

Unapproved

Derby Zoning Board of Adjustment * Minutes * October 26, 2015

Members Present: Paul Prue, Joe Profera, Judy Nommik, Norm Gaboriault, Richard Del Favero.

Members Absent: None.

Others Present: Edward Cunningham, Nancy Moore, Beth Barnes, Lynn Rublee, David Sargent, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (September 28th) as written. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 15-089 by Edward & Mary-Leah Cunningham, PIN #SESAL010J7T, for conditional use approval for the enlargement of a nonconforming structure by replacing the existing dwelling with a 32 ft by 32 ft dwelling with a wraparound deck. The proposed building will be 7 ft from the Cemetery lot and 18 ft from the boat launch lot. The existing building is 6 ft from the Cemetery lot and 17 ft from the boat launch lot. This property is located at 281 Hayward Road and is in the Shoreland (SD) zoning district. Mr. Cunningham was present to explain the request. The deed to the property states that the fence line along the cemetery and boat launch is the property line. The project has been approved by the State's Shoreland program. The existing dwelling is a 10 x 37 mobile home with a 12 x 20 addition. The new building will be 1 ft further away from the Cemetery and Boat Launch properties. He will be upgrading his septic system. He will be taking down some trees and the State is requiring him to plant one tree for everyone removed. There was no testimony from interested parties. Judy Nommik made a motion to close application 15-089 by Edward & Mary-Leah Cunningham. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Bob reported that additional materials have been submitted concerning the Rublee application and unless the board reopens the hearing they should not review the material. The board did not reopen the hearing and did not review the late submittals.

The board entered into deliberative session to deliberate on closed applications. Joe Profera stated that he would not be participating in deliberations on the Rublee application due to a conflict.

Upon returning from deliberative session Judy Nommik made a motion to grant conditional use approval for application 15-089 by Edward & Mary-Leah Cunningham as submitted with the condition that a State wastewater permit must be in place prior to demolition of the existing building (see attached written decision). Seconded by Richard Del Favero. **Approved by unanimous decision.**

Judy Nommik made a motion to grant conditional use approval for application 15-072 by Lynn Rublee as submitted (see attached written decision). Seconded by Richard Del Favero. **DENIED by unanimous decision because of an undue adverse effect on the character of the area, traffic on roads & highways in the vicinity, and general public health, safety, & welfare. Due to a conflict Joe Profera did not participate.**

8:10 PM: On a motion by Judy Nommik and seconded by Richard Del Favero the meeting was adjourned.

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * September 28, 2015

Members Present: Paul Prue, Joe Profera, Judy Nommik, Norm Gaboriault, Richard Del Favero.

Members Absent: None.

Others Present: Nancy Moore, Jane Edwards, Beth Barnes, Marilyn Stanley, Deborah Brooks, Peter Brooks, Bruce Smith, Andria Smith, Mark Rublee, Lynn Rublee, Craig Rublee, Troy Schumacher, Jay Johnson, Joy Johnson, ZA Bob Kelley.

7:05 PM: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to accept the minutes of the last meeting (September 14th) as written. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera reopened application 15-072 by Lynn Rublee, PIN #WBCHL006D2T, for conditional use approval for a 2 room Bed & Breakfast. This property is located at 246 White Birch Lane and is in the Shoreland (SD) zoning district. This application was tabled from the September 14, 2015 meeting. Norm Gaboriault and Lynn Rublee were the only ones to attend the site visit at 5:00. Ms. Rublee was present to explain the request. There were 2 new written submittals from Peter & Mary Brooks and Jacques Dupont. Joe Profera read both emails. There was oral testimony opposed to the application from Troy Schumacher, Peter Brooks, Deborah Brooks and Bruce Smith; some of their concerns included liability, traffic, safety, character of area, insurance, road maintenance, and use of private beach. There was oral testimony in favor of the application from Lynn Rublee, Mark Rublee, Craig Rublee, Nancy Moore, Beth Barnes and Jane Edwards; some of the points brought up included minimal affect on area, minimal affect on traffic, character reference of Ms. Rublee, difficulty making a living in NEK, other permitted use have same impacts, and exaggerated claim by those opposed. The board was concerned about the Town's liability if permit was granted and something happen on the road and wants to check with the Town's attorney. After all testimony was heard Judy Nommik made a motion to close the hearing on application 15-072 by Lynn Rublee. Seconded by Norm Gaboriault. **Approved by unanimous decision.** The board will check with the Town's attorney concerning liability and render a decision on the application within 45 days.

