

TOWN OF ELIOT – BOARD OF APPEALS MEETING

July 16, 2015

ROLL CALL

Present: Chairman Bill Hamilton Vice-Chairman Peter Billipp, Edward Ciesleszko, Secretary Ellen Lemire, Jeff Cutting and Associate Members John Marshall and Charles Rankie.

Others Present: Code Enforcement Officer Heather Ross; Victor Castillo, appellant; abutters and other interested parties.

CALL TO ORDER

Chairman Hamilton called the meeting to order at 7:00 PM. He stated that the meeting was being streamed live on the internet.

Chairman Hamilton established that there were no conflicts of interest with the issue of the current appeal for any of the voting members.

Chairman Hamilton stated that the procedure for the public hearing would be as follows:

- The meeting will be opened.
- Voting members will be determined.
- The request will be summarized.
- The parties to the action will be determined.
- The jurisdiction, timeliness and standing of the appellants will be determined.
- The appellant will present uninterrupted testimony and may take as much time as he would like to present as long as it is pertinent to the case.
- The Board will question the appellant.
- Code Enforcement Officer will present testimony.
- The Board will question the CEO.
- Other parties to the action, including abutters, will present testimony.
- The Board will question the parties.
- Other interested observers will have a chance to testify.
- There will be rebuttal of any previous witnesses by all parties.
- The appellant will make the last statement and take any last questions from the Board.
- The non-voting members of the BOA will make statements regarding the appeal.

- The public hearing will be closed.
- The Board will begin deliberations starting with the findings of fact. They will discuss their duties and what authority they have. They will then make a motion, discuss the motion and, hopefully, come to a conclusion.
- If a decision is reached, the appellant will receive a Notice of Decision within seven days.
- Any decision can be appealed to the Superior Court within 45 days.

PUBLIC HEARING

Chairman Hamilton opened the public hearing at 7:02 PM. He stated that Victor Castillo was requesting a variance to the terms of Article 45, Section 405, Dimensional Standards, in order to construct a detached garage on property located at 11 Knoll Road, Eliot, Maine, Map 42, Lot 9.

Chairman Hamilton stated that the BOA members who would be voting were the regular members. They were Mr. Cutting, Ms. Lemire, Mr. Billipp and Mr. Cieleuszko, with Chairman Hamilton only voting in case of a tie.

Chairman Hamilton asked if there were others in the audience who were interested in speaking to the issue. Several people indicated that they would like to speak.

Chairman Hamilton stated that the jurisdiction of the Board of Appeals to hear the appeal is granted by Section 45-50, which allows the BOA to review and determine applications for variances. He stated that the standards upon which they were looking at the variance involve Section 45-405, Dimensional Standards.

Chairman Hamilton stated that the appellant had standing and that there was no timeliness issue, because Mr. Castillo was not responding to a decision by the CEO or the Planning Board.

TESTIMONY FROM APPELLANT

Mr. Castillo presented the BOA members with a letter of support from a neighbor who was unable to attend the meeting.

Mr. Castillo stated that he and his wife were looking for the opportunity to have the BOA grant them a variance to be able to construct an accessory building in their front yard. He stated that they live on a corner lot on Knoll Road and Governor Hill Road. He stated that, due to wording of the ordinance, a building cannot be built in a front yard. He stated that because they live on a corner lot, the side portion of the house is also considered to be a front yard.

Mr. Castillo stated that he included in the BOA packet a few pictures of the property, showing a view looking outward from where the garage would be constructed and also from the house looking toward the location where the garage would be constructed, in order to give more of a visual presentation as to what the final result would look like.

Chairman Hamilton asked if the paved area in the pictures would be the location of the garage. Mr. Castillo stated that it would be right at the end of it. Chairman Hamilton asked if it would be close to the pile of debris. Mr. Castillo stated that there is a small pile of wood there and that the garage would be constructed right at the edge of the grass.

Mr. Castillo noted that the BOA packet also contained an image of the plot plan. He stated that he thought that the setbacks for an accessory building were 10 feet from the front lot line and 30 feet away from the existing structure. He stated that the area where the planned garage would be located would be 100 feet from the front line, 50 feet from the side line, 240 feet from the back line and 50 feet from the home itself. He stated that it would be 175 feet from the neighboring property line, 125 feet from the septic system and 175 feet from the well, and that it would not cause any problems with either the septic system or the well. He added that the building would meet all of the required setbacks for a detached garage.

Mr. Castillo stated that the only reason he cannot build the garage, according to the CEO, is that no accessory building can be located in the front yard. He stated that, because he lives on a corner lot, the desired location cannot be used because he is bound by the restrictions of the ordinance, as it currently stands.

Mr. Castillo stated that from the front line to the back line is about 350 feet and from the side of the house to the side of the property line is about 125 feet, which results in roughly 45,000 square feet that he cannot put to use because of the wording of the ordinance. He stated that he did not think that that was functional, given that he had met all of the setback requirements to be able to build such a building.

Mr. Castillo stated that he had also included in the packet a couple of sketches representing what the actual structure would look like. He stated that it would be built of similar materials, windows, roofing, doors and siding to those of the existing house, and that it would also be similar to the other houses in the neighborhood and surrounding areas. He stated that the building would not, by any means, detract from the neighborhood or the property. He added that the building would actually enhance the location.

Mr. Castillo stated that people coming in through the neighborhood would see the garage and think, "Wow. That is put together pretty well." He added that it would blend

in so well with what is already there that others would not notice it. He stated that the building would not detract from the neighborhood.

Mr. Castillo stated that he had also included in the packets a few images of other properties in Eliot that have similar conditions to his. He pointed out one on Hanscom Road on a corner lot with a house and a detached garage which had been built fairly recently. He stated that the image showed the same thing that he wanted to do, which was to build a simple, one-story garage on the side of his house with no dwelling above. He stated that he wanted to have his hobbies there, work on his lawn mower, work on his vehicles, put his car in during the winter and store his small boat indoors.

Mr. Castillo stated that in the other two provided examples, the two accessory buildings shown are basically right on the edge of the road. He stated that the reason that he was presenting the images was not to say, "Oh, look what everybody else in Eliot has done," but to show that such things have been done and that they do not detract from what had been there. He stated that that is exactly what he was looking to do—to build a garage that makes total sense.

Mr. Castillo stated that in discussions with the CEO, it appeared that the only place that he could build the garage would be in the back, directly behind his house. He stated that, as evidenced by the plot plan, that area is not mowed and tends to hold some water, making it very soft, soupy and muddy. He stated that to consider building anything in that location would require a tremendous amount of manipulation to the property.

