

**Town of Windham, ME  
Board of Appeals  
Minutes  
September 7, 2017**

**Call to Order: Quorum met**

**Roll Call and Declaration of Quorum: Present Board members, Marge Govoni, Chair Person, Jim Cobb, Assistant Chairperson, Joanne Mattiace and Fred Panico**

**Absent members: Chuck Fleck Jr.  
Staff member present Steve LeBrun, Code Enforcement Officer**

**Minutes: August 3, 2017:**

**Motion made by - Fred Panico and seconded by Jim Cobb.  
Abstained: Joanne Mattiace - All in Favor 3-1 (abstained)**

**Public Hearings**

**08-17 Windham Power Sports** – Requesting a Conditional Use permit for Automobile Sales and Service, plus small engine repair. Zone is C-1 (Commercial 1) Map 53 Lot 7, 646 Roosevelt Tr. Unit 2.

Chris McDonald from Windham Power Sports introduced himself.

Board members and applicant discussed:

- Buffer zone concerning location of signs and vehicles.
- Parking to include handicapped.
- Dumpster requirements
- Small engine and lawn mower repairs
- Display area
- Parking spaces

Conditional Use questions were read into the record and answered by the applicant.

**Motion to approve with conditions: motion made by Marge Govoni**

- 1. Sign permit required**
- 2. Display area has to be located between the sign post and to the left side between drive way and sign post, five feet from edge of sidewalk, as you stand on 302 facing the building.**
- 3. Dumpster is to be located on a concrete pad and screened.**

4. Approval runs w/property
5. This approval is based upon any plans, sketches, drawings or other supporting materials presented by the applicant and all representations made by the applicant at the Board of Appeals hearing on the application, as well as any conditions placed by the Board on the approval. No change shall be made from the application, supporting materials, representations or conditions of approval without the prior approval by the Board of Appeals of an amendment to this approval or a new approval.

**Seconded by: Fred Panico**

**All in favor: 4-0**

### **Public Hearing Brought back from the Table**

**07-17 Gary Lytle** – Requesting a variance from the 50' ROW as shown on the approved subdivision plan as 10' (feet). Zone is F (Farm) Map 6 Lot 63-1, 15 Swett Rd.

**Motion to bring back from table: Fred Panico - seconded by: Jim Cobb**

**All in Favor – Unanimous**

Gary Lytle spoke to board about the request for a variance

Variance request for front setbacks: from the 50' right of way.

Section 1100 Variance from dimensional standards was read by

Marge Govoni into record for the requirements.

Gary Lytle spoke about the 4 different locations.

Board members spoke and asked applicant questions.

**Question #4 is there no other feasible alternatives for the applicant?**

Most of the Board members feel there are no other alternatives, Marge Govoni does not agree.

## **Dimensional Questions.**

1. The need for a variance is due to the unique circumstances of the property and not the general condition of the neighborhood;  
**All Agree–voted August 3, 2017**

2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;  
**All Agree–voted August 3, 2017**

The practical difficulty is not the result of action taken by the petitioner or a prior owner; **All Agree–voted August 3, 2017**

3. No other feasible alternative to a variance is available to the petitioner; Most of the Board members feel there are no other alternatives, Marge Govoni does not agree. **3-1 final vote 9/7/2017**
4. The granting of a variance will not unreasonably adversely affect the natural environment; and **All Agree–voted August 3, 2017**
5. The property is not located in whole or in part within Shoreland areas as described in 30 M.R.S.A. § 435. **All Agree–voted August 3, 2017**
6. The dimensional standard for which the variance is granted is limited to ordinance provisions relating to lot area, lot coverage, frontage or setback requirements. **All Agree–voted August 3, 2017**

The Variance will cover only where the accessory apartment is located is to be located.

Board has discussed the amount of the variance needed to the ROW for a front setback.

**Fred Panico made a Motion to allow a 20'(foot) front setback from the 50' R.O.W. for the construction of an accessory apartment only.**

**Survey plan should be revised and recorded at the registry of deeds.**

**Seconded by Jim Cobb – All in favor 4-0**

**Marge Govoni made a motion to approve 20' (foot) variance.**

**Adjournment:**

**Joanne Mattiace made a motion to adjourn**

**Seconded by Fred Panico**

**All in Favor 4-0 (9:00 PM)**

Cordially,

Mabel J. Darby - Morey  
Administrative Assistant  
Code Enforcement Office