1	Town of Cape Elizabeth
2	Minutes of the January 26, 2010, Zoning Board Meeting
3 4	Members Present:
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6 7 8	Peter BlackPeter HoweJay ChatmasDavid JohnsonLeonard GulinoJohn Thibodeau
9 10 11 12	Also present were the Code Enforcement Officer, Bruce Smith, and Recording Secretary, Carmen Weatherbie.
12 13 14	A. Call to Order – Meeting was called to order by Chairman Gulino at 7:00 pm.
15 16 17	B. Approve the Minutes of May 26, 2009 - Motion to approve the minutes was made by Mr. Howe; seconded by Mr. Johnson. All were in favor.
18 19 20 21 22 23 24	C. Election of Officers – Leonard Gulino stated that he had served the maximum of two consecutive terms as Chairman and that Jay Chatmas had nominated David Johnson for Chairman. Peter Howe seconded the nomination. All were in favor. After determining whether Jay Chatmas could serve as Secretary, Mr. Chatmas was nominated for that position by David Johnson; seconded by Len Gulino. All were in favor.
24 25 26	D. Old Business – None.
27	E. New Business
28 29 30 31	This meeting was called to hear the request of Dana L. Foote, 21 Linwood Street, Tax Map U34, Lot 2-3 for a Conditional Use Permit to add an Accessory Dwelling Unit.
32 33 34 35 36 37	Chairman Johnson asked Mr. Foote to go to the podium and explain his request. Mr. Foote stated that he had the approval of all the neighbors for the in-law apartment. Bruce Smith had also reviewed the plans and that they met code. Mr. Foote said that there would be a wall built inside the entrance to separate the unit from the house, per Mr. Smith's recommendation, keeping the apartment under 600 square feet. There will also be another inside doorway added at the foot of the stairs.
38 39 40 41	Mr. Chatmas requested Mr. Foote show where Linwood Street was in relation to the building plans. Mr. Foote noted where the street was and where the driveway went.
42 43 44 45	There will be no external changes to the building. All the abutting neighbors' signatures are on file as approving this request. Mr. Chatmas asked if all neighbors were home owners. Mr. Foote replied they were.
46 47 48	Chairman Johnson asked if there was a plan for someone to live in the unit. It will be Mr. Foote's mother.
49	Mr. Chatmas questioned whether the house was near a wetland zone.

Mr. Smith replied yes and that the house was within the 250 foot buffer. That has no bearing on the accessory dwelling unit. Mr. Chatmas inquired whether Mr. Foote understood that this dwelling unit would not be a rental. Mr. Foote stated he understood. Chairman Johnson reminded Mr. Foote this unit would not be a home business. Mr. Foote agreed. Mr. Chatmas asked about parking for the unit. Mr. Foote stated there was ample parking for four cars. One space is directly in front of the in-law apartment. Mr. Smith stated the ordinance calls for two parking spaces for the single family and one for the accessory dwelling unit. So there is surplus parking area. Mr. Chatmas questioned whether any internal modifications had been made at this point. Mr. Foote replied they had not. There was a discussion between Mr. Chatmas and Mr. Smith concerning the need for a building permit to do the inside work. Mr. Foote will obtain a building permit for the entry way changes. Mr. Smith will inspect the accessory dwelling unit to make sure there are proper smoke detectors and egress window(s). The Zoning Board would not be held responsible for ensuring safety measures for the unit. Mr. Chatmas noted that the application meets code and satisfies the ordinance. After inquiring and finding no further comments, Chairman Johnson closed the public portion of the meeting: Conclusions: 1. The proposed use will not create hazardous traffic conditions when added to existing and foreseeable traffic in its vicinity. All were in favor. 2. The proposed use will not create unsanitary conditions by reason of sewage disposal, emissions to the air, or other aspects of its design or operation. All were in favor. 3. The proposed use will not adversely affect the value of adjacent properties. All were in favor. 4. The proposed site plan and layout are compatible with adjacent property uses and with the Comprehensive Plan. All were in favor. 5. The design and external appearance of any proposed building will constitute an attractive and compatible addition to its neighborhood, although it need not have a similar design, appearance or architecture. All were in favor.

1 Judgment:

A motion was made by Mr. Gulino and seconded by Mr. Thibodeau to approve the
application of Dana L. Foote, 21 Linwood Street, for a conditional use permit for a 535
square foot accessory dwelling unit. All were in favor.

- 67 Chairman Johnson noted there were four conditions of approval:
- 9 1. There shall be one dedicated parking space for the accessory dwelling unit.
- 11 2. No home occupation or home business is permitted now or in the future.
- 13 3. The single family and accessory dwelling units shall be held in the same ownership.
- 4. An attested copy of this conditional use permit shall be filed in the CumberlandCounty Registry of Deeds within ninety (90) days of this approval.
- 18 Chairman Johnson congratulated the Footes on the approval of the application.
- F. Communications Mr. Smith reminded board members of the invitation to attend
 orientation and refresher training the first Monday in February.
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- **G.** Adjournment Motion by Mr. Black to adjourn; seconded by Mr. Howe. All were in
- 24 favor. Meeting adjourned at 7:25 pm.