Mr. Castillo stated that he would like to build a garage with minimal disturbance to the property as it exists. He stated that to build behind the house would also require that he build a road out to Governor Hill Road. He stated that that would also mean taking out trees, something he does not want to do, and that he would rather plant more trees than to take some down.

Mr. Castillo stated that the little piece of property that does not get mowed has also become a nice, little food plot for the deer in the area. He stated that that meant a great deal to him and showed that he was paying attention to the environment. He added that that area is also much closer to his well, and that he did not know if disturbance at that location, in order to build it up to grade, would create hazards or contaminants for his well. Mr. Castillo pointed out the location of the well on the plot map for the BOA.

Mr. Castillo stated that the location for which he submitted the application to build the garage was the absolute, optimum location and would yield the best end result for everybody.

Mr. Castillo stated that he had had the opportunity to be present at last month's BOA meeting, at which an individual was seeking a variance for the same condition for which

Mr. Castillo was seeking a variance. He stated that the Board had granted that appellant a variance to construct an accessory building in the front yard. He stated that that had led him to believe that the BOA recognizes that there is fault with the ordinance. He asked that the BOA be consistent and grant him a variance, so that he would have the same opportunity as other residents to build a garage.

QUESTIONS FOR APPELLANT FROM BOARD

Mr. Marshall stated that he thought Mr. Castillo had done a very good job explaining his situation and that Mr. Castillo was asking for a very reasonable return on his property. He stated that he had no questions.

Mr. Cutting stated that he was confused as to why the area in question was being considered a front yard. He stated that the lot is a corner lot but that there is a cemetery and a large number of trees on the side in consideration, and it is relatively obstructed. Mr. Castillo stated that there is a buffer of trees that goes the entire distance of the property along Governor Hill Road. Mr. Cutting stated that he could not even see the house from that side of the property, which is why he was confused as to why it was considered a front yard and not a side yard. Mr. Castillo responded that that was a different question, which would have to be answered by the building inspector.

Mr. Cutting asked why the garage could not be put in line with the house and follow the driveway on that side. He stated that it would then be 30 feet away and would not be in the front yard. Mr. Castillo indicated a tiny line on the image provided in the packet which states, "Dig Safe." He stated that that is where all of his utilities come in from the power pole. He stated that that location would infringe on all of those utilities, with potential for catastrophic results from the digging and construction. Mr. Cutting asked if Mr. Castillo was going to dig down for a footing or construct the garage on a slab. Mr. Castillo stated that he had not completely determined that as yet.

Mr. Cutting asked for the distance between the driveway pavement and the dig safe line. Mr. Castillo replied that it was probably about 15 to 20 feet. Mr. Cutting stated that that did complicate the issue.

Mr. Cutting stated that one of the things the BOA has to consider for a variance is hardship, and he asked what Mr. Castillo's hardship was. Mr. Castillo stated that the home was built in 1994. He stated that when talking with the Town Planner a couple of weeks ago, she had said that the ordinance was put in place in the late 1990s. He stated that that did not give anybody the opportunity to put the house in a different location before the ordinance was put in place or to build the garage without having to seek a variance.

Mr. Billipp asked Mr. Castillo to talk about the first criterion, that the land in question cannot yield a reasonable return without the variance. Mr. Castillo stated that the reality to him was that any piece of property that has a home on it is going to yield a monetary value. He stated that there are many ways of looking at reasonable return. He stated that he considered that his property was not yielding a reasonable return in usability. He stated that there are 350 feet from the front to the back and 125 feet from side to side, or 45,000 square feet, of his property (almost half of it) which he could not put to use for building a simple garage. He added that, with that condition, the property was not yielding him a reasonable return.

Ms. Lemire asked if the restrictive covenants on the property would interfere with the ability for a variance to be granted. Mr. Castillo stated that he did not have an answer to that question, but that he thought they probably would not. Ms. Lemire asked if he knew what the covenants were and he replied in the negative. Mr. Castillo asked Mrs. Castillo if she knew, and she replied that she did not know what they were for an accessory building. She stated that she only knew that they cannot have farm animals, such as chickens, horses or goats.

Chairman Hamilton asked Ms. Lemire how she had determined that there were restrictive covenants in place. She replied that she had asked the CEO.

Mr. Cielezsko asked when the appellant purchased the property. Mr. Castillo replied that it was purchased in 2001.

Mr. Cielezsko asked for the dimensions of the proposed garage. Mr. Castillo replied that they were 28 feet by 36 feet, with the 36 feet located on the side of Governor Hill Road. Mr. Cielezsko asked what the usage was for the garage. Mr. Castillo replied that he would use it for hobbies, vehicle repair, storage and personal use.

Mr. Cielezsko stated that he had grave reservations about reasonable return. He stated that the appellant had purchased the property in 2001 and that it currently has a garage. Mr. Cielezsko stated that he wanted to have a firm understanding as to why the appellant thought that the garage was needed for a reasonable return. He stated that the property, without an additional garage, would still be at least as valuable as it was when purchased and would, more than likely, be of much greater value now. He asked if that was a reasonable assumption. Mr. Castillo concurred.

Mr. Cielezsko asked if the rest of the houses in the neighborhood also only had single garages. Mr. Castillo stated that he had not paid much attention to that, because the neighbors are further down in the woods. Mrs. Castillo stated that they would be the only ones in the neighborhood with an additional garage.

Mr. Cielezsko stated that he understood the uniqueness of being on a corner lot. He asked when the appellant realized that he wanted the additional structure. Mr. Castillo

stated that it has been the plan since purchasing the property. He stated that the paved area to the left of the property was originally dirt. He stated that when they had the driveway repaved, they paved that area for an additional garage.

Mr. Castillo stated that, when the pavement was laid for the additional garage, he did not know about the restriction. He added that he had spoken to the CEO at the time and was told that there would be no problems adding the structure. He stated that when he gave his paperwork to Ms. Ross, it appeared that there would be no problem, until it was noted that the ordinance of the corner lot restricted the location of the garage.

Mr. Cielezsko asked who had been the CEO Mr. Castillo had spoken with. Mr. Castillo stated that he could not remember his name, but that he was short with black hair. Mr. Castillo stated that it was probably three years ago when he first looked into building the garage, and that it was in September of 2014 that he talked with Ms. Ross about the situation.

Mr. Rankie stated that it looked like there was some sort of shed on the property. Mr. Castillo stated that there is a shed part way down the field on the side of the house, which had been there for about ten years. He added that it is a composite shed which sits on the ground.