Chair Joe Profera read the warning for application 15-077 by Jay & Joy Johnson & Richard Albrecht, PIN #MSTD043A6L, for conditional use approval 4 ft high fence within the front yard setback. This property is located at 502 Main Street, Derby Line and is in the Village Residential Two Derby Line (VR2DL) zoning district. Mr. & Mrs. Johnson were present to explain the request. They submitted a letter from the Derby Line Village Trustees stating that the fence extends 15 ft into the Village's Right of Way. The Trustees do not have a problem with the location of the fence however they did state that it cannot be responsible for any damage to the fence done during maintenance to the road or sidewalk. There was no testimony from interested parties. Judy Nommik made a motion to close application 15-077 by Jay & Joy Johnson & Richard Albrecht. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Judy Nommik made a motion to grant conditional use approval for application 15-077 by Jay & Joy Johnson & Richard Albrecht as submitted (see attached written decision). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

8:30 PM: On a motion by Judy Nommik and seconded by Richard Del Favero the meeting was adjourned.

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * September 14, 2015

Members Present: Paul Prue, Joe Profera, Judy Nommik, Norm Gaboriault, Richard Del Favero.

Members Absent: None.

Others Present: Nancy Moore, Jane Edwards, Beth Barnes, Marilyn Stanley, Peter Wedd, Deborah Brooks, Peter Brooks, Bruce Smith, Mark Rublee, Lynn Rublee, Andie Stratton, Reg Stratton, Michael Conley, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (August 17th) as written. Seconded by Norm Gaboriault.

Approved by unanimous decision.

Chair Joe Profera read the warning for application 15-072 by Lynn Rublee, PIN #WBCHL006D2T, for conditional use approval for a 2 room Bed & Breakfast. This property is located at 246 White Birch Lane and is in the Shoreland (SD) zoning district. Ms. Rublee was present to explain the request. New submittals from the applicant and interested parties were handed out. Ms. Rublee explained her request for a 2 room B&B. She has been operating the B&B thru Air B&B for the last 3 months and has averaged 7 rentals per month. The board reminded her that she should check with the Health Dept and Fire & Safety to make sure she is in compliance with their regulations. Parking does not appear to be an issue. Exterior lighting is an LED spot light mounted under the main floor porch. The lot is very private, neighbors cannot see the house thru the foliage. The property is located on a private road (White Birch Lane). Seven families have formed an association for the maintenance of the road. Ms. Rublee stated that she has offered to pay an extra amount toward the maintenance cost. Peter Wedd, Debra Brooks, Peter Brooks, Bruce Smith, Troy Schumacher, and Nancy & Charles Curtis offered testimony either orally or in writing with their concerns with the application, their concerns included: Traffic/road concerns - increased traffic, potential damage to the road, narrowness of road, speeding, pedestrian safety, dust, insurance, and increase in road maintenance costs; and character of the area concerns – change in atmosphere, privacy, potential for snowmobilers on private property, safety, and traffic. Stuart & Judith Penney, Ginette Provost, Nancy Moore, Beth Barnes & Mark Rublee offered testimony either orally or in writing in support of the application citing the clientele typically associated with B&Bs, traffic less that if a family with teenagers owned the property, and minimal impact on the area. After all concerns were expressed the board felt that a site visit was warranted. Richard Del Favero made a motion to recess the hearing on application 15-072 by Lynn Rublee for a site visit at 5:00 pm on Monday, September 28, 2015 and then resume to the hearing at 7:00 pm here in the municipal building at 124 Main Street, Derby Center. Seconded by Judy Nommik. **Approved by unanimous decision.**

8:00 PM: The board adjourned. Next meeting is scheduled for 7:00 pm Monday, September 28, 2014.

