

Town of Cape Elizabeth
Minutes of the December 9, 2015
Zoning Board of Appeals Meeting

Present:

Matthew Caton
Michael Tadema-Wielandt

John Craford
Michael Vaillancourt

Aaron Mosher
Stanley Wisniewski

The Code Enforcement Officer (CEO), Benjamin McDougal, and Recording Secretary, Carmen Weatherbie, were also present.

A. Call to Order: Acting Chairman Michael Vaillancourt called the meeting to order at 7:00 p.m.

B. Approval of Minutes: Mr. Mosher motioned to approve the minutes of September 22, 2015; seconded by Mr. Tadema-Wielandt. Four who were present at that meeting were in favor with two abstaining. The minutes were approved. Mr. Wisniewski motioned to approve the minutes of October 27, 2015; seconded by Mr. Mosher. Four who were present at that meeting were in favor with two abstaining. The minutes were approved.

C. Old Business: None.

D. New Business: To hear the request of Edward and Sybil McCarthy to reconstruct and expand a portion of a nonconforming single family dwelling at 13 Lawson Road, Map U8, Lot 41. The applicants have a contract to purchase the property.

Stephen Mohr of Mohr & Seredin Landscape Architects in Portland came to the podium and stated that Ted and Robin (aka Edward and Sybil McCarthy) had purchased the property and so they now own it. Mr. Mohr exhibited and explained two design boards of plans and diagrams. He said there would be small additions to the front and to the back (south), which total 796 square feet. This size would be in line with houses in the neighborhood. The addition toward the street is no closer to the street than the existing house.

The septic field is in the back of the house; its 12-foot setback limits the back expansion. The property is partially in the Shoreland Zone. Lot coverage in the Shoreland Zone is 17.8%. Outside that zone is below 13%. This meets zoning criteria. It is the narrowest and longest lot in the neighborhood making the building window unique. By not expanding into the side setbacks any further, existing views remain. The design standardizes window and door sizes, and makes it look like it belongs in that neighborhood.

In response to board inquires, Mr. Mohr, explained how the septic field was located. The septic field was replaced/rebuilt in 1999. He stated that because of the expansion in the back, two new septic tanks will be installed to the side. Mr. Tadema-Wielandt commented that the application was complete, well put together and easy to understand.

Chairman Vaillancourt asked for public comment.

David Volin of 17 Lawson Road stated that the McCarthys introduced themselves and explained what they wanted to do with the house. They are a welcome addition to the neighborhood.

CEO McDougal stated that any correspondence he received was in the package.

Chairman Vaillancourt closed the floor to public comment.

Chairman Vaillancourt disclosed that he and his wife resided at 11 Lawson Road for three months about 10 years ago while their house was under renovation. He feels he can be objective.

The Board discussed the completeness of the application. Mr. Caton moved to approve the request of Edward and Sybil McCarthy of ~~10 Shipwreck Road, Scarborough~~ 13 Lawson Road to reconstruct a nonconforming structure at 13 Lawson Road, Map U8, Lot 41, based on Section 19-4-3.B.3 of the Zoning Ordinance.

Mr. McCarthy stated they had purchased the property so for the record the address should be changed. Chairman Vaillancourt amended the motion (as above); Mr. Wisniewski seconded. All were in favor. Vote: 6 – 0.

Findings of Fact:

1. This is a request of Edward and Sybil McCarthy of 13 Lawson Road to reconstruct a nonconforming structure at 13 Lawson Road, Map U8, Lot 41, based on Section 19-4-3.B.3 of the Zoning Ordinance.
2. Edward and Sybil McCarthy are the owners of the subject property.
3. The subject lot is a nonconforming lot in the RA Zone and it is in the Shoreland Performance Overlay District.
4. The nonconforming structure is a single family dwelling with an onsite septic system.

Additional Findings of Fact:

1. The Zoning Board of Appeals has considered the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic systems and other on-site soils suitable for septic systems, the impact on views, and the type and amount of vegetation to be removed to accomplish the relocation.
2. The proposed structure will not increase the nonconformity of the existing structure.

3. The proposed structure is in compliance with the setback requirement to the greatest practical extent.

Mr. Wisniewski moved to approve the Findings of Fact; Mr. Tadema-Wieland seconded. All were in favor. Vote 6 – 0.

New Business 2. Election of a Chair and Secretary for a one-year term was deferred until the next meeting.

E. Communications: Discussion on 2016 meeting schedule was deferred until the next meeting, which is January 26th, the fourth Tuesday of the month.

F. Adjournment: Mr. Wisniewski moved to adjourn; Mr. Mosher seconded. All were in favor. Vote: 6 – 0. Chairman Vaillancourt adjourned the meeting at 7:29 p.m.