



Town of Old Orchard Beach
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Zoning Board of Appeals Meeting Minutes

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting is a copy of the original minutes from the meeting of the Zoning Board of Appeals.

Prepared By:
Approved By:

Tim Fleury
Zoning Board of Appeals

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary

PURSUANT TO THE ZONING LAWS OF THE TOWN OF OLD ORCHARD BEACH, MAINE, MEETING MINUTES FOR THE ZONING BOARD OF APPEALS FOR THE MEETING ON Monday, July 29, 2024, IN THE TOWN COUNCIL CHAMBERS -6:30 p.m.

Mr. Regis: Good evening. This is a public hearing of Old Orchard Beach Zone Board of Appeals. This Monday, June the 29th, and it's called to order at 6.30. This is a public hearing. Unless the board particularly votes to go into executive session, you have the right to hear everything that is being said and to look at all the tickets that are offered if you desire to do so. Mr. Haskell, can you do a roll call, please?

Mr. Haskell: Yes. Ron Regis?

Mr. Regis: Here.

Mr. Haskell: Stan DeFreese?

Mr. DeFreese: Here.

Mr. Haskell: Edwin Bones?

Mr. Bones: Here.

Mr. Haskell: Ethan Scott?

Mr. Scott: Here.

Mr. Haskell: Irv Paradis?

Mr. Paradis: Here.

Mr. Regis: I want to stress that in each instance, the board approves upon the appellant, and the board's task is to judge the merits of each appeal. Appeals from adverse decisions must be filed with Superior Court within 45 days of this board's decision. Appeals will proceed as follows. We will hear the testimony of the appellant with questions from board members through the chair. We will hear anyone speaking for the appellant. Be sure you state your name and address for the records. We will then hear anyone speaking against the appellant. Again, be sure to state your name and address.

Any written documentation received by the board will then be read into the records. The chair will review the full justifications for variance and review administrative appeal, with each member of the board having an opportunity to comment on them. The chair will close the public portion of the appeal and ask for a motion to approve or deny the variance, miscellaneous appeal, or administrative appeal. The roll call will then be called.

If approval is given, you must record it and register the deeds within 90 days or the decision is null and void. We will now stand for the pledge of allegiance before the meeting.

All: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Mr. Regis: Item one. Variance consideration reduction of point setback along Union Avenue from the required 20 to proposed three-foot to allow the construction of a new deck. Madeline Eisenhart and Michael Johnston, applicant.

Madeline Eisenhart: Sorry, I've never done this before. I just tell you what I'm trying to do?

Mr. Regis: Is that Microphone working?

Madeline Eisenhart: Yes, can you hear me? Do I just tell you what I'm trying to do? I've never done one of these before.

Mr. Regis: Yes.

Madeline Eisenhart: We're seeking a variance in our property. We're on a corner lot, and so all of the yard available to us in practical purposes, what we call our backyard, has been designated as front yard, like per the code. We're looking to have one of those front yard setbacks reduced so that we can put a low deck in our backyard for, it's owner occupied, a space to sit. That's it.

Mr. Regis: Is anybody here speaking for the appellant? Is anybody here speaking against the appellant? All right, we'll go through the justifications.

Mr. DeFreese: I've got one question before we go through the justifications. We're only looking at, when I'm looking at your drawing here, the proposed deck, right?

Madeline Eisenhart: Yes.

Mr. DeFreese: All right, these other things that you have on this drawing, that's just for our--

Madeline Eisenhart: Truly for reference. My husband really likes to mock things up on his computer, so he wanted it to be as accurate for you as possible. [crosstalk] Yes, just the deck.

Mr. DeFreese: Just to totally clear on that, okay? No problem.

Mr. Regis: Is that it, Stan?

Mr. DeFreese: Yes.

Mr. Bones: I have a couple questions for you.

Madeline Eisenhart: Sure.

Mr. Bones: One was, it seemed to me that a better location, again, this is just me, would be off of that back 12-foot addition and centered in the back instead of a two-foot setback from the front of the row. That would require, I'm sure, to remove your

shed to do. Have you considered that, and have you considered a patio instead of a deck?

Madeline Eisenhart: Can I come look on where you're talking about?