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * August 17, 2015

Members Present: Paul Prue, Joe Profera, Judy Nommik, Norm Gaboriault, Richard Del Favero.

Members Absent: None.

Others Present: Reginald Abbott, Laura Suchla, Laura Carpenter, ZA Bob Kelley.

7:05 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (June 22nd) as written. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 15-059 by Reginald Abbott, PIN #TRD41001G3T, for conditional use approval for the expansion of a nonconforming structure by adding an 18 ft by 36 ft addition for retail sales. The proposed addition will be 17.9 ft from the Route 5 Right of Way and the existing building is 17.5 ft from the Right of Way. This property is located at 30 Crawford Road and is in the Commercial (COM) zoning district. Mr. Abbott & Ms. Suchla were present to explain the request. One of the reasons for the addition is to resolve a water problem in the front. The addition will have a handicap ramp for access to the lower level. The parking lot will be raised to accommodate the new entrance. The entrance on the front will be removed. The new entrance will have a down lit light above the door. Some landscaping and one tree will have to be relocated. There were no comments from the public. Judy Nommik made a motion to close the hearing on application 15-059 by Reginald Abbott. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

The Board went into deliberations at 7:25.

Out of deliberations at 8:15. Judy Nommik made a motion to grant conditional use approval for application 15-059 by Reginald Abbott as submitted (see attached written decision). Seconded by Norm Gaboriault. Ayes – Paul Prue, Judy Nommik, Norm Gaboriault. Nays – Richard Del Favero. **Approved by a majority decision.**

Other business: It was noted that a fence went up within the front yard setback on Main Street in Derby Line at the former Fletcher's B&B. According to §402.2 a permit is required.

8:20 PM: Judy Nommik made a motion to adjourn. Seconded by Paul Prue. **Approved by a unanimous decision.**

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * June 22, 2015

Members Present: Paul Prue, Joe Profera, Judy Nommik, Norm Gaboriault, Steve Mengel (alternate)

Members Absent: Richard Del Favero.

Others Present: Ronald Plante, Darlene Plante, Brenda Lowther, Frank Fisher, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Norm Gaboriault made a motion to accept the minutes of the last meeting (Oct 13th) as written. Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 15-038 by Brenda Lowther, PIN #TRD04102A4TR1, for conditional use approval for a 2 room Bed & Breakfast. This property is located at 133 Sunrise Drive and is in the Residential 1-acre (R1) zoning district. Brenda Lowther was present to explain the request. She will only be renting 2 rooms as a suite due to restrictions of the online booking company. She has to contact the State to make sure that she is in compliance with all their regulations. There were no comments from the public. Judy Nommik made a motion to close the hearing on application 15-038 by Brenda Lowther. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 15-039 by Ronald & Darlene Plante, PIN #RT111030G5C, for conditional use approval for Plante Trucking to expand a nonconforming structure by adding a 38 ft by 39 ft addition and a 44 ft by 39 ft addition to an existing nonconforming garage. The existing garage is approximately 5 ft from the side lot line and the proposed addition will not get any closer to the lot line. This property is located at 388 Route 111 and is in the Village Residential Derby Center (VRDC) zoning district. Ronald Plante was present to explain the request. He used to have 6 trucks and now he is down to 4. The business has been operating at this location for decades. He inherited the property from his mom after she passed away in February and plans on moving into the house next year. He has 1 ft to spare on the west side for the addition. There were no comments from the public. Judy Nommik made a motion to close the hearing on application 15-039 by Ronald & Darlene Plante. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to grant conditional use approval for application 15-038 by Brenda Lowther as submitted (see attached written decision. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to grant conditional use approval for application 15-039 by Ronald & Darlene Plante as submitted (see attached written decision. Seconded by Paul Prue. **Approved by unanimous decision.**

8:10 PM: Judy Nommik made a motion to adjourn. Seconded by Paul Prue. **Approved by a unanimous decision.**

The minutes were taken by Bob Kelley.