

ZONING BOARD OF APPEALS

Public Hearing

June 28, 2018, 6pm

The Town of Waterboro Zoning Board of Appeals will hold a public hearing on Thursday, June 28, 2018 at 6:00 p.m. at the Town Hall Selectmen's Meeting Room. The purpose of this hearing is to review the variance appeal of Bret Remick (Tax Map 047 Lot 027). The applicant is requesting a variance to the front setback as defined in the Town of Waterboro's Zoning Ordinance to construct a detached garage as submitted to the Code Enforcement Officer.

The application can be viewed at the Code/Planning Office at the Townhall during regular business hours or at www.waterboro-me.gov.

Shawn Shoemaker

Shawn Shoemaker, Chair

APPLICATION FOR VARIANCE OR APPEAL TO ZONING BOARD OF APPEALS

Name of Appellant Bret Remick
Mailing address 330 Brackett Rd
City or Town Rye State NH Zip Code 03870
Telephone 603-436-2946
Name of Owner Bret + Kara Remick
Property Located on Tax Map 47 Lot 27 Zone AR w/shoreland

The undersigned requests that the Board of Appeals consider one or both of the following:

1. Administrative Appeal

Relief from the decision or lack of decision of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

☐ an error was made in the denial of the permit
☐ the denial of the permit was based on misinterpretation of the ordinance
☐ there has been a failure to approve or deny the permit within a reasonable period of time
☐ other _____

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper, if necessary). You should be as specific as possible so that the Board of Appeals can give full consideration to the case.

(2) A Variance

A. Nature of variance: Describe generally the nature of the variance.

In addition a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size the locations of existing building, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

B. Justification of variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals, that the strict application of the terms of the Zoning Ordinance would cause undue hardship. There are four criteria which must be met before the Zoning Board of Appeals can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:


- #1. The land in question cannot yield a reasonable return unless the variance is granted.*
- #2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.*
- #3. The granting of a variance will not alter the essential character of the locality.*
- #4. The hardship is not the result of action taken by the applicant or a prior owner.*

