

**Town of Waldoboro  
Board of Appeals Meeting  
Thursday, August 20, 2009, 6:30 p.m.  
Municipal Building – 1600 Atlantic Hwy.**

**PRESENT:** Art Emanuelson, Ed Rengle, Leroy Jones, Barbara Swiderek and PDD/CO Patrick Wright

**ABSENT:** Russ Hansen

**PUBLIC:** Chris Malek, Andrew Roberts

It was agreed by those present that Barbara Swiderek would be acting Chair for the evening.

- I. Chairperson Swiderek called the meeting to order at 6:30pm. Roll call and establishment of quorum was taken. There are no conflicts of interest.
- II. **Variance Request** – Christopher Malek, of 123 Broad Cove East, R1 10 is seeking a variance for setback from property line to build an 80sq. ft storage shed within 1' of a side property line.

Page 11-4, letter C regarding Variances in the new Land Use Ordinance Book for The Town of Waldoboro was looked at with regards to this request.

Mr. Malek wants to erect an 80 square foot shed and would like a 28-foot variance. He has a letter from his neighbor who does not object to this project. The building will be 1-1 ½ feet from the property line on the side. There are no other options due to the shoreline and the land being wet. The home on this property is legally non-conforming. The shed will be used for storage of flammable items, lawn items, etc.

Page 7-5, letter F 3 regarding Accessory Structures was looked at in the Land Use Ordinance Book.

**MOTION:** Mr. Rengle motioned to grant the variance with an amendment to 27 feet, seconded by Mr. Emanuelson and the amendment passes 4-0-0.

Undue Hardship requirements were looked at and the Board agreed unanimously that the applicant meets these requirements.

- III. **Administrative Appeal** – Public Hearing of de novo administrative appeal of the Code Enforcement Officer. Andrew Roberts, owner of Skyview Ridge Manufactured Home Park, 400 Friendship Rd. U2 20-A is seeking an administrative appeal of a permit issued by the Code Enforcement Officer issued 6/15/09.

Page 11-4, letter B of the Land Use Ordinance Book was looked at for this Administrative Appeal.

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Chairperson Swiderek read the application dated July 11, 2009 out loud. At 7:05pm Mr. Hansen arrived.

Mr. Roberts stated his case with regards to how Waldoboro interprets expansion within a mobile home park. Mr. Roberts presented a letter from the Manufactured Housing Board with their definition of expansion in a mobile home park.

This is the first time a CEO has defined expansion by the size of a trailer going onto an existing site within a mobile home park. Mr. Roberts outlined the costs that could be incurred if these rules are being strictly enforced.

Mr. Roberts referenced Article 5.P in the Land Use Ordinance Book and states that once a site is approved, as this site has been previously, it should not be subject to costly Article 5.P requirements, delays, and site reviews.

Moving a trailer onto an approved rental site is not a development proposal. There is no expansion of use and nowhere does the ordinance specifically state that the size of a trailer is intended to trigger expansion standards.

Once a site is approved it should stay approved. Mr. Roberts feels the expansion applies to expansion of the mobile home park as a whole and not each individual trailer site.

The Board needs to clarify PDD/CO Wright's interpretation of the Ordinance in reference to expansion. PDD/CO Wright based his determination on the definition of expansion in the general glossary Page 16-8 and followed Article 5.P (page 5-15) of the Land Use Ordinance Book for the Town of Waldoboro.

Wright submitted findings of fact relative to his interpretation of the Land Use Ordinance.

Roberts said that no prior CEO's have ever stated that moving in a mobile home 1 foot larger than the home that just left is an expansion or that the renter needs to purchase a new utility shed.

The Town Ordinance is a minimum of 14 feet wide for an incoming mobile home. Mr. Roberts is hoping to avoid going through this ordeal ever time a house is going in and out in his mobile home park.

**MOTION:** Mr. Rengle motions to end questions and allow the Board discussion, seconded by Mr. Emanuelson and approved 4-0.

Mr. Rengle is clear as a bell on this after looking at Article 5.P. This is not an expansion of the park itself. Article 5.P is strictly for the expansion of a park and the PDD/CO erred in his interpretation.

Chairperson Swiderek, Mr. Emanuelson and Mr. Jones concur, it would be beneficial to the economic development of Waldoboro. Mr. Roberts should be allowed to put a mobile home on site 33.

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**MOTION:** Mr. Rengle motions to find PDD/CO Wright in error, seconded by Mr. Emanuelson and approved 4-0-1.

Expansion, as referenced in the first paragraph of article 5.P of the Waldoboro Land Use Ordinance refers to expansion of parks, not the individual lots within the park.

**MINUTES**

The minutes of February 19, 2009, March 19, 2009 and May 21, 2009 were submitted to all board members present at those meetings and signed.

**ELECTION OF CHAIRPERSON**

**MOTION:** Ms. Swiderek motioned to elect Russ Hansen Chair of the Waldoboro Zoning Board of Appeals, seconded by Mr. Emanuelson and approved 4-0-1.

**MOTION:** Mr. Rengle motioned to elect Barbara Swiderek as Vice Chair of the Waldoboro Zoning Board of Appeals, seconded by Mr. Emanuelson and approved 4-0-1.

**ADJOURN:** Adjournment was made at 7:40pm.

Respectfully submitted,

Norma A. Hunt

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Barbara Swiderek

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Art Emanuelson

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C. Russ Hansen

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Ed Rengle

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Leroy Jones