Mr. Bones: Sure.

Madeline Eisenhart: Let me see.

Mr. Bones: Building the deck over here.

Madeline Eisenhart: Yes, so we have talked about removing that shed. That was there when we moved in. It was electric, so in order to remove that, you would need to--

Mr. Bones: Remove the power.

Madeline Eisenhart: Yes, and so that is just not something that we anticipated.

Mr. Bones: You wanted.

Madeline Eisenhart: Well, we didn't want to get rid of that, but it's not in the budget. Also, the way that this part of our yard is, it's very sloped. This part of our yard was basically unusable because of the way that it's sloped down, but if we were able to build something that could allow for drainage still, but can flatten out, it would make this part of our yard usable..

Mr. Bones: Again, the other question I had was the consideration of doing a patio instead of a deck.

Madeline Eisenhart: What's the difference?

Mr. Bones: Patio is stone, and I don't believe-- Do you need a permit for a patio, sir?

Mr. Haskell: No.

Mr. Bones: You're not required to get a permit.

Madeline Eisenhart: I know you've already heard about that option as we were chatting to the neighbors about it. We need to check this.

Mr. Bones: I think it would vary.

Madeline Eisenhart: Okay. I think if we aren't able to do that, I think that would be our next best option. Technically, this is our first.

Mr. Bones: Preference. Okay.

Mr. Regis: Any other questions from the board? All right. Item A. The landing question is not a reasonable return unless the variance is granted. Due to unique position of our home, the setback requirements significantly reduce the functional yard available. With the current setback, the only space we would have would be able to build a deck is in the middle of our home. Ethan?

Mr. Scott: I disagree.

Mr. Regis: Irvin.

Mr. Paradis: I disagree.

Mr. Regis: Ed?

Mr. Bones: I disagree.

Mr. Regis: Stan.

Mr. DeFreese: I disagree.

Mr. Regis: I also disagree. The board is looking for-- Okay. Now, the need for variance due to unique circumstances of the property and not the general condition in our neighborhood. Our home is on a corner lot, and the zone that would be our setback backyard was built on as a driveway. Our actual backyard is zoned as a front yard, which means almost all of the square footage of our yard is part of the setback. Ethan?

Mr. Scott: I disagree.

Mr. Regis: Irvin?

Mr. Paradis: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Ed?

Mr. Bones: I agree.

Mr. Regis: I also agree on that one. The granting of variance will not alter the essential character of the locale. We are planning on building a low deck off the back of our house. The yard is already fenced, and the deck would not be visible from the street. Ed?

Mr. Bones: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I also agree.

Mr. Paradis: I agree.

Mr. Regis: Ethan?

Mr. Scott: I agree.

Mr. Regis: I also agree on that one. The hardship is not the result of action taken by a private involvement. I believe we would have the same issue no matter what due to the unique location of our property and where the house is situated in relation to the yard. Ed?

Mr. Bones: I disagree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Ethan?

Mr. Scott: I disagree.

Mr. Paradis: I disagree.

Mr. Regis: I also disagree. Do I have a motion from the board?

Mr. Bones: Well--

Mr. Regis: You got that. It did not meet the four criteria.

Mr. Bones: It didn't meet the four criteria. As it didn't meet the four criteria, I would have to suggest that we deny this variance due to the consideration it didn't meet the four criteria.

Mr. Scott: I'll second that.

Mr. Paradis: I'll second it.

Mr. Regis: Call the roll.

Mr. Haskell: All right. This vote is to deny the variance application. Ethan?

Mr. Scott: Agreed to deny.

Mr. Haskell: Irvin?

Mr. Paradis: I agree.

Mr. Haskell: Ron?

Mr. Regis: I agree.

Mr. Haskell: Stan?

Mr. DeFreese: I agree.

Mr. Haskell: Ed?

Mr. Bones: I agree.

Madeline Eisenhart: Am I allowed to ask questions after that? Did you say?

Mr. Regis: It was denied.

Madeline Eisenhart: No, I got that. No, I just wanted to follow up. Since you had mentioned the patio as obviously a deck is not something we can move forward with, is that something I can read up in the zoning?

Mr. Regis: I would think if you came into the codes office and met with codes that they could give you better direction.