OR

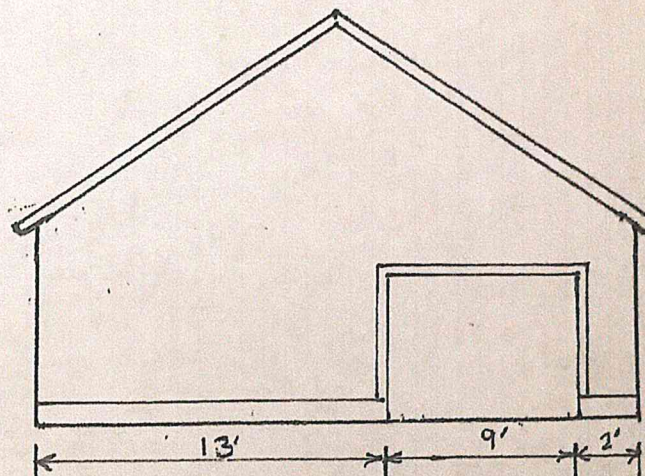
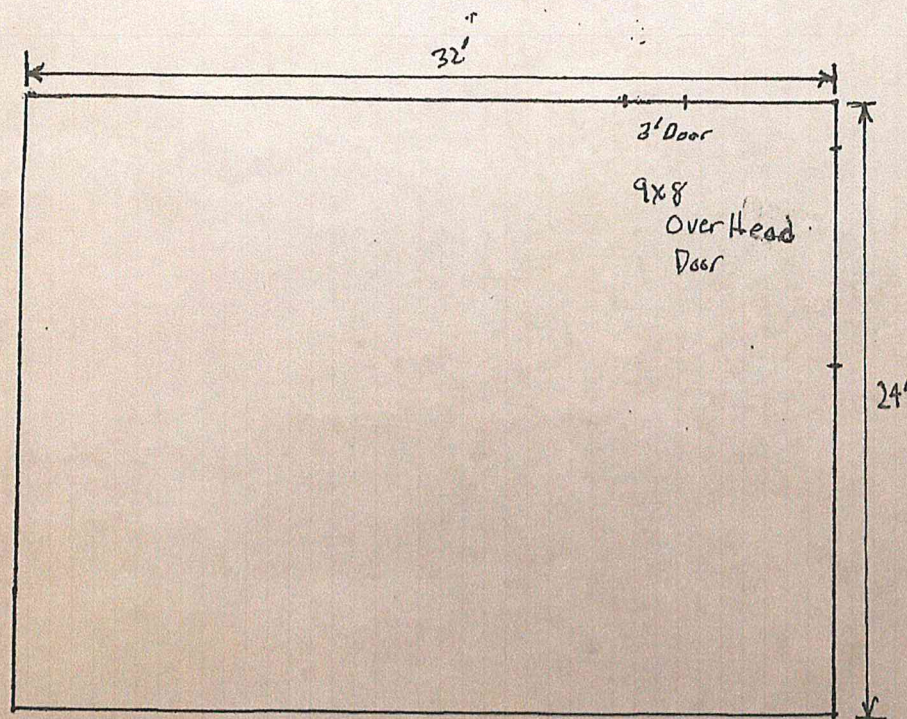
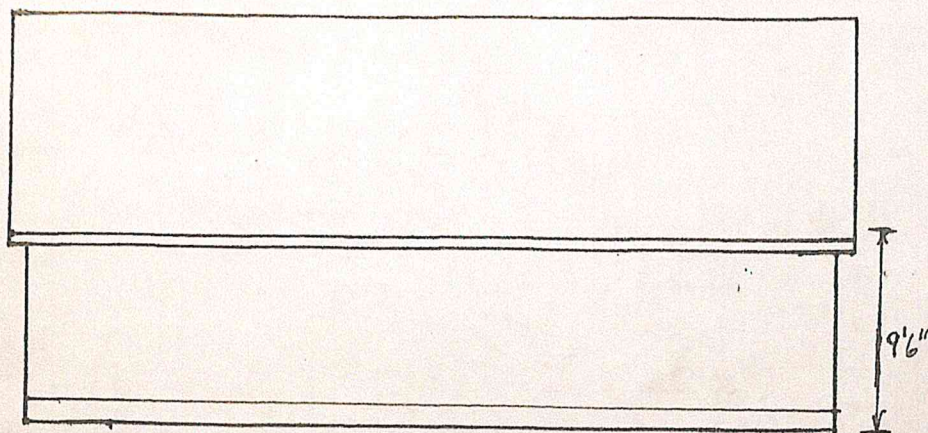
(C) In the case of the property not being located within the Shoreland Zone, the applicant can request the application to be reviewed under a second set of criteria as follows. The applicant must prove to the Zoning Board that they meet all six tests for the board to grant a variance using these standards.

- #1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood; and*
- #2. The granting of variance will not produce an undesirable change in the character of the neighborhood and will unreasonable detrimentally affect the use or market value of abutting properties; and*
- #3 The practical difficulty is not the result of action taken by the applicant or a prior owner; and*
- #4 No other feasible alternative to a variance is available to the applicant; and*
- #5 The granting of a variance will not unreasonable adversely affect the natural environment; and*
- #6. The property is not located in whole or in part within the shoreland area as described in Title 38 MRSA §435.*

I certify that the information contained in this application and its supplement is true and correct.

Date 5/3/2018 Appellant 

Note to appellant: Please file this form with the Chairman of the Board of Appeals, at which time a fee of \$330.00 must be paid. You will be notified of the date of the hearing on your appeal.



NOTES:

- FOOTINGS TO BE 12" TO 24" DIAMETER
- HOLES TO 4 FEET
- POSTS: 6X6 PT - WRAPPED IN GRACE I+W
- CEMENT AROUND EACH POST
- PURLINS OF 2X4 AND 2X6 HOLD SIDING
- BEAMS OF 2X12'S SUPPORT ROOF+WALLS
- ROOF 8/12 PITCH ANGLE TRUSS
- SIDING OF T+G VERT. PINE
- SKIRT BOARD 2X12 PT
- FLOOR 4" FIBER REINFORCED CONCRETE
- RACKING PANELS AT CORNERS OF BUILDING

STULTZ BUILDING
24' X 32' POLE BARN





Map Lot 047-027

Account 3813

Location 166 LAKE SHERBURNE ROAD

Card 1 Of 1 3/30/2018

THOMAS ANITA E & KARA THOMAS REMICK

330 BRACKETT RD

RYE NH 03870

B15515P605 B2579P81

Previous Owner

SEMLER ROBERT J & CECILIA

41 CHESTNUT STREET

STONEHAM MA 02180

Sale Date: 11/03/2008

Inspection Witnessed By:

X

Date

No./Date	Description	Date Insp.

