

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
September 28, 2015**

Call to Order at <u>6:33 pm</u>	Call to Order
<p>Roll Call: Present: Chairman Ray DeLeo, Ron Regis, Tianna Higgins, Paul Weinstein, Mark Lindquist, David Boudreau Absent: Owen Stoddard, Paul Weinstein.</p> <p>Staff: Dan Feeney; Code Enforcement Official, Valdine Camire; ZBA Clerk</p>	PUBLIC HEARING
Pledge to the Flag	
<i>Chair DeLeo read the criteria for the Public Hearing.</i>	
<p><u>ITEM 1: Acceptance of the minutes for April 27, 2015, May 18, 2015, June 22, 2015 and July 30, 2015 meetings:</u></p> <p>The minutes for May 18th and July 30th were tabled as there were not enough members present to approve. The April 27, 2015 minutes were approved by Ron Regis, seconded by Tianna Higgins. So moved.</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p> <p>The June 22, 2015 minutes were approved by Ron Regis, seconded by Mark Lindquist. So moved</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p>	<p><u>ITEM 1</u></p> <p><u>Vote</u> <u>(5-0)</u></p> <p><u>Vote</u> <u>(5-0)</u></p>
<p><u>ITEM 2 Miscellaneous Appeal/Request for Reconsideration.</u> Antonio Andrade, 11 Lawn Avenue, MBL: 309-3-5 Zone: R-2. Reduction of setback for garage from required setback of 15’ to 3’ to allow garage.</p> <p>There was no one at the meeting representing this agenda item.</p> <p>Motion made by Ron Regis to postpone this item until the next meeting. Mr. Andrade needs to come back with a Variance Application. Seconded by Tianna Higgins.</p>	<p><u>ITEM 2</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p>

<p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p>	<p><u>(5-0)</u></p>
<p>ITEM 3: Miscellaneous Appeal: Ocean Park Association, 19-21 Temple Avenue, MBL: 323-9-1 Zone: R-3</p> <p>Warren Kenniston, Facilities Manager for Ocean Park Association introduced himself to the Board Members.</p> <p>They are seeking the approval to tear down an existing fire escape and to replace it with an up to date/up to code fire escape. They would like to put the footing on the side of the building which is off of the basic footprint of the building and utilize those footprints for the new structure. Ray DeLeo questioned what an area of refuge is. An area of refuge is basically a deck off of the side of the building. This one will be 24’ off the ground on the second floor. It is a deck to get everyone out of the building but not off of the building in case of a fire. Code Officer Dan Feeney stated that this seems to be the best scenario for the property.</p> <p>James Chaloner, an abutter from 22 Randall Avenue questioned whether the fire escape’s overhang will be on his property. Mr. Kenniston assured Mr. Vance that the overhang will not be on the abutter’s property.</p> <p>This item was closed to the public at 6:38 pm. <i>Chair DeLeo read through the criteria:</i></p> <p>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. Response: This building was built in the 1880’s prior to any zoning.</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p> <p>B. The requested reduction is reasonably necessary to permit the owner or 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 fire escape addition is requested by the fire chief. It replaces an old fire escape that did not meet code.</p> <p>Ron Regis – Agree David Boudreau – Agree</p>	<p><u>ITEM 3</u></p>

<p>Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p> <p>C. Due to the physical features of the lot and/or the location of 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.</p> <p>Response: The fire escape addition is requested by the fire chief. It replaces an old fire escape that did not meet code.</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p> <p>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.</p> <p>Response: The fire escape addition is requested by the fire chief. It replaces an old fire escape that did not meet code.</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p> <p>David Boudreau asked that if we get a request from the fire department from now on if the Board Members can receive a copy of that.</p> <p>Tianna Higgins moved to approve the Miscellaneous Appeal for the Ocean Park Association at 19-21 Temple Avenue, MBL: 323-9-1 Zone R-3 to rebuild the fire escape and an area of refuge within the side setbacks, noting that the area of refuge shall match the plans that were provided. Seconded by Ron Regis.</p> <p><i>Mr. Feeney called for the vote:</i></p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(5)</u></p>
<p>ITEM 4: Miscellaneous Appeal: Beau V. Gaudreau, 31 Portland Avenue, MBL: 205-13-8 Zone: GB-1</p>	<p><u>ITEM 4</u></p>

Beau V. Gaudreau, owner of the property introduced himself to the Board Members. He is seeking approval to put up a fire egress on the corner of Burdette Street and Portland Avenue. There has never been a second means of egress since 1953. There are multiple individuals living upstairs that are looking for a fire escape. He is attempting to utilize the area of setback of the structure. This will be a front setback.

Code Enforcement Officer Dan Feeney explained that it is under 500 sq. ft. so it does not need Planning Board approval. They are not exceeding the existing setbacks.

This item was closed to the public at 6:50 pm

Chair DeLeo read through the criteria:

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.

Response: In order to put appropriate egress stairway, the stairway must go into the setback. This house was constructed in 1953 and cannot meet the codes of today, 2015.

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Ray DeLeo – Agree

B. The requested reduction is reasonably necessary to permit the owner or 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: I am not looking for anything more in setback reduction than what is necessary for built-out.

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Ray DeLeo – Agree

C. Due to the physical features of the lot and/or the location of 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: The same reasons listed in 1a and 1b.

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Ray DeLeo – Agree

<p>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: All construction and build outs will be done to code, always keeping the design of the original structure top-of-mind.</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p> <p>Tianna Higgins moved to approve the Miscellaneous Appeal for Beau V. Gaudreau, 31 Portland Avenue, MBL: 205-13-8 Zone: GB-1 for a reduction in the front setbacks to allow the appropriate fire escape to be constructed. With the amendment that the historical significance be reviewed and signed off on for everyone’s record keeping. Seconded by David Boudreau.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist - Agree Ray DeLeo – Agree</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(5-0)</u></p>
<p><u>OTHER BUSINESS:</u></p>	
<p>ADJOURN David Boudreau made a motion to adjourn. Seconded by Mark Lindquist. The meeting adjourned at 7:00 pm.</p>	
<p>GOOD AND WELFARE</p>	

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 September 28, 2015

Valdine Camire