>Owner: John and Lisa Wilson</b> <b>Location: 43 15<sup>th</sup> Street; MBL: 311-10-1</b> <b>Zone: R-2</b></p> <p>Proposal to construct 595 sq. ft. addition that will encroach into 2 front setbacks, 1 rear setback and exceed allowable building coverage. 15<sup>th</sup> St front setback: proposed 9', required 20'. Wesley Ave front setback: proposed 10', required 20'. Rear setback: proposed 8', required 20'. Max allowable building coverage: 1,067 sq. ft. (35%). Proposed building coverage: 1,338 sq. ft.</p> <p><b>MOTION:</b> Because Mikaela had to abstain from voting because she personally knows the Wilsons, there was not a quorum to vote on this item.</p> <p>Ron Regis made a motion to table this item until next month's ZBA meeting on December 17th, seconded by Mikaela Nadeau.</p> <p>VOTE: Unanimous</p>	<p style="text-align: center;"><u><b>ITEM 2</b></u> <u><b>VARIANCE</b></u></p> <p style="text-align: center;"><u><b>VOTE</b></u> Unanimous</p>
<p><b><u>ITEM 3: Acceptance of June 25, 2018, July 30, 2018, August 27, 2018, September 24, 2018 and October 29, 2018 minutes</u></b></p> <p>Ray DeLeo made a motion to approve the June 25, 2018 minutes, seconded by Mikaela Nadeau. All in favor</p> <p>Ron Regis made a motion to approve the July 30, 2018 minutes, seconded by Mikaela Nadeau. All in favor</p> <p>Ron Regis made a motion to approve the August 27, 2018 minutes, seconded by Mikaela Nadeau. All in favor</p> <p>Mikaela Nadeau made a motion to approve the September 24, 2018 minutes, seconded by Ron Regis. All in favor</p> <p>Mikaela Nadeau made a motion to approve to October 29, 2018 minutes, seconded by Ron Regis. All in favor</p>	<p style="text-align: center;"><u><b>ITEM 3</b></u> <u><b>MINUTES</b></u></p> <p style="text-align: center;"><u><b>VOTE:</b></u> <u><b>Unanimous</b></u></p>

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<b>OTHER BUSINESS:</b>	
<b>GOOD AND WELFARE:</b>	
<b>ADJOURN 6:45 PM</b> <b>Mikaela Nadeau</b> made a motion to adjourn the meeting at 6:45 pm., seconded by <b>Ron Regis.</b>  All in favor.	<b><u>ADJOURN</u></b>

*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 Four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on November 26, 2018.*

*Valdine Camire*