Notes:

Property Data

Neighborhood	8 LAKE SHERBURNE
Tree Growth Year	0
1ST MORTGAGE	0
2ND MORTGAGE	0

Zone/Land Use	48 Shoreland
Secondary Zone	31

Topography	1 Level	
1.Level	4.Below St	7.Steep
2.Rolling	5.Low	8.Wet
3.Above St	6.Swampy	9.Lev/Roll

Utilities	9 No Water/No Sewer	
1.Public	4.Improve	7.Improve
2.Water	5.Improve	8.
3.Sewer	6.Improve	9.None

Street	3 Gravel	
1.Paved	4.Proposed	7.ROW
2.Semi Imp	5.Pvt	8.None
3.Gravel	6.Aband	9.TG PLAN

LAND USE	0
BUILDING USE	0

Sale Data

Sale Date	11/03/2008
Price	210,000

Sale Type	2 Land & Buildings	
1.Land	4.Mobile	7.
2.L & B	5.Other	8.
3.Building	6.	9.

Financing	1 Conventional	
1.Convent	4.Seller	7.
2.FHA/VA	5.Private	8.
3.Assumed	6.Cash	9.Unknown

Validity	1 Arms Length Sale	
1.Valid	4.Split	7.Renovate
2.Related	5.Partial	8.Other
3.Distress	6.Exempt	9.

Verified	5 Public Record	
1.Buyer	4.Agent	7.Family
2.Seller	5.Pub Rec	8.Other
3.Lender	6.MLS	9.

Assessment Record

Year	Land	Buildings	Exempt	Total
2005	43,500	42,500	0	86,000
2006	43,500	42,500	0	86,000
2007	43,500	42,500	0	86,000
2008	111,000	87,400	0	198,400
2010	111,000	87,400	0	198,400
2011	111,000	87,400	0	198,400
2012	111,000	87,400	0	198,400
2013	111,000	87,400	0	198,400
2014	111,000	87,400	0	198,400
2015	111,000	87,400	0	198,400
2016	99,900	78,800	0	178,700
2017	99,900	78,800	0	178,700
2018	99,900	78,800	0	178,700

Land Data

Front Foot	Type	Effective		Influence		Influence Codes
		Frontage	Depth	Factor	Code	
11.Ossipee WF				%		1.Unimproved
12.Arrowhead WF				%		2.Excess Ftg /De
13.Waterfront				%		3.Topography
14.Rear Land				%		4.Size/Shape
15.Misc				%		5.Access or Rear
				%		6.Restriction
				%		7.Open Space
						8.View/Environ
						9.Fract Share
				%		Acres
				%		30.Rear (201+)
				%		31.Tillable/Horti
				%		32.Pasture
				%		33.Orchard
				%		34.Frontage
				%		35.Triangular Lot
				%		36.Commercial
				%		37.Softwood
				%		38.Mixed Wood
				%		39.Hardwood
				%		40.Wasteland
				%		41.Gravel Pit (Ac
				%		42.Mobile Home Si
				%		43.Condo Site
				%		44.Utility ROW
				%		45.Camp Lot
				%		46.Site Improve
Square Foot		Square Feet				
16.Regular Lot				%		
17.Secondary Lot				%		
18.Excess Land				%		
19.Condominium				%		
20.Pavement				%		
Fract. Acre		Acreage/Sites				
21.Homesite (Frac	21	0.19	90	%	5	
22.Vacant Lot (Fr				%		
23.Non Conforming				%		
Acres				%		
24.Excess (5-10)				%		
25.Excess (10+)				%		
26.Excess (OS)				%		
27.Rear (1-100)				%		
28.Rear (101-150)				%		
29.Rear (151-200)				%		
Total Acreage		0.19				

