MINUTES
BOARD OF APPEALS
AUGUST 28, 2013

Janet Tuttle-2014
Calvin Beaumier-2014
Kevin Coughlin-2015
Bruce Marshall-2015
Shaun Carr-2016
Richard Long-2016
Miriam Morgan-Alexander-2016

1. CALL TO ORDER & PLEDGE TO THE FLAG. The Chairperson Miriam Morgan-Alexander called the meeting to order at 7:00 p.m.

2. ROLL CALL. Members present were Miriam Morgan-Alexander, Chairman, Janet Tuttle, Kevin Coughlin, Bruce Marshall, Shaun Carr, and Richard Long. Calvin Beaumier was absent. Also present were Dennis Douglass, Code Enforcement Officer; Roger Bickford, Town Councilor; Dillon Pesce, Town Councilor; Don Fellows, Planning Board Chairman; and approximately five members of the audience.

3. WRITTEN COMMUNICATIONS: **Minutes of November 19, 2012**

   ACTION TAKEN: Mr. Long seconded by Mr. Coughlin moved to approve the minutes of November 19, 2012. Vote: 6-0. Carried

4. PUBLIC HEARING:

   Case #13-1
   Larochelle Properties, LLC
   Map U5 Lot 11
   2 Canal Street

   Variance request for front and side setbacks to allow for construction of commercial building.

Councilor Larochelle said a year ago they purchased the property at 2 Canal Street from Miller Properties. At that time he worked with the realtor who was also working with the town regarding what could be done with the building as well as the square footage of the building. They looked at the setbacks and originally the buildings were up on the road edge. He said he was informed that the setbacks would be 25 feet from the edge of the road which was very consistent with what most of the properties were. He said they have been working on those plans for quite some time. All of the surveying and site work were based from those setbacks.

Councilor Larochelle said once they started the site review the gentleman he hired to do the site plan mentioned that because Canal Street is on Route 9 and Route 125 and is in a commercial zone the setbacks would be 50 feet off the edge of the road. If it was zoned Village it would be 10 feet, typically it would be 25 feet because those roads being what they are the setbacks are different. He said he did come back to the town and work with Dennis to figure out just how that would come in to play and how we could actually keep the building in the location we wanted to and still have proper setbacks. They looked at what our tools would be to do that and through the town and the state this is one option. Looking at the criteria of why you could have a variance, this seemed like it would fit those criteria.

Councilor Larochelle said what we were looking for to maintain the building where it has been designed to go is to have the setback reduced 50% on the front and side which would give us that 25 foot setback that we were originally looking at. Off the railroad tracks and off the other side that would be 12.5 feet off the railroad tracks. We don't have any requirements off Route 196 because DOT owns between the railroad tracks and our property, so we don't actually own property on Route 196.

Councilor Larochelle said our request is for a 25 foot setback on front and side, reducing the setbacks by 50% which is allowable by the Board.

The Chairman said we don't have any questions for you at the moment. She asked if there were any abutters to speak to this matter. Seeing no response, the Chair entertained a motion to grant the appeal.

ACTION TAKEN: Mrs. Tuttle seconded by Mr. Carr moved to grant a variance to reduce the front and side setbacks at 2 Canal Street by 50% from 50 feet to 25 feet.

Mr. Long asked what this building would be used for.

Councilor Larochelle said we have a business in town that has been in business for a little over 50 years. What we are looking to do is to expand our office space and our estimating area. There will be no collision repair done on site; this is going to be a store front. It will be a 40 foot x 80 foot office building. It does have a few garage doors on the side facing towards the bridge that will be for estimating. We always wanted to build a facility on Route 196 but it is not cost effective so the idea of building a store front and doing our estimating there does the same thing without actually doing work downtown. It is a one storey building. The roof will have trusses. Dennis is working with the plans. We have a design that has been put forward and we are waiting for this to be approved to go to the Planning Board so they can start their process.

Councilor Larochelle said the garage doors will be on the Topsham side. The three sides I feel would be the front would be the side facing the mill and Route 196 and the actual store front would face the Railroad Diner.

The Chairman said if we decide not to grant the appeal, is that land useful for anything.

Councilor Larochelle said it would be very difficult to construct anything that would have enough potential space to do anything.

Mr. Long asked about traffic flow.

Councilor Larochelle said one good thing about that lot is that it had what I call curb cut. The traffic flow that is actually on the site plan that I have with the Planning Board that you have a picture of, shows the entryway quite a ways down so that it is out of the traffic flow. Even if you had a line of traffic at the light it would be very doable. There is a curb cut right now right in the middle of the intersection which would not be used. It would be a grass front lawn in that area.

The Chairman said if the committee will agree that the variance standards have been met:

- That the land in question cannot yield a reasonable return unless a variance is granted.
- That the need for a variance is due to the unique circumstances of the property and not the general condition in the neighborhood.

The Chairman said from what I can see it will be a distinct improvement.

- That the granting of a variance will not alter the essential character of the locality.
- That the hardship is not the result of action taken by the applicant or a prior owner.

The Chairman said she believed all four criteria had been met. She asked if there were any questions.

Mrs. Tuttle said she thought it would make the property look better.

The Chairman said we have a motion on the floor to grant the appeal.

VOTE: 6-0. Carried

5. OTHER BUSINESS:

The Chairman gave the Board members a set of bylaws to review and consider for adoption at the next meeting.

6. ADJOURNMENT:

ACTION TAKEN: Mr. Marshall, seconded by Mr. Long moved to adjourn at 7:10 PM.

Respectfully submitted,

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Elizabeth French, Asst. Town Clerk

Date Approved:_____

These minutes were not recorded verbatim. A recording of this meeting is on file.