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**CAMDEN ZONING BOARD OF APPEALS**  
**MINUTES of MEETINGS**  
**February 27, 2014**

**PRESENT and VOTING:** Acting Chair Sam Smith; and Members Tom Laurent and Linda Norton

**ALSO PRESENT:** CEO Steve Wilson

**ABSENT:** Chair: Frank Toole, Member Jean Belair and Alternate Member Ed Libby

The Meeting was called to Order at 5:10 pm in the Public Safety Building Meeting Room.

**1. Minutes:** There were no minutes to review.

**2. Williams:** The Applicant had not arrived so the second application was heard out of turn.

**3. Shoreland: Non-conforming Structure/Reconstruction and Replacement**  
**Bill Babcock and Mary Anne Roberts: Map 126 Lot 42-1: Coastal Residential District (CR): 5 Dillingham Point Road: Camden Harbor**

The Acting Chair informed the Applicants that when only three members are present, Zoning Board of Appeal's procedures require that all three vote in the affirmative to approve an application. A vote of 2 – 1 means the application fails. The Applicant was given the opportunity to continue the hearing until a time when there was a full board present but declined.

Mr. Smith read the Board's procedure for public hearings.

*Declaration of Conflict*

Members were asked to declare any possible conflicts of interest they might have regarding the application before them; there were none.

*Code Enforcement Officer's Summary*

Mr. Wilson noted that this application required no action on his part. The request to reconstruct and relocate a structure within the Shoreland is under the Board's authority at Article VI Section 6(3): Reconstruction or Replacement of Non-conforming Structures in Shoreland Areas. He further noted that:

- A portion of the existing building at #5 Dillingham Point Road falls within the 75' setback
- The Applicants wish to demolish the existing structure and re-use the existing foundation
- Because there will be some grading in the area a DEP Permit-by-Rule was required – it was approved on 01/28/2014

*Standing*

The Applicants are the owners of the lot.

1  
2 *Applicants' Submissions*  
3

4 In addition to an Application for a Change in Nonconformity dated 1/23/2014, the  
5 Applicants submitted the following supporting documents numbered Applicants' Exhibits 1 and 2  
6 respectively:

- 7 AE1: Application Packet dated January 23, 2014 containing a two-page project narrative  
8 submitted by Landmark Corporation Engineer, Thomas Fowler; 4 site photos; 3 renderings of  
9 the proposed structure; and a Camden Tax Map (126) showing the subject property  
10 AE-2: Site Plan dated January 23, 2014 stamped and sealed by Mr. Fowler  
11

12 *Applicant's Presentation*  
13

14 Tom Fowler summarized the Applicants' request:

- 15 • The decision to demolish and rebuild was made after cost estimates to update and to  
16 improve the energy efficiency of the existing structure showed replacement was more  
17 practical than renovation
- 18 • They hope to use the existing foundation
- 19 • The main level footprint will remain the same
- 20 • An existing basement level patio under the main floor overhang and deck will be  
21 enclosed to create a 142 SF addition – it will not come closer to the shore  
22

23 The Ordinance requires a reconstructed building be setback from the shore to the “greatest  
24 practical extent”. The Applicants make 4 arguments that their proposal meets this requirement:

- 25 1) Re-using the existing foundation creates less ground disturbance and is more protective  
26 of the harbor than the option of excavating for a new foundation and removing and filling  
27 in the existing foundation
- 28 2) Significant ledge (shown in photos) exists in the only area outside the setback where a  
29 new foundation could be constructed – blasting would be required with its obvious  
30 disadvantages
- 31 3) Moving the foundation would require cutting several mature oak trees (photo provided)  
32 causing possible damage through run-off to the harbor. The trees currently serve as a  
33 visual buffer and their loss would result in a loss of privacy to applicants and their two  
34 abutters
- 35 4) Moving the foundation would bring the structure closer to the homes of the two abutters  
36

37 Marc Lorraine, the contractor of record, noted that the PBR also permits them to repair  
38 the foundation in the area adjacent to the shore. This means equipment will be traveling within  
39 the setback -- all precautions will be taken to prevent any more disturbance than necessary and to  
40 prevent run-off or erosion.  
41

42 *Questions from the Board:*  
43

44 There was discussion about the current situation involving run-off into the harbor from  
45 the steep lots in this area, but the Applicants' representatives suggested that the improvements  
46 they will make to the foundation and changes to the design will improve the situation in this area.  
47 In any case, the situation will not be made worse.  
48  
49

1  
2 The existing carport will be replaced by a garage and the roof will be lifted higher and be  
3 steeper. This will improve drainage toward the water. All of this construction is outside of the  
4 setback and does not require Board approval.