Mr. Rankie asked if the underground utilities noted on the plan provided service to the appellant's house alone. Mr. Castillo replied in the affirmative. Mr. Rankie clarified that the appellant had established that he has an existing garage.

Ms. Lemire asked if appellant had specifically discussed the addition of a second garage when he talked with the prior CEO. Mr. Castillo replied that he absolutely had. Ms. Lemire clarified that the prior CEO had no problem with the addition. Mr. Castillo stated that the CEO's only reservation had been whether or not the garage would be the appellant's garage or his wife's garage.

Mr. Billipp asked if it might be a good idea to get a copy of the deed, which is part of the application process. He stated that the BOA did not have the deed and that it might shed some light on the issue. Ms. Ross stated that she pulled the deed when Ms. Lemire asked to see the deed, and that it referred to a set of covenants for the subdivision. She stated that the CEO does not enforce covenants for subdivisions. Therefore, she does not typically pull any of that information. She stated that she did pull a copy of the covenant and that she had it at the meeting. Mr. Cielezsko stated that the BOA did not need to see the covenants, but that they did need to see the deed. Ms. Ross supplied a copy of the deed.

Mr. Cutting asked why the garage would not work in back of the dig safe line. Mr. Castillo stated that it would put it too close to the dig safe area and that the driveway would have to be extended, which would create more disruption to the property, and

would require a tremendous amount of fill. He stated that there is a drop from the existing garage of about five feet. He added that it would take truckloads of fill to bring it up to grade.

Mr. Cielezsko stated that, as clarification of the ordinance, any location of the garage on the Governor Hill side of the property would be in the front yard, regardless of the distance from the house. He stated that the garage would need to be literally behind the footprint of the house and existing garage in order to avoid the need for a variance.

Mr. Billipp asked if it would make a difference to add on to the existing garage, rather than creating a new building. Ms. Lemire stated that that would make a difference, because it would be an attached garage. Mr. Billipp asked the appellant if he had considered that option. Mr. Castillo stated that it would require taking apart a building that is already in good shape, and it would be located in the dig safe area. He stated that the proposed location for the garage is truly the optimum location, because it minimizes the amount of work that would need to be done to the property or the house. He stated that the garage would flow with the aesthetics of the property and with the neighborhood.

Mr. Rankie stated that in his professional career, he was a utility engineer. He stated that it does not get any easier than moving a utility service to a residence. He stated that it is not that expensive, is easy to accomplish, and is done frequently.

Mr. Marshall stated that that still would not solve the problem. Mr. Billipp stated that it could solve the problem if the garage was tagged on to the existing structure. Mr. Marshall agreed, but he stated that the front yard is a front yard regardless of whether it is 50 feet or 500 feet. Mr. Cutting clarified that the front yard was the entire length of the property on Governor Hill Road.

Mr. Cielezsko asked if the appellant had any appraisal estimate as to what the house would be worth with the proposed new garage. Mr. Castillo stated that he did not. Mr. Marshall stated that that was not relevant. Mr. Cielezsko stated that it was relevant, and that he was looking for any way in which the BOA could look at the issue successfully for the appellant. He stated that if the appellant's addition of a garage improved the value of the house, there would be a reasonable return. He added that if the appellant gained nothing by adding a garage, there would be no reasonable return. Mr. Castillo stated that he would say that the addition of a detached garage would absolutely increase the reasonable return on the property.

The CEO supplied copies of the deeds, including a quick claim deed of 2006. Mr. Cielezsko stated that the appellant had said in his testimony that the deed was recorded in 2001. Mrs. Castillo stated that she had been in the house since 2001. Mr. Hamilton asked if Mrs. Castillo was the owner of record. Mrs. Castillo replied that they are both on the deed.

Mr. Hamilton asked if the CEO had a copy of the restrictive covenants. Ms. Ross replied in the affirmative. Mr. Hamilton noted that the CEO had stated that she did not make decisions based on restrictive covenants. He stated that if there was a restrictive covenant and the BOA did grant a variance, the covenants were an issue for the BOA's decision. He added that granting the variance could facilitate a problem with the covenants, so he thought that the restrictions should be considered. The CEO presented Chairman Hamilton with a copy of the restrictive covenants.

Ms. Lemire stated that the deed talked about "easements of record." Mrs. Castillo stated that there is an easement to the cemetery on the Knoll Road side of the property, to the left of the driveway. Ms. Lemire clarified that the location of the easement was not close to the area of the proposed garage.

TESTIMONY FROM THE CODE ENFORCEMENT OFFICER

Ms. Ross stated that the lot in question is a conforming lot, with conforming structures, located in the Suburban District. She stated that Mr. Castillo proposes to construct a detached garage on the property located at Map 42, Lot 9.

Mr. Ross stated that Section 45-405, Dimensional Standards, requires a minimum 10-foot setback for accessory buildings and further states that, "Accessory buildings may meet this minimum requirement provided they are smaller in size than the principal use and are no less than 30 feet away from any principal buildings on adjacent property. An accessory building shall not be located within a front yard."

Mr. Ross provided the definitions of the ordinance as:

- An accessory structure or use means a use or detached structure that is incidental and subordinate to the principal use or structure.
- A corner lot is a lot with at least two contiguous sides abutting upon a street.
- A front lot line on a corner lot or a through lot is the line separating the lot from the other street.
- A front yard is the area of land between the front lot line and the nearest part of the principal building.

Ms. Ross stated that the appellant's lot is a corner lot by definition. She stated that the appellant proposes to construct a garage that is in a front yard, as defined by the ordinance. She stated that the ordinance specifies that an accessory building shall not be located within a front yard. She added that it is because the proposed building is detached that it is considered an accessory structure. She stated that if the building was attached, it would become part of the principal structure and would only be subject to general setback restrictions.

QUESTIONS FOR THE CODE ENFORCEMENT OFFICER FROM THE BOARD

Mr. Billipp clarified that if the appellant attached the garage to the existing structure, the conundrum of the corner lot and two front yards would not be an issue. Ms. Ross stated that it would then become part of the principal structure with the regular setback requirements for Knoll Road and Governor Hill Road, but that there would not be the stipulation that an accessory building cannot be located within a front yard.

Ms. Lemire asked if the restrictive covenants referred to the ordinances. Ms. Ross stated that there was a provision that any buildings needed to meet the requirements of the Town zoning ordinance. Chairman Hamilton stated that the necessity to meet the zoning requirements of the Town of Eliot does not preclude an owner from seeking a variance.

Mr. Cielezsko stated that a variance, if granted, would still meet covenants. He stated that in any court, a variance becomes the means of meeting the setback requirements.

