

Bucksport Board of Appeals
7:00 P.M., Monday, October 12, 2009
Bucksport Town Office
50 Main Street

AGENDA

1. Call to Order

2. Roll Call

Jeremy Daigle, Chairman
 Richard Tennant
 Emery Deabay

Louis Levasseur
 W. Kim Delbridge

3. Review and Acceptance of Minutes: Minutes from the September 22, 2009 meeting.

4. Unfinished Business:

A. Administrative appeal of a decision of the Planning Board.
Applicant: Vaughn Thibodeau & Sons

5. New Business

6. Other Business

7. Adjournment

**Bucksport Board of Appeals
7:00 P.M., Tuesday, October 12, 2010
Bucksport Town Office
50 Main Street**

MINUTES

1. Call to Order: 7:04pm by Chair Emery Deabay

2. Roll Call

Jeremy Daigle
 Richard Tennant
 Emery Deabay, Chairman

Louis Levasseur
 W. Kim Delbridge

3. Review and Acceptance of Minutes: Minutes from the September 14, 2010 meeting. The board reviewed the minutes and noted no errors.

MOTION (Daigle): To approve the September 14, 2010 minutes as submitted.

SECOND (Tennant)

DISCUSSION: None

VOTE: 3-0 motion adopted.

4. Unfinished Business: None

5. New Business:

A. A variance appeal to allow the construction of an addition at 84 Main Street. The applicant requests a reduction in the required side and rear line setbacks in the Downtown Shoreland District.

Applicant: Michael Jacques

Mr. Jacques was present. The CEO conducted an introductory presentation to explain the purpose of the variance request and to familiarize the board with the property location and features. The variance is needed to construct a second means of egress for the apartments and commercial uses. The requested variance is zero setback from side and rear lines.

The CEO informed the board that some of the proposed structure will cross over the property line. The board has authority to reduce the setback to zero, but no more than that. Before a building permit can be issued, some type of written authorization from the abutting owner must be submitted to the CEO. Mr. Jacques assured the board that the abutting property owner was agreeable to allowing him to construct part of his structure on their property.

The board considered the criteria for granting an undue hardship variance.

Criterion 1: The land in question can not yield a reasonable return unless a variance is granted.

Mr. Jacques stated that he would be unable to occupy his building with apartments, and thereby have a reasonable return, if he is unable to provide a second means of egress. His insurance company is requiring the second means of egress. The board discussed this response and a motion was made:

MOTION(Daigle): To find that Criterion 1 was met.

SECOND(Tenant)

DISCUSSION: None

VOTE: 3-0 motion adopted.

Criterion 2: The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Mr. Jacques stated that the need for a second means of egress to be added is unique and not an example of the general conditions of the neighborhood. The board discussed this response and a motion was made:

MOTION(Daigle): To find that Criterion 2 was met.

SECOND(Tenant)

DISCUSSION: None

VOTE: 3-0 motion adopted.

Criterion 3: The granting of a variance will not alter the essential character of the locality.

Mr. Jacques stated that the proposed structures for egress will not change the character of the locality in part because he will be replacing an existing walkway with the same size structure. The board discussed this response and a motion was made:

MOTION(Daigle): To find that Criterion 3 was met.

SECOND(Tenant)

DISCUSSION: None

VOTE: 3-0 motion adopted.

Criterion 4: The hardship is not the result of action taken by the appellant or a prior owner.

Mr. Jacques stated that the building was built over 100 years ago, at a time when buildings were located close to the property lines. The board discussed this response and a motion was made:

MOTION(Daigle): To find that Criterion 4 was met.

SECOND(Tenant)

DISCUSSION: None

VOTE: 3-0 motion adopted.

Upon conclusion of the criteria review, a motion was made to grant the variance:

MOTION(Daigle): To grant a variance allowing a zero setback from the side and rear property lines for the proposed structures.

SECOND(Tenant)

DISCUSSION: None

VOTE: 3-0 motion adopted.

6. **Other Business:** The Chair advised the board that he will be attending the October 28th Town Council meeting to express concern about the new setback requirements. He was originally scheduled to attend the October 14th meeting, but would not be able to attend that meeting due to a schedule conflict.
7. **Adjournment:** 7:35pm

Minutes prepared by
Jeffrey Hammond
Recording Secretary