Madeline Eisenhart: Okay, great. Thank you. Do I need to stay through the meeting or can I hang out?

Mr. Regis: Excuse me? Yes.

Madeline Eisenhart: Okay, thank you.

Mr. Regis: Okay, the next one up is variance consider reduction of front setback for the required 20 to a proposed 7.5. This reduction will allow for the addition to be built to provide ease of access to a multi-level building. The owner of Salvation Army, Oak Point Associates, Paul Miller. Paul here?

Paul Miller: Yes, I'm Paul Miller with Oak Point Associates. I'm here for the Salvation Army project. As you probably know, it's an addition for handicapped accessibility onto their existing building. It's a pretty straightforward project, and lots of variables went into this. The Salvation Army owns a lot of land right around there, and I believe we meet all the criteria. The other thing is we were here two months ago for the same variance, which was granted at that time.

Unfortunately, the construction couldn't start within the six months allotted, so the variance expired. That's why we're here again today. Again, it's been approved once.

Mr. Scott: Are there any changes to the original proposal?

Paul Miller: No.

Mr. Scott: I remember this one very well.

Mr. Paradis: Me too.

Mr. DeFreese: I remember this one.

Mr. Scott: It's a nice project.

Mr. DeFreese: You couldn't start construction. This is why you're coming back to this?

Paul Miller: Correct.

Mr. DeFreese: That's the only reason there's--

Paul Miller: No changes whatsoever.

Mr. DeFreese: Whenever we're going to put that in the file, we're not going to see something different.

Paul Miller: No, absolutely nothing different.

Mr. Scott: How soon could they start construction now?

Paul Miller: They're ready to go. They've been ready to go for two months.

Mr. DeFreese: Yes, I went past there, and I saw you got some fence up around that where it's going to be, so you guys are ready to--

Paul Miller: Yes. No, it's been bid and awarded, and the contractor's ready to go.

Mr. Bones: Is there no other location that you can put that?

Paul Miller: There is not. We evaluated a bunch of different locations, and this one is unique because it gets you to both levels, and it's right where inside there's a man lift or a chair lift that goes up to three and a half feet right inside this area here. This is the place that really has to be.

Mr. Paradis: I was not in favor of this proposal when it came before us, and it was more than, you said two months ago. I think it's more like two years ago. It's a long time ago. I was not in favor of it then because for three and a half feet of height to gain by what you're proposing to create this very large vestibule, I felt it was overkill, and that there were other alternatives, which I gave you folks suggestions to the night that you were here, and I did not support your proposal then. This is a word-for-word repeat exactly what you proposed two years ago, so I would be unable to support this again tonight.

Mr. Regis: Any other questions? Any more comment?

Paul Miller: No, just that I think we've documented our findings fairly well in this application, and I do believe we meet all the criteria.

Mr. DeFreese: I'm new to the board. What was the rationale on building this vestibule?

Paul Miller: Again, they don't have handicapped accessibility to the building.

Mr. DeFreese: There's no place else on this property it can go?

Paul Miller: There's no place that will get what they need to get to this lower level and to this upper level.

Mr. DeFreese: They'd have to do some additional renovations to the building to achieve that?

Paul Miller: It's been studied. I'm not sure what it would have to do, but it's been studied for quite some time, and this was deemed the best spot, if not the only spot.

Mr. Regis: Any more questions? All right. Is there anybody here that is for the appellant that would like to speak? Is there anybody here against the appellant that would like to speak? All right. We'll go through the justifications. The land in question can earn a reasonable return unless the variance is granted. The variance is needed to allow the Salvation Army to comply with the intended Americans with Disability Act of 1990.

The ADA and associated 2010 ADA standards for accessible design set minimum requirements for new construction or alterations of state and local government facilities, public accommodations, and commercial facilities to be readily accessible and usable by individuals with disabilities. The Salvation Army recognizes that it needs to accommodate Americans with disabilities and has taken a proactive approach by implementing the proposed accessibility project to facilitate their mission of service to those in need. Ethan?

Mr. Scott: Agree.

Mr. Regis: Irv.

Mr. Paradis: I disagree because they already have a device in their building to comply with ADA requirements.