Mr. Cielezsko stated that the ordinance restricting building a structure in the front yard has been around for a long time, possibly since 1986. Ms. Ross stated that the specification of where the accessory structures can be located came along after that. Mr. Cielezsko asked if the front yard restriction was instituted in the 2000s. Ms. Ross stated that she did not know specifically what year. Mr. Cielezsko stated that the date was not overly relevant but that it would be slightly helpful. He added that he thought the ordinance was old. He stated that his copy of the ordinances does not indicate when an ordinance was added.

Mr. Cielezsko stated that, if the variance was granted, the structure would become a structure that meets the setbacks for the covenants. He stated that it would also become a structure that could be used for a home business. Ms. Ross stated that the variance would grant relief from a particular ordinance.

Mr. Cielezsko stated that granting a variance could grant the appellant a business license. Mr. Ross stated that the appellant would have to apply through the Planning Board. Mr. Cielezsko stated that the appellant would have the dimensional requirements to run a business. Ms. Ross stated that the building would be considered legally non-conforming. She stated that using the building for a business would be a separate issue for the Planning Board.

Mr. Cielezsko stated that a garage has to meet all of the primary building's setbacks in order to be able to sustain a business. Mr. Castillo stated that he could guarantee that the garage would not be used for a business. Mr. Cielezsko asked if the restrictive

covenants address the issue of businesses. Ms. Ross stated that they allow small, in-home businesses, as long as they do not increase traffic.

Mr. Rankie asked if the building on the property near Governor Hill Road, shown in one of the provided pictures, was in violation of ordinances. Ms. Ross stated that it probably was, but that she did not research the building. She stated that it was an old building and could have predated the zoning ordinances.

Mr. Rankie stated that he thought that the BOA was getting hung up on the issue of the covenants, and that the BOA has no jurisdiction over covenants. He stated that the deed has covenants and that, if the Town makes the covenants part of the ordinance, they would then be within the purview of the BOA. Chairman Hamilton stated that he did not think the BOA was getting hung up on the covenants. He stated that the covenants are not the basis for a variance decision. He stated that they would be a factor and that if the BOA approves something that is not allowed, it could precipitate a civil issue.

TESTIMONY FROM ABUTTERS AND INTERESTED PARTIES

Rhea Snyder of 15 Knoll Road, Eliot, Maine, stated that that she wanted to address the issue of increasing the value of a home. She stated that she and her husband moved into their home about three years ago, after doing quite a bit of searching for a home. She stated that she really likes storage, such as a place for two cars, hobbies, and a boat. She added that, in Mr. Castillo's case, it would be a place to repair things without having to put them out in the yard. She stated that having such a place is very valuable and that, when she was looking for a home, extra storage space, whether attached or detached, was attractive to her. She stated that adding storage would add value to a home, particularly in the way that Mr. Castillo wants to build his garage. She stated that she thought it would look great.

Mrs. Snyder stated that the whole side of Mr. Castillo's house that is considered a front yard is covered with trees. She stated that there is a cemetery behind the location where Mr. Castillo wants to build. She restated that she thought that the garage would look great, and that it would make the appellant happy.

Casey Snyder, of 15 Knoll Road, Eliot, Maine, stated that he was in full support of the appellant's being able to build a garage. He stated that the entire side of the appellant's house that is considered to be a front yard is really not a front yard at all. He stated that if it was not a corner lot and if there was another residence where Knoll Road is, he did not think he would be having this conversation because the garage would be able to be built. He stated that it seemed like it was only a factor of the appellant's lot being a corner lot, where the entire side of the house is considered to be a front yard.

Mr. Snyder stated that the appellant takes meticulous care of his home, his belongings, and his yard. He stated that he thought the garage would look great and that it would fit. He added that he was completely in favor of the project.

Helen Sullivan, of 747 Goodwin Road, Eliot, Maine, stated that the appellant has been like an adopted son to her and that she has known him for many years. She stated that, when he was a teenager, Mr. Castillo would work with her husband in his garage. She stated that Mr. Castillo likes to tinker and work on cars, and that it has been his dream to build a garage for quite a few years. She added that she hoped that his dream could come true.

Bob Sullivan, of 15 Sullivan's Crossing, Eliot, Maine, stated that he and the appellant have been friends for 35 years. He stated that Mr. Castillo is a hard worker and is a man of his word. He added that he has visited the appellant's house many times, and that the proposed location for the garage is the one which makes the most sense.

Mr. Sullivan stated that he did not know what the BOA was looking for. He stated that it sounded like the only problem, in the Town's point of view, is that the appellant's lot is a corner lot. He stated that, as the neighbors had said, there is a row of trees along Governor Hill Road and a cemetery with many trees on the Knoll Road side. He added that the only way anyone would be able to see the garage would be to drive down the appellant's driveway. He stated that, if the only problem was the issue of the property being a corner lot, he thought that everybody should take a look at the situation, if that was what it would take to grant the variance.

Dawn Castillo, wife of the appellant, stated that some of the BOA members had talked about the fact that the appellant already has a garage. She stated that she wanted to make it clear that the issue is not whether they could have another building on the property. She stated that if they want to build a garage, they can build a garage. She stated that without the variance, however, they would have to build the garage behind the house.

Mrs. Castillo stated that the first question on the application addressed the issue of not being able to get a reasonable return on the property without the variance. She stated the proposed location is still considered a front yard. She stated that, if they attach the garage to the house, there would need to be a breezeway and the utilities would have to be moved, adding to the cost of the project. She stated that if they have to build a garage behind the house in a wet area, they would need to add fill and a 150-foot driveway. She stated that they would never get their return on the property by spending all of that money to construct a two-car garage.

Mrs. Castillo stated that, as everyone else had been saying, the biggest issue is the front yard issue. She stated that whether the garage is detached or attached, it would still be

on the side of the house that is considered to be a front yard. She stated that if they could put the garage in the proposed location, there would be no additional costs and the return would be better.

QUESTIONS FOR INTERESTED PARTIES FROM THE BOARD

Ms. Lemire stated that she is very familiar with the area and that it is leafy in the summer. She asked what it was like in the winter. Mrs. Castillo stated that she did not think the issue was a visual issue. She stated that she did not think being able to see the garage would detract in the proposed location as much as it would if it was located behind the house, requiring another driveway. She stated that she did not think the issue was whether people could see their garage or not. She added that people see their home and see the other garage. She stated that seeing the building was not the issue. She stated that, in the proposed location, it would not look like it was in the front yard, even in the winter when there are no leaves on the trees. She added that the garage would not take away anyone's scenic views.

