

no problem provided he first got the approval. It was only as of last year that he was able to manage getting some of the work done. The landscaping was his first task, followed by building a (3) seasonal porch on the side of the home. Mr. Merrill described buying an addition that was already assembled after soliciting for a contractor who gave them an estimate in building the porch. After paying the contractor to build the porch, he stated that the contractor left without doing the work and he has not heard back from him since. This is currently in court according to Mr. Merrill.

Mr. Merrill next proceeded with doing the project himself but after submitting his application, he found out that the new addition would not meet the required setbacks. He further stated that he spoke to the previous owner who was not aware of a problem although he had not himself attempted to adding onto the home.

Robert Merrill stated the porch would add value to his property and was concerned that if he was not allowed to install the porch, he would have to advise all potential buyers that it would not be permitted and he would be lucky if he sold it for what he paid for it in 2004, provided he was to list his property for sale.

He also stated that when he checked with his neighbor next door, they had no problem with Mr. Merrill installing the porch.

In closing, Mr. Merrill reinstated that his only purpose was to improve his home and the area surrounding his home.

Jane turned the hearing over to the Board for questioning the appellant.

Paul Demers asked the appellant a question regarding the land adjacent to his property and as to the owner and if he would be interested in selling some of his property. As Paul indicated to the appellant, if the owner of the adjacent property sold two feet to Mr. Merrill, he would no longer have a problem putting up his porch.

Mr. Merrill indicated to Paul that he was not encouraged by the neighbor to sell him the property as the land was owned by the neighbor's mother.

Mr. Merrill further stated to Paul that he was paying \$150.00 monthly to store the addition until such time he could acquire a permit to install it. When Robert asked the "code enforcer" if he could drop the addition on his property and avoid the monthly expense, he was told by "her" that he would be fined if he did that. Next, Mr. Merrill advised that his neighbor has penetrated his property while storing a container and he has never asked his neighbor to move it, although the container is sitting on Mr. Merrill's property.

Paul explained to Mr. Merrill that he must respond to the eight criteria questions and they must be answered in the affirmative if he is to be granted an appeal. Paul also explained that the purpose of the Board is to recommend options when all else may fail. In Mr. Merrill's case, Paul did see other options and recommended same to the appellant.

Robert Merrill confirmed to Paul Demers that the (3) season porch is made out of glass and wood.

Paul referenced the expense of storing the porch at \$150/month and suggested to the appellant that he might find better use of that money by hiring a carpenter who might be able to comply with the setbacks and modify the current porch to fit within the setback requirements.

Mr. Merrill told Paul that he was told by a code enforcer, as long as he had a “licensed” carpenter install the porch, he could have it done! Paul told the appellant that there are no licensed carpenters in the State of Maine.

Mark Patterson also offered suggestions to the appellant on possible ways to install the porch while adhering to the setbacks. Mark also suggested to the appellant that they go through the (8) criteria items if he would like to before the Board votes on the (8) questions. Mr. Merrill said “no”, it was not necessary. He presented his case and those were his thoughts.

Jane Bowker called on Jamie to present the Town’s position and if wanted to give rebuttal to what Mr. Merrill had stated.

Jamie took the stand and proceeded with the (8) items giving the Town’s viewpoint to all of the questions. Jamie did include options for the appellant as suggested in an earlier letter to the applicant from the Chief Code Enforcement Officer.

Jane asked the Board if they had any questions for Jamie following his presentation.

Mark asked Jamie to compare the applicant’s lot with other lots within the same area and if Jamie could tell him exactly where his lot is located. Mark further asked Jamie to interpret what was meant by “combined setback”. Mark next asked Jamie as to how the Town measured his property and how it was determined that the porch did not comply with the 15’ setback.

Mark did state that if the property was surveyed, it is possible it might be incorrectly marked and through a certified surveyor, could possibly meet the requirements.

Following no further questions, Jane asked Mr. Merrill if he would like to give rebuttal to the Code Enforcement Officer’s response.

Mr. Merrill responded by saying there was little he could give rebuttal toward and that he didn’t see a problem with the (2) feet difference.

The Chairperson asked if anyone had question(s) for Mr. Merrill. Jamie Cole spoke to the Board stating that he was sitting in for the Chief Code Enforcement Officer and

where the appellant mentioned several things he was told by the CCEO, without the presence of the CCEO, he could not confirm nor deny Mr. Merrill's accusations.

With no further questions, Jane Bowker closed the meeting to the public in order for the ZBA Board to discuss the findings and to vote on the application request. **Note: You may view the results of the voting under Facts & Findings dated June 28, 2010. The Board voted 5-0 to deny the appeal.**

A motion was made by Paul to adjourn. Kim seconded the motion and the Board voted 5-0 to adjourn. Meeting adjourned at 8:09 P.M.