Mr. Regis: Ed.

Mr. Bones: I disagree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: I also agree. The need for a variance is due to unique circumstances of the property and not the general conditions in the neighborhood. Optional addition configurations were elevated in an attempt to maintain the required setback, but these proved unfeasible due to the existing sidewalk grades that need to ramp up and down from the entrance. The current accessible route of the southeast end of the building only provides access to the upper level.

An existing entrance on the southwest side of the building provides access to the lower level, but the approach does not meet the requirements for the accessible ramp. In addition, once inside, the only accessible way to get from one floor to the other is via a personal lift located at the southwest entrance. The mechanical device is cumbersome and requires regular and expensive maintenance and is not consistent with the requirements of the ADA, which includes full and equal employment of the facility to persons with disabilities. Ed?

Mr. Bones: I disagree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Irv.

Mr. Paradis: I disagree.

Mr. Regis: Ethan?

Mr. Scott: I agree.

Mr. Regis: I also agree. The granting of the variance will not alter the central character of the locality. The Salvation Army owns the properties on the other side of Tritt Street in the proposed project location. The Salvation Army recently removed the building voluntarily that was almost directly adjacent to the Tritt Street right-of-way line, so essentially no setback, and just down the street from the proposed vestibule addition. In addition, many of the properties do not meet the space and bulk requirements of the zone. Therefore, the proposed front yard reduction to 7.5 feet will not alter the essential character of the locality. Ethan?

Mr. Scott: I agree.

Mr. Regis: Irv?

Mr. Paradis: I disagree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Ed?

Mr. Bones: I agree.

Mr. Regis: I also agree. The hardship is not the result of action taken by the appellant or prior owner. The need for the variance is not a result of action taken by the appellant or prior owner. The need for a variance is the result of the owner attempting to comply with the Americans with Disabilities Act of 1990 in trying to accommodate as effectively as possible the needs of individuals with disabilities. Ethan?

Mr. Scott: I agree.

Mr. Regis: Irv?

Mr. Paradis: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Ed?

Mr. Bones: I disagree.

Mr. Regis: I also agree. Do I have a motion?

Mr. DeFreese: I will make a motion to approve this due to the majority of these questions were approved in this variance.

Mr. Scott: I'll second that.

Mr. Regis: Can we have a roll.

Mr. Haskell: The motion was to accept and approve the appeal.

Mr. Regis: Yes.

Mr. Haskell: Ethan?

Mr. Scott: Approve.

Mr. Haskell: Irvin?

Mr. Paradis: Disagree. No. Deny. Disagree.

Mr. Haskell: Ron?

Mr. Regis: Approve.

Mr. Haskell: Stan?

Mr. DeFreese: Approve.

Mr. Haskell: Ed?

Mr. Bones: Denied.

Mr. Regis: You're approved. It comes down to the building inspector sometime next week maybe?

Mr. Haskell: I'll try to get all the certificates ready tomorrow if we can make it in. I'll call you.

Mr. Regis: All right, you have the paperwork for you go put it in the courthouse.

Paul Miller: Roger that. Thank you.

Mr. Regis: You're welcome.

Paul Miller: Just on that person lift, you shouldn't make people with disabilities have to take this person lift. It's embarrassing for them, and it's really cumbersome and awkward as heck and dangerous.

Mr. Bones: That would be a good argument if it hadn't been done yet. We're in 2024. The Act was passed in 2010, 1990, and now they're getting around to finally resolving the problem. You shouldn't have to make people wait, and the Salvation Army should have done this 10, 15, 20 years ago. There's your argument. It mutes the point, unfortunately.

Paul Miller: Thank you for granting it, anyway.

Mr. Regis: Item 3, Miscellaneous Appeal, nonconforming means of egress, Reduction of front setback from 20 to a proposed 2-foot. The current exit staircase is a 2-foot setback. Appeal would allow staircase to exit to the left instead of to the right. Wayne and Patricia Fernandez.

Patricia Miller Fernandez: Patricia Miller Fernandez, 51 Evergreen Avenue.

Wayne Miller Fernandez: Wayne Miller Fernandez, 51 Evergreen Avenue.