Mr. Snyder stated that it is only common sense to locate the garage on the existing driveway.

Mrs. Snyder stated that the situation was similar to playing monopoly where the pieces are placed where they are supposed to go.

FINAL TESTIMONY FROM APPELLANT

Mr. Castillo stated that all he was asking for was a variance so that he may have the opportunity to build a garage where it belongs. He stated that he had wanted to do that for 35 years and, now that he lives in a place where the opportunity is present, it is being held up by the wording of the ordinance regarding a corner lot.

Mr. Castillo stated that he was asking for a simple variance for a simple building. He stated that he would not detract from the property and would not build a business. He stated that he just wanted to build a place "where a guy can go and be a guy." He added that it would be a place where he could fix his lawnmower, put new brake shoes on his car, store his car when it is snowing outside, and for storage to keep the driveway and yard clean.

STATEMENTS FROM ASSOCIATE MEMBERS

Mr. Marshall stated that he remembered having a conversation a few years ago with a couple of members of the Planning Board who had something to do with writing the ordinance regarding the setback situation of the appellant. He stated that, in bringing the problem of the situation to the Planning Board members, he was informed that the ordinance only meant front yard **setback**. He stated that he thought that there was a mistake made in the writing, and now the ordinance just says front yard, instead of front yard setback.

Mr. Marshall stated that he thought it would be very reasonable to prevent building a building in a setback area. He stated that one of the problems with ordinances is that they result in unintended consequences and that he thought the current situation was one of them. He added that he thought it was the job of the BOA to correct those unintended consequences and to make things reasonable for the property owners and taxpayers.

Mr. Marshall stated that the issue of locating the garage behind the house or in some other location had been raised. He stated that the other locations would require more pavement. He stated that he remembered denying requests because an appellant had already covered too much land with pavement. He added that it is a very bad thing to cover more ground with pavement.

Mr. Marshall stated that his major concern was that of reasonable return on the property. He stated that the issue is not one of finances but is one of whether or not the property is going to do what the owner intended it to do when he bought it. He used the analogy of buying a boat and having it sink, resulting in no reasonable return on the boat, even if it could be sold. He stated that if the boat did not do what it was supposed to do, the owner did not get a reasonable return. He stated that if he bought a car and it did not run, he would not be getting a reasonable return.

Mr. Marshall stated that he thought that the appellant's request to build a garage was reasonable, especially since he has plenty of land, and he would not be infringing on the neighbors. He stated that the neighbors all seem to be very happy with the project. He added that it did not matter how the appellant was going to use the garage, as long as it was a legal activity.

Mr. Marshall stated that if the appellant could not build something that was reasonable on his piece of property, then he was not getting a reasonable return.

Mr. Rankie stated that he sees the responsibility of the BOA as that of upholding the Town ordinances, whether the members agree with them or not. He stated that if people do not agree with an ordinance, the Planning Board could look at changes. He stated that the job of the BOA is to read the ordinance and to adhere to the ordinance.

Mr. Rankie stated that there is a lot of court precedent regarding the criterion of reasonable return that determines what reasonable return is. He stated that he could not agree with the first criterion. He stated that it was not his job to determine what the appellant should be able to do with his property. He stated that his job was to look at the four criteria of the Town ordinance and that he could not get past the first criterion. He stated that he thought that the appellant could get a reasonable return on his property as it is now, and that there are options for other locations for the proposed building.

Mr. Rankie stated that he could not vote in favor of the variance but that he was not a voting member on this appeal.

PUBLIC HEARING CLOSED

The public hearing was closed at 8:04 PM.

FINDINGS OF FACT:

- The property is owned by Victor and Dawn Castillo.
- The deed information was submitted, and there are some restrictive covenants through a Home Owners Association.
- The property was purchased in 2001.
- The Quick Claim Deed was executed in 2006.
- The lot is a conforming lot.
- The property is in the Suburban Zone.
- The property is located on Tax Map 42, Lot 9.
- The property is located at 11 Knoll Road, Eliot, Maine.
- The relevant codes involved in this appeal are Section 45-49(b), Variances, and Section 45-405, Dimensional Standards.
- The appellant is asking for a variance to allow the building of an accessory structure in the front yard.
- The ordinance was in effect prior to the appellant's ownership of the property.
- The appellant testified that, through the restriction of the ordinance, roughly 45,000 square feet of his property is unbuildable.
- The appellant testified that there was a viable location for a garage other than the one to which the variance would apply.
- There is a two-car garage currently on the property.
- The dimensions of the appellant's proposed building are 28 feet by 36 feet.

- It was testified by the Code Enforcement Officer that attaching the garage to the house is another viable option because the code issues of the accessory building statute would not apply.
- It was testified by the appellant that the first CEO he had talked with, specifically about the second garage, had indicated that there would be no zoning issues.

Chairman Hamilton stated that the decision for a variance was based on four criteria. He stated that the first criterion requires that the land in question cannot yield a reasonable return unless a variance is granted. He stated that the criterion does not say that the owner cannot yield a reasonable return; it says that the land cannot yield a reasonable return. He stated that, in responding to Mr. Marshall's comments, the ordinance is specifically concerned with the property, not with the owner of the property. He stated that it was possible that the BOA members were confused about what the first criterion meant, since Mr. Marshall seemed to be confused.

Mr. Cielezsko stated that if the members did not understand what the four criteria meant by this time, they were in trouble. Chairman Hamilton stated that he did not mean to indicate that everyone did not understand, but only that one member may have misunderstood. Mr. Cielezsko stated that everybody has his own idea, and that every case is individualized.

Mr. Cielezsko stated that he would recommend that a motion be made and discussed and that the final items should be a vote on the four criteria as the last Finding of Fact. Mr. Billipp stated that he thought that in previous cases, there was a motion on the floor before the poll as to who agreed with which of the criteria.

MOTION

Mr. Cielezsko moved, seconded by Ms. Lemire, to grant the variance. He added that he did not think the appellant met the first criterion, but he did not want to have two motions.

DISCUSSION

Mr. Cielezsko stated that he did not think the reasonable return criterion had been met. He stated the second criterion (that the need for a variance was due to the unique circumstances of the property and not to the general condition of the neighborhood) had been met because the unique circumstance was the existence of two front lot lines. He stated that the third criterion (that the granting of a variance will not alter the essential character of the locality) had been met because there would be very little, if any, change to the neighborhood. He stated that he had reservations about the fourth

criterion (that the hardship is not the result of action taken by the appellant or a prior owner) because it was the appellant's decision not to live within the ordinance.

