



CITY OF GARDINER BOARD OF APPEALS

Meeting Minutes

Thursday July 1, 2021

6:00 PM

Via Zoom

In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19

Call Meeting to Order- Chair Potter called the meeting to order at 6:03 pm and determined that there was a quorum.

Roll Call- Chair- Edward 'Ted' Potter, Kevin Sullivan, Glenn Glazier, Rusty Greenleaf. Carrie Arsenault and Guy Ferris were not present. Others present included Kris McNeill- Code Enforcement Officer, Nicholas Hahn- applicant, Cameron Gorsuch and Kathleen Coffey- abutters, Angelia Christopher- Planning and Development Assistant.

Review of the May 6, 2021 minutes- Chair Potter asks if there are any corrections or comments- No. Rusty Greenleaf made a motion to accept the minutes as presented. Kevin Sullivan seconds the motion. No further discussion. Roll call vote- Glenn Glazier- yes, Rusty Greenleaf- yes, Kevin Sullivan- yes and Ted Potter- yes. All in favor.

Dimensional Requirements Variance-Public Hearing- Mr. Hahn is proposing to build a new home at 29 West St. City tax Map 022 Lot 019. The location of the proposed building sits at the approximate location of a previous residence. The building would be 25x50 footprint and be beyond the 25' road setback for High Density Residential Zone.

Chair Potter asks if proper notice was filed- yes. Abutters were notified as well. The applicant has standing and a deed was presented. Chair Potter asks if there is any board member who cannot avoid the appearance of impropriety. All Board members agree they can.

This particular property falls into two zoning districts- HDR and Shoreland. Setbacks in the two districts are significantly different. Mr Hahn would like to build according to the other properties on the street and follow the HDR setback. Kris McNeill points out that there is a provision in the ordinance, 7.4.1, that addresses the Shoreland concern.

Mr. Hahn tells the Board that this will be a single family home. He states that the proposed home will more or less be in the same footprint as the home that was originally there except the new house will be a little smaller. This home will have a farmhouse-like appearance and will fit in with the character of the homes in the neighborhood. Contrary to what most think, this property does not have any shore frontage, there is a separate property between this lot and the stream. Kris McNeill states that the HDR setback is more relevant to this

property. Setbacks are set in place to keep properties in character of the homes around it. The way that this lot will be set up, fits more in line with the setbacks of the other homes in the neighborhood.

Chair Potter opens the meeting for public comment. Abutting neighbors Katie Coffey and Cameron Gorsuch state that they are present this evening because they were interested with the property owners plans. They have no issues or concerns with this project. Chair Potter closed the public comment.

The Board continued by checking the ordinance for compliance and decided everything looked good. Kevin Sullivan has drafted a motion for this application. Chair Potter asked him to share the motion, which all Board members agreed on.

Chair Potter asks for a motion on this application.

Rusty Greenleaf makes a motion- That the Board approve the application to allow Mr. Hahn the variance based on the following:

1. The need for a variance is unique to this property and specifically an exception in the neighborhood.
2. The variance will not result in an undesirable change in the character of the neighborhood.
3. The practical difficulty is both extreme and not caused by any owner or prior owner of the property.
4. Although other alternatives exist, this is the only reasonable one with all other options lacking feasibility.
5. The natural environment will not be affected by rebuilding a home where there previously was a home.
6. The Shoreland issue is resolved by land use ordinance section 7.4.1.

Glenn Glazier seconds the motion. No further discussion. Roll call vote. Glenn Glazier- yes, Rusty Greenleaf- yes, Kevin Sullivan- yes and Ted Potter- yes. All in favor. Variance granted.

Rusty Greenleaf tells the applicant that he is looking forward to seeing a home back on this property, and it will be a big improvement to the neighborhood.

5. Other- no other business at this time.

6.Adjourn - Kevin Sullivan makes a motion to adjourn. Glenn Glazier seconds the motion. No further discussion. Roll call vote. Glenn Glazier- yes, Rusty Greenleaf- yes, Kevin Sullivan- yes and Ted Potter- yes. All in favor. Adjourn at 6:30 pm