Patricia Miller Fernandez: Right now, the stairs face, I believe the direction is north. As we come out of the back door, it's north, and it's on a 3-foot high rise. If we did have an emergency, we would come out and go down. Then it's high, so if you want to go to the backyard, you have to go the whole length of the house. If the house was on fire, I can't jump. My hips don't do that anymore. Still, you have to go the full length of the house to get down to the sidewalk. We simply want to make the stairway to the opposite side.

Wayne Miller Fernandez: Which leads to the driveway, which we would use and alleviate the parking in the front of our house, which no one has parking in that area anyway. It would be easier for us if we walked from the driveway up those stairs in the wintertime rather than going up. It's a slope hill going up that icy road, which we did last summer and I have a bad knee. It would make sense to us to have the stairway go up to the opposite side.

Patricia Miller Fernandez: We're not going out any farther. We're just switching from the north to the south or right to the left, whichever one it is, whether you're looking out or in. Instead of it going to Atlantic because it's on 11th Street that we're talking about. Instead of going towards Evergreen, it would be going down the other way. We're not going anymore towards the house.

Mr. DeFreese: I saw that yesterday. You're on 11th Street. Someone's building something there right now. There's a little frame down there.

Patricia Miller Fernandez: We misunderstood. Right. That's the back door.

Mr. DeFreese: Is that what you're talking about? Yes. All right. You want the stairs going this way or this way?

Patricia Miller Fernandez: Towards the Salvation Army, so down.

Mr. DeFreese: Down the hill.

Patricia Miller Fernandez: Down the hill.

Mr. DeFreese: Was this existing? Was this new? I saw that. I don't know how that was even built there.

Patricia Miller Fernandez: Do you want to talk or you want me to?

Wayne Miller Fernandez: It's okay.

Patricia Miller Fernandez: We bought the house a year and a half ago when we applied for a building permit last year to do the inside of the house, a back deck, and those stairs. We have a building permit. Then when we came, we've done it in sections. We did the house over. We moved in. Then we were working on the back deck. He dug the holes at the same time. When she came, oh, no, we told her about we were going to dig the holes.

Wayne Miller Fernandez: What we planned on doing, the building inspector, when she come to check the holes, the depth of the holes, the footings, and I showed her what I was doing on those steps. They had the supports on top of the stone wall. I said, "Is this right?" She said, no. I said, "I'll dig holes."

Mr. DeFreese: You're the one that put the holes in there, right?

Wayne Miller Fernandez: Yes.

Mr. DeFreese: You fixed it off the stone wall. Is that what I'm hearing?

Wayne Miller Fernandez: It was on the stone wall.

Mr. DeFreese: You took it off the stone wall to make it.

Wayne Miller Fernandez: I took it off the stone wall. I put four foot footings down. She told me that because the existing stairs was two steps down, she said I could build until we got the variance to build on what was there originally and wait for the variance. That's why you see what you see right now already.

Mr. Paradis: My view would be to allow you the variance that you want to be able to go a longer flight of stairs to go down the hill, much longer than what right now you've described. You only need two steps to get off of the porch.

Wayne Miller Fernandez: To get to the backyard, you have to jump off a wall this high or walk all the way to the front.

Mr. Paradis: If you walk all the way down along the street to the front of the house, you only have to go down two steps to get off of that porch that you've partially built. That might be useful for you down the road if you're having trouble with your knee. You could ramp that. You should keep that. Don't switch them. Keep both. We'll give you the variance to go down the hill.

Wayne Miller Fernandez: Oh, you're saying both sides?

Mr. Paradis: Yes, both sides. Exit both ways. How would you like that?

Patricia Miller Fernandez: He's the builder.

Wayne Miller Fernandez: I never gave it much thought that way.

Mr. Paradis: Just food for thought. Think about it. We're not here to discuss that. That's what I was thinking about.

Mr. Regis: If those two sides were there previously, you could probably put them back anyway.

Mr. Paradis: Oh, that's true.

Mr. Regis: You're applying to go down the back now anyway, which I see your point. Every time you park in the yard, you have to go all the way around the front to get back into the house.

Mr. Regis: Anyone before we go to discussion?

