

Farmington Board of Appeals

Tuesday, August 19, 2014 – 6:00 P.M.

Minutes

Board members present were Chairman Galen Dalrymple, Michael Deschenes, Dennis O'Neil, Peter Tracy, and Robert Yorks. Sally Clark-Utans was unable to attend.

Others present were Code Enforcement Officer, Steve Kaiser; Planning Assistant, Cindy Gelinis; Town Manager, Richard Davis; applicant Theresa Martin and Vernon Schanck ; and abutter, Christine Ringer.

Mr. Dalrymple called the meeting to order at 6:00 p.m.

1. Swear in Testifiers

Mr. Dalrymple swore in Theresa Martin, Vernon Schanck, and Steve Kaiser.

2. Theresa Martin

800 Knowlton Corner Road

Variance Appeal - Application #14-AB-01

Subject Property: 800 Knowlton Corner Road - Map: R03 – Lot 021-B

Theresa Martin is requesting a variance to construct a 24' x 24' two-car garage. The proposed garage requires a variance of 11' of the standard 35' front setback (§11-8.9.E in the Town of Farmington Zoning Ordinance and per §3-1.8.D.1 in the Board of Appeals Ordinance) due to site limitations and the right-of-way (R/W) width (75') of the Knowlton Corner Road.

Mr. Schanck said the lot was a decent size, but the space is limited because of the drop-off, the location of the septic system, and south orientation for sun exposure. He said after measuring the dimensions of the project and distance to the road using the 66' R/W from Town information, he came in to speak with Mr. Kaiser because the garage was very close to the front setback. Mr. Schanck said Mr. Kaiser then informed him that R/W was actually 75' after he received a State R/W plan and he would have to apply for a variance. He said the plan for the septic system drawn by the soils scientist required the house to be constructed a minimum distance from the system which placed both buildings closer to the road. Mr. Schanck said they could use a 15' variance, but will take the 11' as stated in the application. Mr. Schanck said he tried locating the garage in front of the house, but it blocked the house from the south facing sun, and it couldn't be in back of the house because the land is wet and drops off significantly. He said there is a row of trees and a stone wall along the road providing plenty of protection for the home and garage.

Discussion followed regarding the sketch and drop-off in back of the house.

Mr. Deschenes asked about the State R/W on the Knowlton Corner Road.

Mr. Kaiser said Mr. Schanck came in to discuss the project because it was getting very close to the front setback, and our records showed that it was a four-rod road (66'). He said he got a plan of the R/W from MDOT which showed the Knowlton Corner Road R/W was 75' wide, and that the pavement was also off center to the east, and this is the reason they are applying for the variance. Mr. Kaiser said he thought this was the old Hallowell Road which was a very old Kennebec County layout with a very wide R/W.

Mr. Yorks asked about the survey for the property.

Mr. Schanck said it was done by Acme Engineering and they depicted the Town's information regarding the 66' R/W.

Mr. Dalrymple swore in Christine Ringer who was the previous owner and abuts the property.

Mr. Kaiser said he inspected the property with Mr. Schanck and noted that there weren't the typical stone walls found on either side of the 66' R/W. He said this lesser used road has a wider R/W than the more heavily travelled Lucy Knowles Road nearby which is only three rods or a 50' wide R/W.

Ms. Ringer said she wasn't aware of how far the State R/W extended into her frontage.

Mr. Kaiser said CMP also assumed the road was 66' because of their pole locations. He said it varies how much surveyors research R/W deeds.

Mr. Davis suggested asking the State to extinguish the R/W which would require a Town Meeting vote in the future.

Mr. Yorks said in this case they [the applicant & contractor] don't have time to wait.

Mr. Schanck said Acme Engineering surveyed his other two properties on that road and their stakes would confirm they also used the four-rod measurements.

Mr. O'Neil asked if the garage could be pushed back further, and for clarification of not exceeding 20% into the setback.

Mr. Kaiser said the ridge lines of both the house and garage run east/west and would shed against each other if it was pushed back. He added that this is a free-standing garage and the 20% limit doesn't apply.

Mr. Tracy asked if the rock wall is the limit of the State R/W.

Mr. Kaiser said, no, the limit is about 5' behind [house side] the stone wall, and the 35' front setback is measured from this boundary.

Discussion followed regarding the sketch and that it wasn't to scale.

Mr. Kaiser said he discussed this finding, that the R/W was 75' vs. 66' wide, with Public Works Director, Denis Castonguay, who agreed that even with a setback variance there is plenty of room for drainage, maintenance, and snow removal.

Mr. Deschenes asked why Mr. Schanck said he could use an additional four feet [15' vs. 11'].

Mr. Schanck said because it would be more convenient for Ms. Martin to walk out her house door and straight to her garage door, but with the 11' she will have to turn a corner to enter on the side of the garage.

Discussion followed regarding placement of the door, and the shedding snow from the roofs of the house and garage.

Mr. Deschenes asked if we can amend the variance to 15'.

Mr. Kaiser said they couldn't at this meeting because it had been advertised as 11'.

Mr. Dalrymple asked Mr. Schanck and Ms. Martin if they were okay with the 11' variance or do they want to resubmit for the 15'.

Ms. Martin said she was fine with the 11' variance.

Mr. Deschenes made the motion to grant the 11' variance for the Theresa Martin property located on the Knowlton Corner Road on the grounds of D. (1) (c) of the Board of Appeals Ordinance.

Mr. Yorks seconded the motion.

VOTE: 5 Affirmative None Opposed
Motion carried.

Mr. Dalrymple said Ms. Martin would receive an approval notice of the variance from the Town within 30 days, and she is responsible for recording it within 90 days at the Franklin County Registry of Deeds.

3. Adjourn

Mr. Yorks made the motion to adjourn.

Mr. O'Neal seconded the motion.

VOTE: 5 Affirmative None Opposed
Motion carried.

There being no further business, meeting adjourned at 6:32 PM.

Minutes respectfully submitted by Cindy Gelinias.