



CITY OF GARDINER BOARD OF APPEALS

REGULAR MONTHLY MEETING MINUTES

August 28, 2007

Present: Michael Eldridge, Chair Charlene Kinnelly Kendall Holmes
John Burgess

Absent: Harlan Brown Daniel Bates

Also present: Dorothy Morang, Recording Secretary
David Cichowski, Code Enforcement Officer (CEO)

Shea Storer Sue Goodgion Dan Poulin, Applicant

- 1.) Chair, Mike Eldridge called the meeting to order at 6:02 PM followed by the Pledge of Allegiance.
- 2.) Roll call was taken.

Chair Eldridge explained the role of the Board as representing the people of Gardiner and not the CEO, the Applicant or the City. The Board reviews each application as it relates to the merits of the laws and ordinances and makes a decision and each member gives their rationale for their vote.

- 3.) Charlene Kinnelly moved to accept the January 23, 2006 minutes. Kendall Holmes seconded the motion.
Vote: 4 in favor. 0 opposed. Motion passed.

NEW BUSINESS

Chair Eldridge asked Board members if any of them had a conflict of interest with the Application. Charlene said that she is the Executive Director of business that is within the abutter notification area but feels that this will not impact her judgment. The other members are ok with her sitting on the Board.

Chair Eldridge asked if the Applicant met all of the required deadlines. The CEO said that we had written proof of the Applicant meeting all deadlines. Chair Eldridge asked the CEO if his interpretation was that the property was 6” under the minimum road requirement. The CEO said yes.

Chair Eldridge noted that the Applicant has standing – his name is on the deed and felt that the Application was complete. Other members agreed.

Dimensional Variance

- 4.) **Dan Poulin, Applicant, requests a variance of six inches (6”) from a fifty foot (50’) minimum road frontage requirement to classify lot as a buildable lot. The property, located at 55 Highland Av, City Tax Map 37 Lot 34, is in the High Density Residential (HDR) Zoning District.**

Mr. Poulin stated that he is trying to sell the property and wants the property to be a buildable lot. He noted that there is a lot of history to the lot. There had been a house on the lot and it burned down.

David said that he had checked with counsel and could not use the foundation as a structure for purposes of grandfathering a building.

Chair Eldridge said that he had looked at the lot and all of the other lots going up the hill and they are all similar in size.

Kendall Holmes asked if the Board of Appeals can grant a variance on an already non-conforming lot. Chair Eldridge said yes, a dimensional standards variance.

Chair Eldridge read the Dimensional Variance Standards and the Applicant’s response to each of them.

John Burgess asked if the Board was looking at restrictions as to the size and type of building. David said it must meet the setbacks. A new 2-family home would require 150’ road frontage, therefore it would be limited to a single family. John asked if there were any hidden issues that might surface down the road. Dan Poulin, the Applicant said none that he’s aware of. He said the building was originally a 1-family, converted to a 2-family. Most of those interested in the property are looking at a 1-family.

Sue Goodgion, an abutter said that she doesn’t want a 2-family. She and other neighbors are trying to build the neighborhood up and tenants don’t take care of the property. Also, it’s a small area.

Shea Storer, the son of a potential buyer asked if the land connects through to Middle St could the two frontages be combined to create more options. David said no. Chair Eldridge closed the public hearing at 6:41 PM.

Board members stated their rationale for their upcoming vote.

Chair Michael Eldridge said that it is a lot of record and had a house on it for many years. There are a number of lots of similar size adjacent to it. There is a practical difficulty. He has a concern about the language in the motion. It needs to include a stipulation that it be a 1-family dwelling on the site.

Kendall Holmes said that he agrees.

Charlene Kinnelly said that she agrees. It is quite reasonable.

John Burgess said that he agrees, but where there is a potential buyer whose property is abutting, he asked if they would have to come back to the Board of Appeals if they wanted to build a 2-family or multi-family.

David explained that the potential buyer mentioned could combine his existing lots to gain additional frontage, but in doing so would lose the grandfathering on other requirements for his existing multi units.

John Burgess made a motion that we grant a variance of 6” with the stipulation that it be only for a single family dwelling. Kendall Holmes seconded the motion.

Vote: 4 in favor. 0 opposed. Motion passed.

OTHER BUSINESS

None

Adjourn

Chair Eldridge thanked everyone and closed the meeting at 6:56 PM