

**Town of Waldoboro
Board of Appeals Meeting
Thursday, September 17, 2009, 6:30 p.m.
Municipal Building – 1600 Atlantic Hwy.**

PRESENT: Art Emanuelson, Ed Rengle, Leroy Jones, Russ Hansen and PDD/CO Patrick Wright

ABSENT: Barbara Swiderek

PUBLIC: Carl Waterman and Jack Waterman

- I. Chairperson Hansen called the meeting to order at 6:30pm. Roll call and establishment of quorum was taken. There are no conflicts of interest. Chairperson Hansen outlined how the meeting would be run and what practical difficulty is and that the applicants need to “pass this test” to be granted approval for their variance request.
- II. Variance Request – Jack and Carl Waterman of 503 depot St., Map/Lot U8/63 are requesting a side line setback variance of 15 feet for a property line proposed to be created through a lot split. An accessory structure is currently built within 15 feet of the proposed boundary.

Mr. Carl Waterman described for the Board how they acquired the land and structures. He also stated what the land was used for. They would like to split this lot and split ownership of the buildings. They are proposing to separate the house from the barn. A right of way would be established for the barn. They are seeking a side property line setback variance of 15 feet.

Mr. Carl Waterman would like enough land in the area of the barn for ease of use and security of his property (tractors, etc.).

The Practical Difficulty requirements and Mr. Carl Waterman’s answers were discussed.

- 1 - This requirement unnecessarily restricts valuable barnyard and space.
- 2 - Mr. Carl Waterman has invested a lot of labor and material and money to upgrade and improve the land. Some areas of the land are wet/soft due to quarry run-off. It would cost a lot of money to create a new parking area due to the need to cut trees and fill in wet areas.
- 3 - This is the driest part and best area of the property for good usage.
- 4 - All other abutting properties are far removed from this area. It would also provide for more screening/privacy from the house.
- 5- Neither applicant nor prior owner put the chicken coop in this spot.
- 6- Another alternative takes prime land from Mr. Carl Waterman. There is a low area and a steep area as well that reduce the use of the land. The chicken coop is used for storage and therefore they would rather not tear this down.
- 7 - The land is already in use and won’t adversely affect the environment.
- 8 - The land is not in the Shoreland zone

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The applicant believes that all other aspects of the land use ordinance is met.

Mr. Jones verified that Mr. Jack Waterman does currently reside in the house. The land is to be divided.

MOTION: Mr. Emanuelson motions to grant the variance request of 15 feet, seconded by Mr. Rengle.

Mr. Rengle had two questions that the applicant answered for him with regard to feasibility and feels that Mr. Carl Waterman meets this requirement. He no longer thinks this is only for convenience but for a business. This is part of what Mr. Waterman needs to function in a reasonable manner.

The Board voted on Practical Difficulty requirements as stated in Article 11.C.2. 1) Preclude Use: 3-1, 2) Economic Injury 1-3, 3) Unique Circumstances 3-1, 4) Undesirable Change 4-0, 5) Action by Petitioner 1-3, 6) Other Feasible Alternative 1-3, 7) Natural Environment 4-0, 8) Not within shoreland zone 4-0. The Practical Difficulty requirements are not met as an entirety and therefore the variance cannot be granted.

VOTE: The Board voted 1-3 (Mr. Rengle in favor) and the variance is denied.

Mr. Waterman was very upset with the outcome.

MINUTES

The minutes of August 20, 2009 were submitted to all board members present and signed.

ADJOURN: Adjournment was made at 7:26pm.

Respectfully submitted,

Norma A. Hunt

Barbara Swiderek

Art Emanuelson

C. Russ Hansen

Ed Rengle

Leroy Jones