1		ape Elizabeth
2 3	Minutes of the June 22, 2010, Zoning Board Meeting	
4	Members Present:	
5 6 7 8 9	Peter Black Jay Chatmas Leonard Gulino Peter Howe	David Johnson Thomas Kinley John Thibodeau
10 11 12 13	Also present were the Code Enforcement Officer, Bruce Smith, and Recording Secretary, Carmen Weatherbie.	
14 15 16	A. Call to Order – Meeting was called to order by Chairman David Johnson at 7:00 pm.	
17 18 19	<b>B.</b> Approve the Minutes of April 27, 2010 – A motion to approve the minutes was made by Mr. Kinley; seconded by Mr. Howe. All were in favor.	
20	C. Old Business – None.	
21 22 23 24 25	<b>D. New Business</b> – To hear the request Road, Tax Map U19, Lot 53, for a condition unit.	of Philip and Sherrie Kaminsky, 8 Gladys nal use permit to add an accessory dwelling
23 26 27 28 29 30 31 32 33 34 35 36 37	Chairman Johnson asked Mr. and Mrs. Kaminsky to go to the podium and explain their request. Mr. Kaminsky stated that they have a son who is disabled and is currently living with them. His doctors would like him to have some independence. They have tried other living situations that have not worked. The arrangement of having him live in the house with his primary caregivers but in a more independent fashion would be beneficial. The space that they are wishing to convert is the existing family room and a <sup>3</sup> / <sub>4</sub> bath and a kitchenette would be added to that space. The doors are the existing entry doors. There are two egresses from the family room: one to the back yard and one to the side and out to the driveway. There is an existing parking pad that has room for four cars and there is an 80 foot driveway to a two-car garage. So there is plenty of space to meet the requirement of one dedicated parking space.	
37 38 39 40 41 42 43 44 45 46 47 48	now. There is currently a shed at the back storage, it used to be the old pool house a which will be insulated so that it could be room. The entire ADU (accessory dwelling footage of the accessory dwelling unit is 4 1,877 square feet, which includes the 95 s	ew roof, shingling it to match the house as is it of the family room, which is used for tool and housed a generator. It is an existing slab made into a permanent four-season exercise g unit) is on existing foundations. The square 68.5 square feet The area of the house is aquare feet where the shed currently sits, that Therefore the ADU would be 24.9 percent of

1 Mr. Kaminsky stated that the house will remain in basically the same envelope, the 2 same architectural character and remain as a residential use. 3 4 Chairman Johnson asked Mr. Kaminsky if the shed would be removed and a new 5 structure build. Mr. Kaminsky said yes, that was correct. The roof line for the new 6 structure would be tied into the existing roof. Mr. Kaminsky stated that there were 7 photos and a survey to show this submitted with the application. 8 9 Mr. Howe asked if the Kaminskys had discussed this with their neighbors or had they 10 heard from any neighbors after the notices were sent out. Mr. Kaminsky replied that 11 they received return cards from all the neighbors and the response was positive. Mrs. 12 Kaminsky also remarked that conversations with the neighbors were positive. 13 14 Code Officer Smith said that he had received a couple of telephone calls to inquire what 15 was going on. They had no issues. 16 17 Mr. Chatmas inquired about the Portland mailing address on the application. Mr. 18 Kaminsky replied that they did have their mail sent to a secure Post Office box due to 19 their residence's rural location. The house on the application at 8 Gladys Road is their 20 primary residence - since 1997. 21 22 Code Officer Smith commented on Conclusion Number 2 concerning sewage disposal: 23 A design for a replacement system was done and recorded. The code allows that 24 system to be recorded for future installation if the system in place fails. If any issues 25 arise in the future there is a plan recorded in the registry. 26 27 Upon question from Mr. Gulino, Mr. Kaminsky replied that their son currently resides 28 with them. 29 30 Mr. Chatmas asked the Code Enforcement Officer if the design was for a four bedroom septic. Mr. Smith replied that it was. It allows for a one bedroom accessory dwelling 31 32 apartment at 120 gallons a day and three bedroom main unit which is 390 gallons a day 33 total for the two. The code allows for the new plan to be recorded and current system 34 used until it fails. 35 36 After inquiring and finding no further comments, Chairman Johnson closed the public 37 portion of the meeting after a motion was made by Mr. Howe and seconded by Mr. 38 Kinley to do so. All were in favor. 39 40 Mr. Gulino commented that the purposed use falls within the definition of Accessory 41 Dwelling Unit. This property is in a RA Zone which under 19 - 6 - 1, allows for this use. 42 Given that this is just basically finishing off of existing space it seems that the applicant 43 meets all the conditional use standards. 44 45 Mr. Chatmas asked Mr. Smith to comment on the durability of this Conditional Use 46 Permit upon sale of the property. Mr. Smith said that this would be transferable under 47 the same conditions, unless the board places a condition on the permit. There just 48 needs to be a close personal relationship between the two residents. They could not 49 advertise the unit for rent. These limitations were discussed with the applicant.

After inquiring and finding no further comments, Chairman Johnson closed the board discussion after a motion was made by Mr. Gulino and seconded by Mr. Black to do so. All were in favor. Finding of Facts: 1. The appellants are the owners of a property at 8 Gladys Road, Tax Map U19, Lot 53, which is in the Residential A District containing 17,290 square feet. 2. The use is listed as a conditional use in that district, specifically as accessory dwelling unit use. 3. The existing floor area is 1,877square feet. 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. Judgment: A motion was made by Mr. Gulino and seconded by Mr. Kinley to approve the application of Phillip and Sherrie Kaminsky, 8 Gladys Road, for a conditional use permit for an accessory dwelling unit. All were in favor. Chairman Johnson congratulated the Kaminskys on the approval of the application and noted there were four conditions of approval: 1. There shall be one dedicated parking space for the accessory dwelling unit. 2. No home occupation or home business is permitted now or in the future. 3. The single family and accessory dwelling units shall be held in the same ownership. 

- An attested copy of this conditional use permit shall be filed in the Cumberland
   County Registry of Deeds within ninety (90) days of this approval.
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F. Communications – Mr. Smith received a communication from Jim Walsh, Town
Council, seeking input on how best to have open communications between the town
boards and the public. A copy was given to each board member. Members should
contact Mr. Walsh directly with any input.

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9 Mr. Gulino noted that there is a process, and if the public would like to comment, they

10 are welcome to come and speak. There is more thoughtful communication when

people are face-to-face verses firing off emails from their personal computer. Mr.
 Gulino would urge Town Council to maintain the formality of the process.

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Mr. Smith noted that because of the nature of this board, all meetings are posted publichearings; therefore, there is always an opportunity to speak.

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There was more discussion about workshops, policy meeting, and postings on theinternet and how best to solicit input from the public.

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Mr. Chatmas thanked the recording secretary for a job well done. Chairman Johnson and Mr. Smith echoed that sentiment.

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G. Adjournment – Motion by Mr. Howe to adjourn; seconded by Mr. Black. All were in
 favor. Meeting adjourned at 7:25 pm.