Waterboro

Waterboro

Map Lot 047-027

Account 3813

Location 166 LAKE SHERBURNE ROAD

Card 1 Of 1 3/30/2018

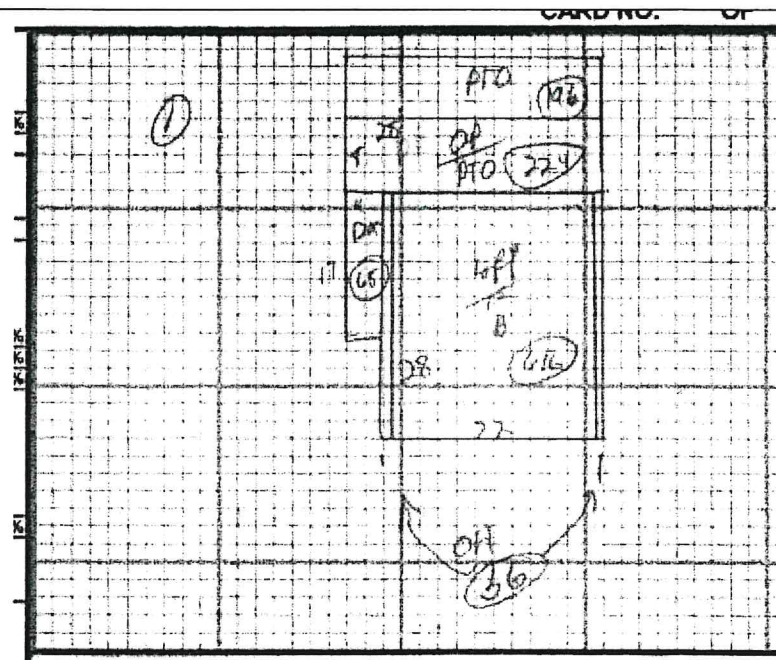
Building Style 2 Ranch	SF Bsmt Living 300	Layout 1 Typical
1.Conv 5.Garr/Col 9.Other	Fin Bsmt Grade 3 100	1.Typical 4. 7.
2.Ranch 6.Split 10.Mohome	OPEN 5 OPTIONAL 0	2.Inadeq 5. 8.
3.R Ranch 7.Contemp/ 11.Condo	Heat Type 100% 8 Floor/Wall Unit M	3.Not func 6. 9.
4.Cape 8.Log 12.	1.HWBB 5.FWA 9.No Heat	Attic 4 Full Finished
Dwelling Units 1	2.HWCI 6.GravWA 10.	1.1/4 Fin 4.Full Fin 7.
Other Units 0	3.HWRAD 7.Electric 11.	2.1/2 Fin 5.Fl/Stair 8.
Stories 1 One Story	4.Steam 8.Fl/WallM 12.	3.3/4 Fin 6. 9.None
1.1 4.1.50 7.1.25	Cool Type 0% 9 None	Insulation 2 Heavy
2.2 5.1.75 8.	1.Refrig 4.W&C Air 7.	1.Full 4.Minimal 7.
3.3 6.2.50 9.	2.Evapor 5. 8.	2.Heavy 5.Unk 8.
Exterior Walls 9 Other	3.H Pump 6. 9.None	3.Capped 6. 9.None
0.Wood 4.Asb/Asph 8.Alum/Vin	Kitchen Style 2 Typical	Unfinished % 0%
1.Wood 5.T-111 9.Other	1.Modern 4.Obsolete 7.	Grade & Factor 3 Average 100%
2.Wd Sh 6.Br/St 11.	2.Typical 5. 8.	1.E Grade 4.B Grade 7.AAA Grad
3.Compos. 7.Nov 12.	3.Old Type 6. 9.None	2.D Grade 5.A Grade 8.
Roof Surface 1 Asphalt Shingles	Bath(s) Style 2 Typical Bath(s)	3.C Grade 6.AA Grade 9.Same
1.Asphalt 4.Composit 7.	1.Modern 4.Obsolete 7.	SQFT (Footprint) 616
2.Slate 5.Wood 8.	2.Typical 5. 8.	Condition 4 Average
3.Metal 6.Other 9.	3.Old Type 6. 9.None	1.Poor 4.Avg 7.V G
SF Masonry Trim 0	# Rooms 0	2.Fair 5.Avg+ 8.Exc
OPEN-3-CUSTOM 0	# Bedrooms 2	3.Avg- 6.Good 9.Same
OPEN-4-CUSTOM 0	# Full Baths 1	Phys. % Good 0%
Year Built 1973	# Half Baths 0	Funct. % Good 100%
Year Remodeled 0	# Addn Fixtures 0	Functional Code 9 None
Foundation 2 Concrete Block	# Fireplaces 0	1.Incomp 4.Small 7.Layout
1.Concrete 4.Wood 7.		2.O-Built 5.CDU 8.Other
2.C Block 5.Slab 8.		3.Damage 6.Style 9.None
3.Br/Stone 6.Prs/Post 9.		Econ. % Good 100%
Basement 4 Full Basement		Economic Code None
1.1/4 Bmt 4.Full Bmt 7.		0.None 3.Services 7.
2.1/2 Bmt 5.None 8.		1.Location 4.Traffic 8.
3.3/4 Bmt 6. 9.None		2.Encroach 9.None 9.
Bsmt Gar # Cars 0		Entrance Code 0
Wet Basement 1 Dry Basement		1.Interior 4.Vacant 7.
1.Dry 4. 7.		2.Refusal 5.Estimate 8.
2.Damp 5. 8.		3.Informed 6.Office 9.
3.Wet 6. 9.		Information Code 0
		1.Owner 4.Agent 7.
		2.Relative 5.Estimate 8.
		3.Tenant 6.Other 9.

