

1 TOWN OF CAPE ELIZABETH
2 MINUTES OF THE ZONING BOARD
3

4 October 3, 2005

7:00 pm Town Hall

5
6 Present: Jay Chatmas, Chair
7 Jim Walsh
8 Gib Mendelson
9 Michael Tranfaglia
10 Len Gulino

Absent: Joe Guglielmetti
Stephen LaPlante

11
12 Also present: Maureen O'Meara, Town Planner

13
14 Mr. Chatmas called the meeting to order and explained the reasons behind the special
15 meeting. Since the request is for a variance, there will need to be 4 votes in the
16 affirmative on all 8 of the elements.

17
18 NEW BUSINESS

19
20 To hear the request of Brian & Maryanne Denison, 1169 Sawyer Road, Tax Map R04,
21 Lot 57 for a left side property line variance of 9.31' from the required 25' to construct a
22 32' x 28' two car garage addition with second floor living space at 15.69' from said
23 property line.

24
25 Mr. Dennison reviewed his proposal for a 32' x 28' garage/breezeway addition second
26 floor, which would require a 15.69' setback from the property line.

27
28 Mrs. Dennison stated they would be removing an existing one-car garage. The existing
29 dimensions of the mudroom is 8' x 15' and the garage is 16' x 22.5'. These would be
30 demolished for the proposed addition.

31
32 Mr. Dennison stated that due to the unique circumstances of the property, and placement
33 of the septic system, they are prevented from an alternate placement of the addition. The
34 proposal will not create an undesirable effect in the neighborhood or have an adverse
35 effect on the value of surrounding properties. They feel the proposal is the only feasible
36 option.

37
38 Mr. Chatmas asked the Dennison's how long had they lived there.

39
40 Mr. Dennison stated he grew up there and moved back with his family 9 yrs ago.

41
42 Mr. Chatmas asked if any further updates to the septic system would be needed.

43
44 Mr. Dennison replied no.

45
46 Mr. Chatmas asked if they had looked into moving the garage addition to the rear of the
47 house to comply with setbacks.

1 Mr. Dennison stated that due to placement of the septic system this would not be
2 possible.
3
4 Mr. Gulino asked what the setback was for the existing garage.
5
6 Mr. Dennison stated it was 23.69', which is also nonconforming.
7
8 Mr. Walsh questioned the function of the additional room above the garage.
9
10 Mrs. Dennison stated it would be a family/recreation room.
11
12 Mr. Chatmas asked the applicant how he compiled the neighborhood comparison of
13 setbacks.
14
15 Mr. Dennison stated he measured some himself and others were from prior applications
16 to the Zoning Board.
17
18 Mr. Chatmas opened the Public Hearing.
19
20 Mr. Henry Gurney, 1175 Sawyer Road, stated the Dennisons have discussed their
21 proposal at length with him. He believes it would affect the value of his property
22 positively, as have other upgrades in the neighborhood. He asked the Board to vote in
23 favor of their request.
24
25 Mr. Gulino asked if he was on the side of the proposed addition.
26
27 Mr. Gurney stated yes.
28
29 Mr. Steve LaPlante, 1176 Sawyer Road, is located directly opposite from the Dennison's.
30 He has reviewed the plans and believes they are in keeping with the character of the
31 neighborhood and that it would represent an improvement. All the homes were
32 constructed about the same time during the 1950's- 1960's. Since the ordinance changes,
33 quite a few homes are into their setbacks.
34
35 Mr. Chatmas stated for the record that Mr. LaPlante is a Zoning Board Member. He
36 asked if there were any other comments. Hearing none, he closed the Public Hearing.
37
38 Mr. Chatmas stated that the applicant had shown 11 neighbors that were less than the
39 required 25' setback. He asked if there were any other comments from Board members.
40 Hearing none, he proceeded to vote on the elements.
41
42
43 1. The proposed variance is not a substantial departure from the intent of the Ordinance.
44 5 in favor, 0 opposed, 0 abstained.
45 2. A literal enforcement of the Ordinance would cause a practical difficulty.
46 5 in favor, 0 opposed, 0 abstained.
47 3. The need for the variance is due to the unique circumstances of the property and not to
48 the general conditions of the neighborhood.

1 5 in favor, 0 opposed, 0 abstained.
2 4. The granting of the variance will not produce an undesirable change in the character of
3 the neighborhood and will not unreasonably detrimentally affect the use or market
4 value of abutting properties.
5 5 in favor, 0 opposed, 0 abstained.
6 5. The practical difficulty is not the result of action taken by the applicant or a prior
7 owner.
8 5 in favor, 0 opposed, 0 abstained.
9 6. No other feasible alternative to a variance is available to the petitioner.
10 5 in favor, 0 opposed, 0 abstained.
11 7. The granting of a variance will not unreasonably adversely affect the natural
12 environment.
13 5 in favor, 0 opposed, 0 abstained.
14 8. The property is not located in whole or in part within shoreland areas as described in
15 Title 38, section 435.
16 5 in favor, 0 opposed, 0 abstained.
17
18 Mr. Chatmas asked for a motion.
19
20 Mr. Tranfaglia made the following motion.
21
22 In the matter of Brian and Maryanne Dennison, 1169 Sawyer Road, Tax Map R04-57, the
23 application for a left side property variance of 9.31' be approved.
24
25 Mr. Gulino seconded the motion. 5 in favor, 0 opposed.
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27 Mr. Chatmas requested that all Board Members confirm attendance when their packets are
28 received each month.
29
30 It was decided that the Zoning Board Agenda would be emailed each month as some
31 members may have conflicts due to their occupations.
32
33 Mr. Mendelson made a motion to adjourn.
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35 Mr. Gulino seconded the motion. 5 in favor, 0 opposed.
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37 Meeting adjourned at 7:40 pm.
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39 Respectfully submitted,
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41 Laurie Palanza
42 Minutes Secretary
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