

**City of Ellsworth  
Board of Appeals Minutes  
March 26, 2018**

The regular meeting of the Ellsworth Board of Appeals was attended by Members Jeff Toothaker, Bruce Sawyer, Michelle Begin and Jarad Wilbur. Also in attendance was Dwight Tilton Code Enforcement Officer.

Call to Order  
[6:30PM]

1. **ADOPTION OF MINUTES:** from the February 26, 2018 meeting. Mr. Toothaker motioned to adopt the minutes as written. Mrs. Begin seconded the motion. The motion passed with all Members in favor.

Adoption of  
Minutes

2. **OLD BUSINESS:** None

Old Business

3. **PUBLIC HEARING AND CONSIDERATION:** Request of Charles Downes for a variance to the sideline setbacks to construct a garage for the property located at 36 Tannery Brook Way, (Tax Map 111 Lot 53) in the DP (Drinking Water Protection) zone.

Charles Downes  
for a Variance  
appeal

Mr. Toothaker went over items the applicant submitted to the Board for their review and discussed the required variance criteria the applicant must meet. He asked Dwight Tilton if any DEP regulations would be violated if the variance was granted. Mr. Tilton indicated in speaking with Dawn Abbott (DEP-Bangor Office) and due to the snow conditions, he has not been able to verify lot coverage (maximum 20%). Mr. Tilton reassured Ms. Abbott that if this variance was granted, he would not issue a building permit for the garage until the lot coverage can be determined. Mr. Toothaker asked Mr. Tilton if the Board would be better served to postpone the meeting until the lot coverage could be verified. Mr. Tilton indicated he did not think that was necessary and the Board can proceed with the hearing.

Mr. Toothaker informed Mr. Downes that it is hard to prove all four of the criteria when there is opposition to his proposal. He suggested to Mr. Downes and Ms. Knowlton take a few minutes and speak with Mr. Tilton to see if any resolution could be agreed upon.

After a five-minute recess, Ms. Knowlton stated they had come to an agreement and Mr. Toothaker requested her to come up to the podium. Mr. Toothaker asked if after their discussion she was comfortable with Mr. Downes' proposal and she indicated she was. Mr. Toothaker, again, confirming with Ms. Knowlton that she is comfortable and she stated that they are compromising on a number of things. Mr. Toothaker questioned her if the new proposal changed what has been presented to the Board and

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what her understanding of what the changes were. She said that originally the garage was proposed to be off the right side of the house along her driveway. Now he proposed to move it over four feet and shorten the width of the garage, which will give a little bit more breathing space and will result in an eighteen-foot setback. Mr. Toothaker asked again if she was comfortable withdrawing her opposition and she said that she was. Explaining that they have been neighbors since 1990 and is aware that Mr. Downes plans to retire and live there year round. Mr. Tilton indicated that Mr. Downes agreed to bring the roofline down, as part of the compromise. Mr. Toothaker again asked Ms. Knowlton if she was comfortable with this proposal and she state that she was.

Mr. Toothaker asked Mr. Downes to the podium. In reviewing the application, Mr. Toothaker asked him if he had anything to else add, and he did not.

In addressing the audience, Mr. Toothaker asked if there was anyone opposing the project and no one spoke.

**Mr. Toothaker motioned to approve the variance request and find that all the criteria have been met based on the submission and the opposition to the original plan has been withdrawn with a compromise agreed upon. The variance is issued conditionally, subject to Mr. Tilton reviewing the modifications agreed upon not to exceed 20% lot coverage. Mr. Toothaker point out to the appellant that if these conditions cannot be met he would not be allowed to build the garage. Mr. Sawyer seconded the motion. The motion passed with all Members in favor.**

**Variance Appeal  
Granted**

**4. NEW BUSINESS: None**

**No New Business**

**5. ADJOURNMENT: [at 6:50PM] Mr. Toothaker motioned to adjourn. Mr. Sawyer seconded the motion. The motion passed with all members in favor.**

**Adjournment**

**Date**

**Steve Salsbury, Secretary  
Ellsworth Board of Appeals**