[background conversation]

Patricia Miller Fernandez: I just want to be clear, too. When you said that you went by the house and you looked and it was already in the midst of being done--

Mr. DeFreese: I saw what you were talking on the porch there, I saw new construction. That's what I was talking about.

Mr. Regis: That's been done for a while?

Patricia Miller Fernandez: The deck or the-- Oh, where the things-- We did it legally and then we misunderstood what she said.

Mr. DeFreese: No, on Linda Street. Yes, that.

Mr. Bones: I took a picture. You've got the purple door and you've got the platform there.

Mr. DeFreese: That's what I saw. I just want to understand and then you've explained.

Mr. Bones: Your intent is to take, as you come out of your door, to go right down 11th Street.

Patricia Miller Fernandez: Correct.

Mr. Bones: Your current steps originally went up towards Evergreen.

Patricia Miller Fernandez: Correct.

Mr. Paradis: Went up the street.

Mr. Bones: What Irv's suggested was keep them both. Have steps going each way. That way you could always put a ramp in down the road if you needed to.

Patricia Miller Fernandez: If we needed to.

Mr. Bones: That's what he's suggesting.

Wayne Miller Fernandez: Correct.

Patricia Miller Fernandez: The reason why they probably didn't go down before is there was a huge tree there before we brought the property. Years ago when we had to dig out the stump and stuff to do it.

Mr. Regis: Any more questions from the board? Is there anybody here speaking for the appealant? Anybody speaking against the appealant? All right. You can have a chair. We'll go through the criteria.

Patricia Miller Fernandez: We can have a chair, is that what he said?

Mr. DeFreese: Yes, you can sit down.

Mr. Regis: Non-conforming means of egress construction. The requested stairway or ramp is a minimum structure dimensionally as required by the town of Old Orchard Beach code. Minimum as required by Old Orchard Beach regulations. Ethan?

Mr. Scott: Agree.

Mr. Paradis: I agree.

Mr. Regis: Ed.

Mr. Bones: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: I also agree. Due to the physical features of the lot or location of structures on the lot, it would not be practical to construct this proposed stairway or ramp in conformance with applicable space and bulk requirements. The stairway as it exists to the left exits onto a plot of grass that requires one to walk the distance of the entire house to access sidewalk level. Proposal would allow for quick access to street level safer in case of emergency. Ed?

Mr. Bones: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Paradis: I agree.

Mr. Scott: I agree.

Mr. Regis: Ethan? I also agree. Do I have a motion?

Mr. Scott: I'll motion to accept the application.

Mr. DeFreese: I second that.

Mr. Regis: Call for roll.

Mr. Haskel: All right. The motion has been passed to accept or approve the appeal. Ethan Scott?

Mr. Scott: Approve.

Mr. Haskel: Irv?

Mr. Paradis: Approve.

Mr. Haskel: Ron?

Mr. Regis: Approve.

Mr. Haskel: Stan?

Mr. DeFreese: Approve.

Mr. Haskel: Ed?

Mr. Bones: Approve.

Mr. Regis: All right. You're all set. Come and see the building inspector sometime this week to get your paperwork to put in the Old town courthouse.

Patricia Miller Fernandez: Great. Thank you very much.

Wayne Miller Fernandez: Thank you.

Mr. Regis: Item 4, Miscellaneous Appeal, reduction of front setback Free Street from the required 20 feet to a proposed 16 feet and the reduction in the right side setback from the proposed 15 feet to a proposed 8 feet, the appeal will allow for a 421 square foot addition and deck. The Yolanda Turner Trustee.

Speaker 8: We're asking for a variance to build two feet behind where the line of the back of our house is, so that we can build an extra bath and bedroom on the left side of the house.

Mr. Regis: Any questions from the board here? Yes.

Mr. Bones: Towards the rear of that addition, going further down Free Street, is that wetlands back there, Ray?

Speaker 9: I'm sorry?

Mr. Bones: I went out to the property, and if you're looking at the property on the corner as it extends down Free Street, it appears to be some wetlands down there.

Ray: It's not regulated.

Mr. Bones: Okay. That was a concern I had.

Mr. DeFreese: I looked at it yesterday. I went out there yesterday, took a look at it. Basically, you're just putting that extension on there. I think you had a shed or

something, too. Is that shed going, or are you going to keep that so you can move down there?