TRIO
Software
A Division of Harris Computer Systems

Date Inspected

Additions, Outbuildings & Improvements

Type	Year	Units	Grade	Cond	Phys.	Funct.	Sound Value	
26 1SFr Overhang	0	56	0 0	0	0 %	0 %		1.One Story Fram
68 Wood Deck	0	68	0 0	0	0 %	0 %		2.Two Story Fram
21 Open Frame	0	224	0 0	0	0 %	0 %		3.Three Story Fr
62 Patio	0	224	0 0	0	0 %	0 %		4.1 & 1/2 Story
62 Patio	0	196	0 0	0	0 %	0 %		5.1 & 3/4 Story
24 Frame Shed	1979	120	4 100	4	95 %	100 %		6.2 & 1/2 Story
					%	%		21.Open Frame Por
					%	%		22.Encl Frame Por
					%	%		23.Frame Garage
					%	%		24.Frame Shed
					%	%		25.Frame Bay Wind
					%	%		26.1SFr Overhang
					%	%		27.Unfin Basement
					%	%		28.Unfinished Att
					%	%		29.Finished Attic



Property Variance questions issues:

#1: The land in question cannot yield a reasonable return unless the variance is granted.

There is only a 10x10 shed existing on the property other than the main house. We have 3 snowmobiles, 3 atv's, 1 watercraft, 1 pontoon boat and, a log splitter. We need to have a place to keep these items safely and securely. We also need an inside area to service these items when the need requires. My measurements for the objects and area needed require a 24x32 barn. (bigger would be better) To meet the required set back I would need to cut off 6' (25%) of the overall size needed. The 24' measurement is extremely important and is the variance measurement required.

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

Our lot seems to be a bit different from some of the other lots meaning our home was built a little further from the water. (Closer to the center of the lot from front to back.) This puts the main structure (home) closer to the road. To fit in the required size needed we meet water and side setbacks however we need a road set back variance.

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

We are planning to make this structure to resemble and maple sugar shack. Similar to the recent garage built across the street. (and 3 total built within ¼-½ mile) This would fit the general area very nicely. There are other homes with traditional garages in our neighborhood. Some bigger some smaller. Please understand this will not be the closest building to the street as there are 3 other buildings (all in view from my home) on this very same street closer to the road than our proposed building will be. We will not be setting any precedence.

