

BOARD of ADJUSTMENTS and APPEALS
Minutes of the **March 23, 2017** Public Hearing
Chebeague Island Recreational Center

Attending:

Board Members: Peter Rice, Chair; Charles Hall, Sandra McLean, Tad Runge
Town of Chebeague: Marjorie Stratton, Town Administrator, and Nick Adams, Code Enforcement Officer.
Applicant Cecil Amos Doughty, his representative, Gilbert Eaton, and members of the public.

Having a Quorum the meeting was called to order at 6:06PM

Minutes of the past two meeting - 9/16/2015 and 12/12/2016 were each unanimously approved.

Purpose of the Hearing:

To review a request from Cecil Amos Doughty, 14 Proctor Drive, Chebeague for lot size variances for three back lots situated on Map I-01, Lot 75A.

The application was judged to have been submitted the request in a timely fashion and appropriate fees paid. The applicant has standing and the Board has jurisdiction to review the request for the variances.

All abutters within 500 feet of Lot 75A were notified of the request for the variances in a timely manner and two written abutter responses (Exhibit A) were received that supported the request.

The Chair canvassed the Board for potential conflicts of interest. There were none.

The Hearing was opened for the applicant's presentation.

Mr Eaton made the presentation at the request of the applicant Mr. Doughty. Mr. Eaton reiterated each of the points made in the Variance Application Form. The primary point being the desire to be able to divide Lot 75A in to three undersized back lots - two to be gifted to each of Mr. Doughty's daughters and the third, with his home on it, to be retained by the applicant. In the process of doing this the financial burden of keeping the undivided lot would be reduced
Discussion included reference to previously (1975 and 1988) sold one acre lots the latter having been granted a variance by the then Town of Cumberland.

Variations of the lot sizes were also presented as an option.

Mr Hall recommended the Board needed to look to see if any undue hardship was created by the requested variances before any changes were made to the application. Is there going to be an acceptable ROW to each of the proposed lots? Yes was the answer.

The Hearing was opened to the public for comment:

Other abutters and supporters were present at the Hearing and gave verbal support for the request.

The question of what is a reasonable rate of return was brought up. It was asked if a reasonable rate of return was that the owner found it difficult to pay his taxes?

There were no opinions presented against the request.

Hearing was Closed to the Public.

The Board went on to vote on their findings for each of the four criteria:

- A. Hall made a motion (seconded by Runge), that the Land in question cannot yield a reasonable return unless a variance are granted. Motion was unanimously passed.
- B. Runge made a motion (seconded by McLean), that the need for the variances are due to the unique circumstancesof the neighborhood. Motion passed unanimously
- C. Hall made motion (seconded by McLean), that the granting of the variances will not alter ...locality. Motion passed unanimously.
- D. Hall made the motion (seconded by Runge), that the hardship was not the result ... owner. Motion passed unanimously.

A motion was then made by Hall and seconded by McLean that the Board had found substantial evidence supporting the granting of the 3 lot size variances (two (2) 2.1 acre lots and one (1) 2.8 acre lot) as drawn on a 2/5/2017 plan drawn by Bruce Bowman and to approve those lot size variances. The motion passed unanimously in favor of the motion.

FINDINGS OF FACT: See attached Exhibit B

Meeting adjourned at approx. 7:00

Respectfully submitted:

Tad Runge