Speaker 8: That's going.

Mr. DeFreese: I think I saw you two walking there yesterday. Yes. All right.

Mr. Regis: Any other questions? I have a letter here from Eileen Corey. We own the property of 47 Free Street directly opposite Yolanda Turner's property of 46 Free Street, and we wish to go on record in support of the proposal on Item 4, whereas Mr. Turner appeals for a reduction in the front and side setbacks. Okay. We'll go through the four considerations, you may sit down.

Mr. Regis: Is there anybody here speaking for or against? The existing building or structures on the lot, which is limited reduction of yard size, limited expansion of lot curvage requested or erected prior to date of adoption as provisioned, hold the lot as a vacant, non-conforming lot of record. The existing cottage was built in 1953 and it predates the current applicable zoning codes. Ethan?

Mr. Scott: I don't think this addresses what they're proposing, though. I would disagree.

Mr. Regis: Irvin.

Mr. Paradis: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Ed.

Mr. Bones: I agree.

Mr. Regis: I also agree. The reduction requested 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. The existing home is small by current standards and the modest first floor expansion will allow for the family to comfortably and safely continue to use their home and accommodate future needs for accessibility. Any expansion, vertical or horizontal, on a reasonable or useful site will require reduction and permitted dimensional restrictions. Ed?

Mr. Bones: I disagree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Irvin.

Mr. Paradis: I agree.

Mr. Regis: Ethan?

Mr. Scott: I disagree.

Mr. Regis: I agree. Due to the physical features of the lot and the location of existing structures on the lot, it would not be practical to construct the proposed expansion and enlargement of the new structure in conformance with the currently applicable yard size or lot coverage requirements. The non-conforming lot is reasonably wide but very narrow in depth with a permitted building area that is only 10 feet deep, which would not reasonably accommodate functional living space.

The proposed addition, size, and location allows the family to expand with minimal disruption to the existing home, allows them to access the addition while safely keeping clear of an existing efficient wood stove at the rear of the house, and also continue to maintain valuable off-street parking. Ed?

Mr. Bones: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: Irvin.

Mr. Paradis: I agree.

Mr. Regis: Ethan?

Mr. Scott: I agree.

Mr. Regis: I also agree. The impact 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 impact and effects of the building or structure that conforms to the yard size requirements. The impact of this modest expansion will not alter the existing uses in the neighborhood in a manner substantially different from a conforming expansion. Substantially, the area has been comprised of homes that are more densely spaced than current codes permit. The proposed addition is just 24 feet closer to the near neighbor, which will not prevent their use of their property but similarly improve the use of the petitioners. Ethan?

Mr. Scott: I agree.

Mr. Regis: Irvin?

Mr. Paradis: I agree.

Mr. Regis: Ed?

Mr. Bones: I agree.

Mr. Regis: Stan?

Mr. DeFreese: I agree.

Mr. Regis: I also agree. Can I have a motion, please?

Mr. DeFreese: I have a motion to approve this miscellaneous appeal on 46 Free Street.

Mr. Regis: Do I have a second?

Mr. Bones: I second it.

Mr. Regis: Call for the roll.

Mr. Haskell: There's been a motion made to approve the appeal. Ethan Scott?

Mr. Scott: Deny.

Mr. Haskell: Irv?

Mr. Paradis: I approve.

Mr. Haskell: Ron?

Mr. Regis: I approve.

Mr. Haskell: Stan?

Mr. DeFreese: I approve.

Mr. Haskell: Ed?

Mr. Bones: I approve.

Mr. Regis: Okay. You're all set. Come and see the building inspector sometime next week to get your paperwork.

Speaker 8: Thank you very much.

Mr. DeFreese: Enjoy.

Mr. Regis: Is there any good involved here tonight, guys? Do I have a motion to adjourn?

Mr. DeFreese: I motion to adjourn tonight's July meeting.

Mr. Bones: I second that.

Mr. Regis: Do I have a second?

Mr. Bones: I second it.

Mr. Bones: Roll call, man. You got to do roll call. You got to do roll call to adjourn.

Mr. Haskell: For the adjournment, we don't need it.

MEETING ADJOURNED