Mr. Cielezsko stated that he did not like the ordinance and that there would be more requests for similar variances as people develop new buildings. He stated that the ordinance has to be addressed, but the BOA cannot address it. He stated that, as Mr. Marshall had noted, the issue has to be brought before the Planning Board.

Ms. Lemire stated that she concurred with almost everything that Mr. Cielezsko had stated. She stated that she had mixed feelings about the fourth criterion because the appellant had actually specifically discussed a second garage with the prior CEO and was told that there was no problem.

Chairman Hamilton noted that the fourth criterion did not have anything to do with the CEO, only with actions taken by the appellant. Ms. Lemire stated that the appellant had been trying to make sure that he was going to be able to do what he wanted to do with his property. Chairman Hamilton stated that the appellant may have been misinformed, but that that was not the responsibility of the BOA.

Mr. Cielezsko stated that there was no written testimony regarding the prior CEO's statements. Mr. Billipp noted that the BOA did not even know who the CEO was who had made the statements.

Mr. Billipp stated that he was confused as to why Mr. Cielezsko made the motion to grant the variance when he did not agree that the appellant had met the first criterion. Mr. Cielezsko responded that motions are usually made in the affirmative. He stated that if a motion to deny a variance failed, another motion would be necessary, because a failure to pass a motion to deny a variance does not automatically become the granting of the variance. He stated that a variance is automatically denied if a motion to grant it does not pass. He added that, therefore, a motion should be made in the affirmative as a point of order.

Mr. Billipp stated that he could not support the first criterion. He stated that there is a dwelling, a comfortable house and a garage, and that it is very clear that the land can yield a reasonable return without the accessory building. He stated that he could support the second, third and fourth criteria. He added that the fourth criterion results from the part of the zoning code where there are two front yards on a corner lot. He stated that he thought that the ordinance was clearly wrong, but that he did agree with what others had said in that the BOA has to follow the code and the strict application of the code.

Mr. Billipp stated that he thought that the appellant had some options for adding more space, such as adding to the existing garage. He stated that there are some alternatives that the appellant could pursue without the variance.

Mr. Cutting stated that he was stuck on the first criterion because he thought that the appellant currently had everything he would need to yield a reasonable return. He stated that there is a difference between a want and a need. He stated that he was comfortable with the second, third and fourth criteria, but that he could not get past the first.

Chairman Hamilton cited an explanation given by Bernstein Shur after a meeting with the BOA in 2009, regarding "undue hardship" as delineated by Maine's Supreme Court. "Under State law, Title 30-A, there are four standards that must be satisfied to grant an undue hardship variance from the town's zoning ordinance." He stated that the first criterion, that the land cannot yield a reasonable return unless a variance is granted, is the one the BOA always feels stuck on.

Chairman Hamilton stated that the BOA's hands are basically tied by the legislature and the State Supreme Court. He stated that if a determination is made without basing it on the criteria, the Town may be in a liable situation where it could be sued by the next appellant or by any abutter who did not like the decision.

Chairman Hamilton noted that every zoning board and every board of appeals in the State of Maine is stuck on the issue of reasonable return. He stated that the BOA was stuck because they had to contend with the law in the ordinances.

Chairman Hamilton stated that the attorney from Bernstein Shur had written that, "the Court has defined reasonable return as the practical loss of all beneficial use of the land, without regard to the maximum possible return. The increased value of the land with a variance is irrelevant: it is whether or not the land has any beneficial use without the requested variance. Measuring beneficial use requires assessing any permitted use, not just what the property owner seeks."

Chairman Hamilton stated that the Bernstein Shur attorney had given examples of cases finding reasonable return without a variance which included: continuing a nonconforming use, more profitability, high purchase price, and other incidences where the Supreme Court had ruled inadmissible as far as meeting the standard is concerned.

Chairman Hamilton stated that the appellant has a great case, but that the hands of the BOA were tied. He stated that the duty of the BOA is not to question, interpret, or change the ordinance, because that is the duty of the Planning Board and others who approach the Planning Board to make changes. He stated that the code may seem very unreasonable.

Mr. Cielezsko stated that, as a minority opinion, he thought that the concept of reasonable return was a fluid concept and is not bound by what Bernstein Shur had stated. He stated that the Court can change the ordinance at any time and that the BOA might be the vehicle for changes, with a case that gets approved. He stated that the BOA members have to use their own prerogative and knowledge to come up with a conclusion, with each case being unique.

Mr. Cielezsko stated that the concept of reasonable return is not etched in stone, that it can change, and has changed. He stated that he had read changes made in other states, and in the State of Maine, as to how the concept was interpreted. He stated that he looks at each case alone and decides on that particular case.

Mr. Cielezsko stated that the only way the BOA would ever know whether a decision was right or wrong would be for it to be overruled by a higher court in an appeal. He stated that that would not be a lawsuit, but that it would be an appeal. He stated that those cases have been few and far between for the BOA, so he thought that they had a good handle on how to interpret reasonable return. He stated that it is the duty of the BOA to offer an interpretation of the ordinance.

Ms. Lemire asked if the loss of the use of some of the appellant's property could be considered unreasonable. Chairman Hamilton stated that the BOA had asked the Bernstein Shur attorneys for clarification, and they had cited ten Supreme Court cases which back up the premise that a variance is something that should not be brought up very often, unless it is an extreme hardship with unusual circumstances.

Chairman Hamilton stated that the BOA is often asked to ignore the code, to not deal with the issue of reasonable return and to grant the variance. He noted that they did grant such a variance last month and that he did not know why. Mr. Cielezsko stated that the issues were not the same and that the prior case was unique. Chairman Hamilton stated that he was on record as being a minority vote on the prior hearing.

Ms. Lemire still questioned whether not being unable to use half of the appellant's property could be unreasonable, even though she did understand that he had alternatives.

VOTE

The vote was 4:0, with the Chair concurring, to oppose the motion to grant the variance.

Mrs. Castillo stated that they were paying the same tax dollars on their land, even though they could not use two-thirds of it.

Mr. Castillo stated that the outcome was very unacceptable and that the BOA had granted a similar variance last month. He stated that they did not give him the same opportunity and that he thought that was pretty discriminatory. He stated that the BOA had granted the same variance a month ago and that there were pictures of other people in the Town doing the same thing.

Chairman Hamilton stated that the appellant had 45 days to appeal the decision to the State Superior Court and that he would receive a Notice of Decision within seven days.

OTHER BUSINESS

Ms. Lemire stated that something needed to be done about the corner lot ordinance. Ms. Ross asked if the Planning Board had discussed the issue. Ms. Lemire replied that they had not. Chairman Hamilton stated that it would certainly be an ordinance to clarify.

