# TOWN OF OLD ORCHARD BEACH ZONING BOARD OF APPEALS MEETING MINUTES August 25, 2014

Call to Order at 7:03 pm	Call to Order
Roll Call: Present: Chairman Ray Deleo, Mark Lindquist, David Boudreau, Ron Regis. Absent: Tianna Higgins, Paul Weinstein, Owen Stoddard.	PUBLIC HEARING
Staff: Dan Feeney, Code Enforcement Officer, Valdine Camire, ZBA Clerk  Pledge to the Flag	
Chair DeLeo read the criteria for the Public Hearing.	
ITEM 1: Acceptance of the minutes of April 28, 2014	ITEM 1
These minutes were tabled. Could not be approved because not enough members in attendance. Postponed until the next meeting.	
ITEM 2 VARIANCE- David A. Edwards 2 Cookman Avenue Old Orchard Beach MBL 317-8-1 Zone R-2 Applicant seeking permission to build out decks and stairs to lot lines.	ITEM 2
David Edwards introduced himself to the Board Members. He is looking to add an 8' x 27'6" deck across the front of my house with stairs to the driveway as another means of egress. He is well within the setback limits. He has not steps at all and it is a safety issue.	
Ron Regis stated that this is an incomplete application as the proposed space and bulk dimensions are not included in the application.	
Ron Regis made a motion to table this proposal until more information can be added to the application. Seconded by Mark Lindquist.	MOTION
All agreed.	<u>VOTE</u> (4-0)
ITEM 3 VARIANCE - Non conforming Lot – Donald Collard 144 Portland Avenue MBL 104-1-17 Zone RD Applicant removed derelict structure to prepare to build new dwelling and time for grandfathering has lapsed. Requesting to be able to build a home on the site.	ITEM 3
Mark Bureau from 139 Portland Avenue stated that he was asked to take down the condemned building about 2 ½ years ago which was approximately 24' x 32'. The	

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building next door is the worst blight that he has ever seen and he has been trying for a couple of years to get things cleaned up. We have the blight laws that are totally in effect however we have a lack of the town enforcing the rules.

The ordinance in regards to a building that is torn down, they have 2 years to rebuild a house.

Mr. Collard stated that he was unaware of this ordinance. He would like to start building on May 1, 2015.

Chair DeLeo stated that if they do approve this tonight, he would like to add a contingency to the motion stating that the variance would disappear after two years if the property isn't developed.

Mark Bureau is in favor of seeing this variance granted because of a new building, new tax base and hopefully an incentive to get the remainder of the neighborhood lots cleaned up. We only want the community to be moving forward and not stepping back.

The public hearing closed to the public at 7:53 pm.

Mr. Deleo reads off the four criteria of hardship:

A. The land in question <u>cannot</u> yield a reasonable return unless the variance is granted.

**Response:** The land is currently undeveloped as we had to tear down the original house due to it had become unlivable and dilapidated. Currently it has no value to me if I cannot build a replacement home.

Ron Regis - Yes Mark Lindquist - Yes David Boudreau - Yes Ray Deleo – Yes

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:** This property lot size is 40' x 220' so it does not adhere to the variance laws on the state codes. This lot is a unique size and it is believed it was originally a part of a neighboring lot and was split in two, which made it smaller.