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

The home was built in 1973. (According to tax records) We are the 2nd property owner. We are meeting the water and both side setbacks. (see below) We are asking for a road set back variance. The current setback requirement is 55'; (according to section 2.08/07) we are asking for it to be 49'.

Variance measurements:

The proposed building to be as follows: The setbacks required by Section 2:08/07

- The left side set back will be met at 20'. (Need to be 19')
- The right side set back will be 40'1". (need to be 19')
- The water set back will be 130'8". (need to be 100')
- **The road set back will be 49'5". (Needs to be 55')**

Existing structures Lot coverage: 1152 sq' (main house, decks and, shed)

Proposed structure Lot coverage: 768 sq' (24x32 building)

Total sq' Lot coverage: 1920 sq'

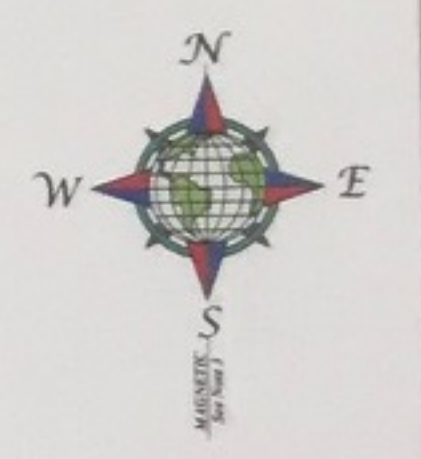
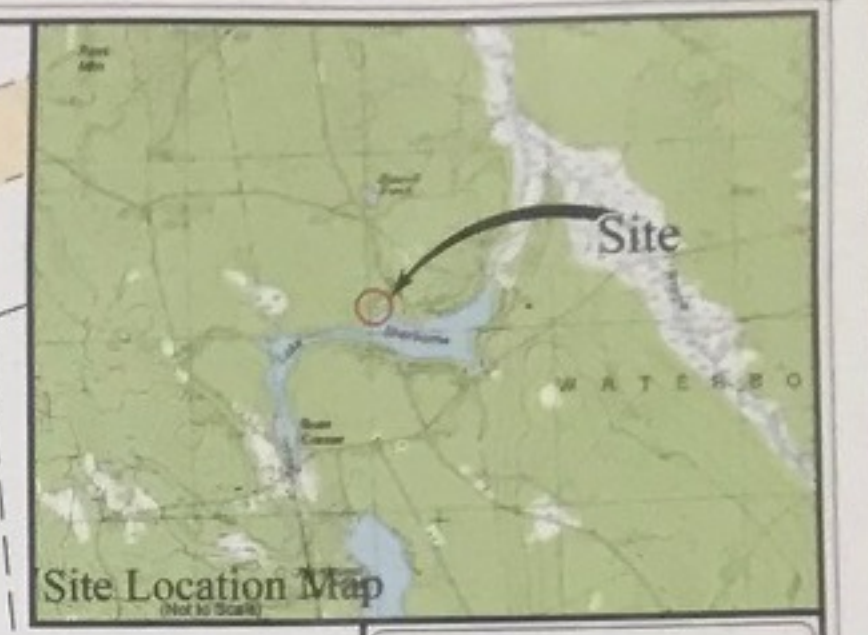
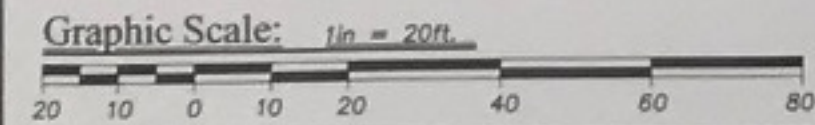
High water mark to proposed structure: 130' 8"

Notes:

1. Deed Reference:
a. Kara Thomas Remick to Kara Thomas & Bret Douglas Remick dated July 13, 2017 and recorded at the York County Registry of Deeds in book 17525 page 238.
2. Plan Reference:
a. "Subdivision Of Land In Waterboro, Maine Owned By Albert J. Cameron" dated April, 1972, surveyed by Francis W. Conroy and recorded at the York County Registry of Deeds in plan book 55 page 36.
b. "Sub-division Of Land In Waterboro, Maine Owned By Albert J. Cameron" dated May, 1972, surveyed by Francis W. Conroy and recorded at the York County Registry of Deeds in plan book 55 page 36.
c. "Sub-division Of Land In Waterboro, Maine Owned By Albert J. Cameron" dated August, 1972, surveyed by Francis W. Conroy and recorded at the York County Registry of Deeds in plan book 58 page 24.
d. "Subdivision Of Land In Waterboro, Maine Owned By Albert J. Cameron" dated May, 1971, surveyed by Francis W. Conroy and recorded at the York County Registry of Deeds in plan book 55 page 2.
e. "Site Plan Made For Patrick Burns & Bryan Burns" dated August 5, 2014 and surveyed by Corner Post Land Surveying, Inc. (Unrecorded).
3. Basis of Bearings:
Bearings shown herein are magnetic and are based on Plan Reference 2a.
4. Road Record:
Lake Sherburne Road, 50 feet wide. See Plan Reference 2a.
5. Certification:
The word "certify" or "certification" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
6. Underground Utilities:
No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any underground utility, municipal or public service. For information concerning these utilities or facilities please contact the appropriate agencies.
7. Abutter Lines:
The abutter lines shown herein are for reference purposes only. Any conflicts between the abutter lines shown herein and existing monumentation should be resolved with a boundary survey; no assumptions should be made based on these abutter lines.
8. Lake Sherburne is a dam controlled body of water and a "Great Pond" which is subject to seasonal fluctuations in the water level. No attempt has been made by this survey to locate, establish or otherwise show limits of fluctuations, if any, that may affect portions of the surveyed premises. The property line along Lake Sherburne is a meandering line and extends to the "Low Water Mark." No attempt has been made by this survey to locate, establish or otherwise show the "Low Water Mark."
9. Zoning Information:
Agriculture and Residential District 4 Shoveland Zone: Limited Residential District
Minimum Lot Size: 80,000 square feet
Maximum Lot Coverage: 20%
Minimum Yard Dimensions:
Setback from street Right of Way 75.0' (Section 2.08.c: 25% of average depth)
Setback from normal highwater mark: 100.0'
Side setback: 35.0' (Section 2.08.b: 10.0' + 1' for every 5' increase in street frontage over 50')
Rear setback: 35.0' (Section 2.08.a: 25% of average depth)

Legend:

- 3/4" Iron Rod Set With Plastic Cap, Marked CNR POST LAND SURV PLS 1350
- Iron Pipe Found (Dimensions Labeled on Plan)
- Fence Post Found
- Utility Pole
- Overhead Utility Lines
- Gravel
- Boundary Line Of Surveyed Premises
- Abutter Line (See Note 7)
- Right Of Way Line
- Chain Link Fence
- Building Setback Lines
- Information Taken From Plan Reference 2a
- Lot Number Taken From Plan Reference 2a & 2b
- Corner Identifier



YORK, ss REGISTRY OF DEEDS
Received: _____
at _____ h _____ m _____ A.M. and
Filed in Plan Book _____ Page _____
ATTEST: _____
Register

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Survey File Name: 2017121.crd
CAD File Name: 2017121.dwg
Drawn By: KAL
Job Number: 2017121

Revisions	Date	By

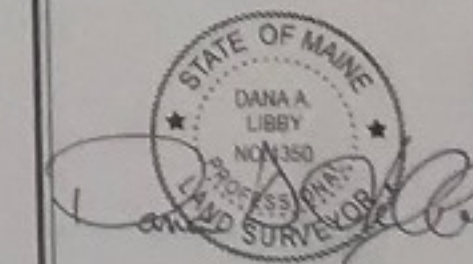
Plan Showing A
Boundary Survey For
**Bret Douglas &
Kara Thomas
Remick**
330 Brackett Road
Rye, New Hampshire 03870

Property Located On
**Lake Sherburne Road &
Lake Sherburne**
In
Waterboro, Maine

March 1, 2018
Scale: 1 in. = 20 ft.



I hereby certify that this boundary survey conforms to the Maine Board of Licensure for Professional Land Surveyors, Chapter 66, Standards of Practice.



Dana A. Libby
Professional Land Surveyor 1350
4-10-2018