Mr. Marshall stated that the issue all comes down to who owns the land. Ms. Lemire stated that it is the land itself. She stated that, regardless of what one has on the property, it is unfortunate when one loses at least half of the property. Ms. Ross stated that case law has shown that if one can camp on the property, then that is considered a reasonable return.

Ms. Ross stated that she had seen a case where there was nothing on a piece of property but a pier, for which the owner applied for a variance to build a house, and it was not granted.

Mr. Rankie stated that perhaps the BOA could send a note to the Planning Board. He stated that the Governor Hill side of the appellant's property presented a double jeopardy. He referred to Example Two from the appellant's packet (with which he was familiar with because it is in his neighborhood), in which the building in the picture was built long ago as part of the East Eliot Garage complex. Chairman Hamilton stated that the examples provided had no bearing on the decision.

Mr. Rankie stated that the BOA had been talking about a front yard building. He stated that the building in question had been hit by a car and nearly destroyed because it was built so close to the road. He added that the building has since been rebuilt.

Mr. Billipp stated that he thought that the BOA should send a clear message in the most effective way to the Planning Board that the specific front yard issue has to be addressed. Ms. Lemire concurred and stated that it should be done as soon as possible.

Chairman Hamilton stated that the definition needs to be addressed. He stated that the intent of the ordinance is clear. Mr. Marshall stated that it only needs one word added and that is "setback." Mr. Billipp, Ms. Lemire and Ms. Ross agreed that that would make all the sense in the world.

Chairman Hamilton asked, on behalf of the BOA, if the CEO would relay the information to the Planning Board. Ms. Ross replied in the affirmative. She added that the information might send more of a message coming from the BOA, itself, relating that the issue is recurring. Ms. Ross stated that she had had several discussions with the Planning Assistant, who then had had several discussions with the Planning Board. She stated that she did not think that the Planning Board saw the issue as being clearly relevant and immediate.

Chairman Hamilton stated that he was sure that the BOA would get many more requests for similar variances and noted that there was one the previous month. Mr. Rankie stated that the corner lot issue is a tough issue. Mr. Marshall noted that the current appellant already had a garage, whereas the prior appellant did not. Mr. Ciesleszko noted that the prior appellant had three corners instead of two.

Chairman Hamilton asked if there was consensus to draft a letter to the Planning Board saying that they would like the corner lot issue resolved. Mr. Billipp stated that the BOA could authorize the Chairman to draft a letter to the Board of Selectmen, in an attempt to clarify that section of the code. He stated that the Chairman could send the BOA members the draft for comments.

Mr. Rankie stated that the BOA members could receive the draft but could not respond without that being considered an inappropriate meeting. Mr. Rankie stated that the Chairman could send the draft for consideration at next month's meeting. He noted that the letter would not have to go to the Selectmen but could go directly to the Planning Board. He added that the Planning Board can initiate changes.

Mr. Marshall asked if the draft had to be sent to the Town Manager first. Ms. Lemire replied in the affirmative. Ms. Ross stated that she would speak with the Town Manager beforehand to alert him to expect the letter. Chairman Hamilton stated that he would draft the letter, through the Town Manager, asking the Planning Board to consider the issue seriously and urgently. He stated that he could include Mr. Marshall's suggestion of adding the single word "setback."

Mr. Marshall stated that he thought it was the intent in the writing of the ordinance to limit building in the front yard setback. He stated that he built in the back corner of his five acres so as to have as little impact as possible on the rest of the land. He stated that he now has almost five acres with which he can do nothing.

Mr. Cielezsko stated that the Planning Board needs to determine what intent they want from the ordinance. Mr. Cutting asked if adding a single word would change the problem on a corner lot because there are two front setbacks.

Mr. Rankie stated that what he thought Mr. Marshall was referring to was a setback for an accessory building. He stated that he had a similar situation to Mr. Marshall's situation. He stated that if he wanted to add on to his shop, which is a garage, he would have to extend the porch on his house so that he would not be building in front of the house. He asked if Mr. Marshall was referring to a setback for an accessory building. Mr. Marshall replied that the setback for an accessory building is 10 feet. He stated that a building cannot be located within 10 feet of the road but could be located behind that line.

Mr. Cielezsko stated that it is up to the Planning Board to determine the definition and suggested individual input from the BOA members as private citizens. Ms. Lemire noted that Ms. Ross and Kate Pelletier work with the issue all of the time, so that their input is invaluable. Mr. Cielezsko stated that his recommendation for the draft letter was to request that the Planning Board look at the issue.

Mr. Billipp asked what was meant by "look at the issue." Ms. Lemire stated that the issue was the front lot line on a corner lot. Mr. Billipp recommended being more specific about the two recent cases the BOA had heard.

Ms. Ross stated that what the ordinance essentially means is that an accessory building cannot be between the house and the front property line, but that with the addition of the word "setback," it would mean that the accessory building could be in front of the house but could not be any closer than the required setback.

Mr. Cielezsko stated that there would be people in the Town who did not want the aesthetics ruined by accessory structures in the front yard. Ms. Ross stated that that was her understanding as to why the ordinance was written the way it was written. Mr. Billipp stated that he did not see anything unattractive about a garage. Mr. Rankie noted that an accessory building could be shed.

Mr. Cielezsko stated that there would be multiple opinions on the subject. Mr. Rankie stated that that is why we are in a democracy. Chairman Hamilton stated that the draft letter should ask the Planning Board to address the issue and get a sense of what should be done.

Ms. Ross clarified the definitions that apply as:

- Yard, front means the area of land between the front lot line and the nearest part of the principal building.

- Front line means, on an interior lot, the line separating the lot from the street; on a corner lot or through lot, the line separating the lot from other street.

Chairman Hamilton stated that he would send a letter to the Planning Board, letting them know that the BOA is having issue with the ordinance and would like them to review it.

APPROVAL OF MINUTES

Mr. Cielezsko moved, seconded by Ms. Lemire, to approve the minutes of the June 18, 2015 meeting, as amended. All were in favor.

ELECTION OF OFFICERS

Mr. Rankie asked if the current three officers were comfortable with their responsibilities. Chairman Hamilton, Mr. Billipp and Ms. Lemire replied in the affirmative.

Election of Chairman

Mr. Rankie moved, seconded by Mr. Cielezsko, to nominate Bill Hamilton as Chairman. Mr. Cielezsko moved, seconded by Ms. Lemire, to close the nominations. All voted in favor of both motions, with Chairman Hamilton abstaining.

