

City of Ellsworth
Board of Appeals Minutes
September 25, 2023

The meeting of the Ellsworth Board of Appeals was attended by Members Jeffrey Toothaker, Jarad Wilbur, Mike Wight, Steve Shea and Bruce Sawyer. Also in attendance was Loretta Roberts - CEO.

Call to Order
[6:30PM]

1. **ADOPTION OF MINUTES:** From the August 15, 2023 hearing. Mr. Toothaker motioned to adopt the minutes as written. Mr. Salsbury seconded the motion. The motion passed with all Members in favor.

Minutes Approved

2. **HEARING AND CONSIDERATION:** Request of Scott Commercial Properties for a ten foot variance to Sargent Drive (edge of right-of-way), which normally requires a twenty foot setback. The property is located at 159 Sargent Drive on Tax Map 100 Lot 48 in the (DP) Drinkingwater Protection zone.

Variance – Scott Commercial Properties reduction of front setback from 20’ to 10’

Mr. Toothaker suggested the Mr. Scott and Mr. Gammelin to come to an agreement on the location of the shed due to the criteria for a variance being difficult to meet. Mr. Gammelin spoke outside of the microphones and his comments were not heard. With he and the neighbor not getting along, they decided not to discuss alternative locations.

Mr. Scott stated he was looking for ten feet of relief from a private road (Sargent Drive) to place a shed. He also mentioned it meets the consistency of the neighborhood with other sheds and garages on neighboring lots. The proposed location is well behind the telephone poles and not impeding snow removal. Mr. Scott said he had meet with the code enforcement officer and the previous code enforcement officer to locate the shed and without a survey in place, it was done to the best of intentions. A letter was sent to him from the code enforcement office indicating a survey was submitted showing his shed was in the right-of-way and too close to Mr. Gammelin’s property line. Mr. Scott is now asking to place the shed on the opposite side of the lot and within 10’ of the right-of-way.

Mr. Shea asked if it was a private road and Mr. Scott confirmed that it was. Mr. Scott indicated the road was owned by the homeowners association. Mr. Gammelin presented to the Board the survey with Mr. Scotts survey superimposed on top. Mr. Toothaker asked if this was submitted to the Board and Mrs. Roberts indicated it was not. Mr. Gammelin approached the Board, handed out a copy to each Member and Mr. Toothaker asked to number it Opp #1 for the record.

Mr. Shea confirmed that Mr. Scott would have to be 20’ from the property line and Mrs. Roberts said yes.

Mr. Toothaker asked Mr. Scott if he contested the accuracy of the survey and he stated no. Mr. Toothaker questioned Mr. Scott if he could move the shed back 10’ and Mr. Scott stated he would have to bring in fill in the Shoreland Protection zone, but would need to construct a retaining wall. Mr. Shea indicated that Mr. Scott should move the shed back 20’ to put him in compliance.

Prior to Mr. Gammelin speaking, Mr. Toothaker wanted to reiterate to Mr. Scott that his wife plays tennis with Mr. Gammelin’s wife and Mr. Scott stated he did not object to Mr. Toothaker deciding on the Variance request.

Mr. Gammelin stated there is not enough room on the lot to place all the things he has. Mr. Gammelin presented a photo of the area where Mr. Scott wants to place the shed, Opp #2. He also submitted a photo of the shed, Opp#3 and the view down the road that do not have any sheds or garages, Opp #4.

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Mr. Toothaker reviewed the variance criteria with the appellant and the abutter.

Mr. Toothaker closed public hearing.

Mr. Toothaker finds the appellant did not meet the criteria for number one or two, but meets the third, fourth and fifth criteria.

Mr. Toothaker motioned to deny the variance. Mr. Sawyer seconded the motion. The motion passed with all Members in favor.

Denied

3. ADJOURNMENT: Mr. Toothaker motioned to adjourn. Mr. Sawyer seconded the motion. The motion passed with all Members in favor.

**Adjournment
[7:34PM]**

View meeting at: <https://www.youtube.com/watch?v=azPYgt0JCHE>

Link to video

Date _____
Steve Salsbury, Secretary
Ellsworth Board of Appeals