5  
6 20% lot coverage is permitted in this district. They will be using 96% of the allowable  
7 impermeable surface coverage and will have only 391SF still available for conversion. Included  
8 in this calculation were the patio, the driveway, a crushed stone apron and the house footprint.

9 The expansion credit of 30% will be determined as part of the building permit but it is  
10 expected that they will use approximately 28 – 29% of the available volume expansion. (No  
11 new square footage will be created).

12  
13 The home is on Town sewer with a tank to pump to pump station to sewer line system  
14 shared with an abutter. There have been no problems with this system – it is not being disturbed  
15 by the project.

16  
17 **MOTION by Mr. Laurent seconded by Mr. Smith to Find as a Fact that the existing**  
18 **sewage disposal system is functioning and will remain in place during construction.**

19 **VOTE: 3-0-0**

20  
21 **MOTION by Mr. Laurent seconded by Ms. Norton to Find as a Fact that leaving the**  
22 **existing foundation in place creates less disturbance to the site as demonstrated in drawings**  
23 **and discussion.**

24 **VOTE: 3-0-0**

25  
26 **MOTION by Mr. Laurent seconded by Ms. Norton to Find as a Fact that based on**  
27 **testimony by the Applicants’ representative that creating more of a pitch with the new roof**  
28 **that not result in additional run-off because there will be no change to the volume of run-**  
29 **off (the roof surface is the same size) and the velocity of the run-off over a steeper roof is**  
30 **immeasurable.**

31 **VOTE: 3-0-0**

32  
33 **MOTION by Mr. Laurent seconded by Mr. Smith that the Application meets the**  
34 **requirement of VI 6 (2) (a) because the property is tied into Town sewer in an acceptable**  
35 **way.**

36 **VOTE: 3-0-0**

37  
38 **MOTION by Mr. Laurent seconded by Mr. Smith that based on testimony from the**  
39 **Applicants moving the foundation outside of the setback would require blasting to remove**  
40 **ledge and the removal of several mature trees and excavating for the new foundation would**  
41 **cause soil disturbance. Leaving the foundation in place results in no disturbance and,**  
42 **therefore, meets the setback requirements to the greatest extend practical as required by**  
43 **VI 6 (2)(b)(i) and (ii).**

44 **VOTE: 3-0-0**

45  
46 **MOTION by Ms. Norton seconded by Mr. Laurent to Find as a Fact that based on**  
47 **testimony by the Applicant no trees will be removed for this project.**

48 **VOTE: 3-0-0**

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2 **MOTION by Mr. Laurent seconded by Ms. Norton that the Applicant's agents have**  
3 **demonstrated in writing and in testimony that the newly renovated structure will meet the**  
4 **setback to the greatest extent practical.**

5 **VOTE: 3-0-0**

6  
7 **MOTION by Mr. Smith seconded by Ms. Norton that the Board of Appeals approve this**  
8 **Application after deliberation and consideration of the Applicants' testimony.**

9 **VOTE: 3-0-0**

10

11

12 **2. Shoreland: Relocation/Change in a Non-conforming Structure**

13 **Rufus and Susan Williams: Map 104 Lot 2: Rural Residential District 1 (RU-1): 86**

14 **Carle Farm Road: Lake Megunticook**

15

16 The Williams did not show and the Application was continued to March 27, 2014.

17

18 There being no further business before the Board, they adjourned at 6:15pm.

19

20 Respectfully Submitted,

21 Jeanne Hollingsworth, Recording Secretary