Election of Vice-Chairman

Mr. Rankie moved, seconded by Ms. Lemire, to nominate Mr. Billipp as Vice-Chairman. Ms. Lemire moved, seconded by Mr. Rankie, to close the nominations. All voted in favor of both motions, with Mr. Billipp abstaining.

Election of Secretary

Mr. Cielezsko moved, seconded by Mr. Rankie, to nominate Ms. Lemire as Secretary. Mr. Billipp moved, seconded by Mr. Rankie, to close nominations. All voted in favor of both motions, with Ms. Lemire abstaining.

OTHER BUSINESS

Chairman Hamilton stated that the recent applications for appeals have been incomplete. He noted that, in the current hearing, the application did not include the site location, the tax map, or proof of ownership. Mr. Rankie asked who the gatekeeper was. Chairman Hamilton stated that it was the Town Clerk. Chairman Hamilton stated that the application indicates what is required.

Mr. Rankie stated that town clerks do not get much better than Eliot's, so he suggested that the BOA ask the Chairman to talk to the Town Clerk to look at the issue more closely. Mr. Billipp noted that the form says, "Please also include....," and that it should say, "The following is required:" Ms. Lemire concurred.

Mr. Billipp asked the CEO if she could change the form. She replied in the affirmative. She stated that that would make the application consistent by asking for the same information on both the application for a variance and that for an administrative appeal.

Chairman Hamilton asked if the CEO was already in the process of changing applications. Ms. Ross replied that she has redone most of the other applications, and that the application for a variance was the only one as yet undone. She stated that she had been trying to make every application similar, with the same information required and the same boxes to check.

Chairman Hamilton asked if there was anything else on the form that needed to be changed. He noted that almost every town requires the tax card. He stated that it is difficult for the BOA to make a decision when the necessary information is not available.

Mr. Billipp stated that he had gone by the Castillo property, but that he did not realize until the meeting that there already was a garage at the location. He stated that he would have known that if the packet had included the tax card.

Ms. Ross stated that in some towns, it is the CEO who collects and distributes appeal information, but that in Eliot, it is the Town Clerk.

Chairman Hamilton asked that the CEO make the recommended changes and then send him a copy. He asked if the changes needed to be approved by the BOA. Ms. Lemire stated that that was not necessary, because the change is administrative.

Chairman Hamilton stated that someone would need to check to make sure that all of the information was included. Ms. Ross stated that if the form makes what is required clear, it would be easier.

Ms. Ross stated that it could also be a requirement that the appellant make copies, rather than having the Town make the copies. Ms. Lemire stated that she thought that would be a very good idea. Mr. Billipp agreed that the onus should be on the appellant to provide what is required. Ms. Ross stated that, currently, the appellant only needs to provide one copy, and that, then, administrative staff is being paid to make additional copies. Chairman Hamilton asked the CEO if there was a way she could include that in the application. She replied in the affirmative.

Mr. Rankie stated that he thought that the BOA should be careful when hearing hearsay, such as an appellant relating what he had been told by another CEO. He stated that he thought it would be wise not to dwell on hearsay statements. He added that an attorney had said to him, "The faintest of ink is more valuable than the best memory imaginable." Ms. Lemire stated that she agreed with that statement. Mr. Rankie stated that hearsay really has no bearing on anything.

Mr. Rankie stated, speaking as a private citizen, that he wanted to let everyone know that there was a public hearing, which would be the last public hearing, on the Town Charter, on July 21, 2015, at the Eliot Grange at 7:00 PM. He stated that the Charter is available on the Town website.

Mr. Rankie stated that he thought the Charter was a great document and represented a lot of hard work by nine very diverse people. He stated that, at the beginning, the process was very difficult. He added that, since that time, the Charter Commission members had gained a lot of respect for each other and had all explored very diverse ideas. He stated that Jack Murphy had broken down every single word, and that the resulting document was very good for Eliot.

Mr. Rankie stated that the Charter Commission's goal was to make a document that would allow a newcomer to Eliot to find out how the local government works, including the executive, legislative, and administrative functions, and who has which responsibility.

Mr. Rankie stated that the Charter includes the capability to recall elected officials. He noted that recalls are not allowed without a Charter. He stated that, when the Charter is passed, the recall capability would include all elected officials, such as the Selectmen, the Budget Committee and the School Board.

Ms. Lemire asked how soon after the public hearing would proposed changes be made. Mr. Rankie stated that the changes would be made the next day. He noted that the schedule is driven by the fact that the Town Clerk has to have the changes by September 8, 2015, for the purpose of absentee voting.

Mr. Rankie stated that the Charter Commission has sent out proposals to six law firms for the legal review, so the Charter has to be finished for that review. He noted that the legal review would have to be completed within two weeks.

Ms. Lemire clarified that July 21, 2015, was the last date to recommend changes. Mr. Rankie stated that the document could be viewed online and recommended changes emailed to the Commission.

Mr. Rankie noted that the Charter makes the Town Manager the chief purchasing agent for the Town, rather than each department doing its own purchasing. He added that the Town Manger has the power of volume.

Chairman Hamilton asked if there was a Planning Board meeting on July 21st and Ms. Lemire replied in the affirmative. Chairman Hamilton asked if issue of the 1000-foot limit to a dead-end road was on the agenda. Ms. Lemire stated that it had been on the schedule for the prior meeting, but that the Planning Board took the first July Tuesday meeting off. She stated that at the meeting on the 21st, there were two public hearings scheduled, so she did not know whether or not they would get to the dead-end-road issue.

Chairman Hamilton stated that he thought a lot of good citizen-input was also necessary regarding that issue. Ms. Lemire concurred and added that Kate Pelletier, the Planning Assistant, was really pushing for that input.

Chairman Hamilton stated that there had been a reason why the 1000-foot-limit had been put into the ordinance. He stated that maybe the limit is now obsolete and that maybe it is not, but that there were a lot of different opinions about it. He stated that, "When you turn the handle on the floodgate, it is going to be a huge flood." Ms. Lemire concurred. Ms. Lemire stated that she would find out whether the issue was on the agenda for the July 21, 2015, meeting and would let Chairman Hamilton know.

ADJOURNMENT

Mr. Cielezsko moved, seconded by Ms. Lemire, to adjourn. All voted in favor. The meeting was adjourned at 8:55 PM.

Respectfully Submitted,
Linda Keeffe
Recording Secretary

Eliot Board of Appeals July 16, 2015

Approved Minutes

Approved by: _____

Bill Hamilton, Chairman

Date Approved: _____