Ron Regis - Yes Mark Lindquist - Yes David Boudreau - Yes Ray Deleo – Yes

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

**Response:** There is no desire to alter the area. I simply wish to re-build a home on this lot

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that will fit in with what is already in the community	, 2014.
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Ron Regis - Yes	
Mark Lindquist - Yes	
David Boudreau - Yes	
Ray Deleo – Yes	
Ray Deleo – Tes	
D. The hardship is not the result of action taken by the appellant or a Prior owner.	
<b>Response:</b> When the property was purchased, there was a home on the lot, however this home had not been taken care of and become run down and unlivable. It was considered dilapidated and needed to be torn down completely. My plans we to build a new home but did not get it accomplished in the appropriate time frame required due to finances. I did not realize that there was a time limit, however I am anxious to move forward at this time.	
Ron Regis - Yes	
Mark Lindquist - Yes	
David Boudreau - Yes	
Ray Deleo – Yes	
Tay Beled Tes	<b>MOTION</b>
David Boudreau made a motion to grant the variance to Donald Collard, 144 Portland Avenue MBL 104-1-17 RD Zone to construct a 24 x 32 foot home and to start on May 1, 2015 and complete the project within 2 years.	
Dan Feeney called for the vote:	<b>VOTE</b>
	<u>VOTE</u> (4-0)
Ron Regis - Yes	
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Ron Regis - Yes Mark Lindquist - Yes David Boudreau - Yes Ray Deleo – Yes  ITEM 4- ADMINISTRATIVE INTERPRETATION Pine Ridge Realty – agent Edward S. Mac Coil Appeal is for building permit issued to: Bernard J. Saulnier LLC. 3 Nicholas Drive MBL 105A-1-702 Zone PMUD- Pine Ridge Realty is disputing whether a	(4-0)
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representing Mr. and Mrs. Strum. They would like to demolish a direlict building and build a 5 unit motel/hotel on the site. The owner of the abutting property wants to add this site to their structures built in 2013-2014 (4 & 6 Brown Street). The proposed structure has a smaller footprint and better parking. Ron Regis was concerned that they have only 2500 ft. and it is 1,000 per unit (5,000 ft). This would be double than what they have. Mr. McLeod stated that the building is now 12'-15' tall and the new building would be 35' tall. It will be located in the same footprint. It will be going from a single story building to a 3 story structure. Mr. Feeney stated that the maximum height of a principle structure is 35' and the towers can be 45'. (10' above structure) The Board Members agreed that the Board needs a little more information. Chair DeLeo will write up a memo to Mr. Feeney on what he would like have for additional information. He also added that this is far beyond a reasonable return. Mrs. Strum stated that this would be a benefit to the town. It takes some time to get a return on this project. James and Katrina Ronan, resident of 8 Brown Street and abutter to this project stated that the project will destroy their view. They do not want to give up what they have already. They are asking for the Zoning Boards consideration. Ron Regis made a motion to table this item, seconded by David Boudreau. **MOTION** Dan Feeney called for the vote. **VOTE** Ron Regis - Yes Mark Lindquist - Yes (4-0)David Boudreau - Yes Ray Deleo – Yes ITEM 6 <u>ITEM 6 ADMINISTRATIVE INTREPETATION</u> – Saco Avenue Rentals LLC David R. Ordway Esq. agent for Units 1C, 2B, 2C in 155 Saco Avenue MBL: 207-2-12 Zone GB-1 Condominiums. Appeal is of Construction Permit issued for Commercial Building to build 10,000 SF Structure. Scott Narowitz, owns 3 of the units at 155 Saco Avenue. The other owner is King Weinstein with common land owned by both. He stated that in June 2014, Mr. Weinstein started the process to build and Mr. Narowitz had know prior notice nor did the condo association.

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In 2011 Mr. Weinstein was granted a tax abatement because his right to develop had expired. Now he is suddenly building.	
Dan Feeney stated that Mr. Weinstein presented Right Title and Interest and he issued him a permit for a 10,000 sq. ft. free standing commercial office space.	
Mr. Feeney also brought up the fact that their 30 days to appeal have expired. But since they had no idea Mr. Weinstein was given this building permit, they agreed to have them to come to the Zoning Board to express their concerns.	
David Boudreau made a motion to table this item until they get legal opinion. Seconded by Mark Lindquist.	<u>MOTION</u>
Dan Feeney called for the vote.	
Ron Regis - Yes	<u>VOTE</u>
Mark Lindquist - Yes	
David Boudreau - Yes	(4-0)
Ray DeLeo - Yes	(4-0)
OTHER BUSINESS:	
It was discussed and all agreed that the ZBA meetings will be held at 6:00 pm. They will try this for 6 months to see how it works out.	
ADJOURN	
Ron Regis made a motion to adjourn the meeting at 8:50 pm. Seconded by Mark Lindquist.	
GOOD AND WELFARE	

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 of five(5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on August 25, 2014

