

YARMOUTH GENERAL BOARD of APPEALS

7:00 PM – Virtual Meeting (Due to Covid19 In-Person Meeting Restrictions)

Please visit <https://yarmouth.me.us/> for a link to join the meeting.

October 26, 2020

AGENDA

I. CALL TO ORDER

II. ROLL CALL

Phil Ahrens
Tom Marjerison
Jennifer Peters
Craig Wolff
Samuel Carter

III. PUBLIC HEARING ITEMS

1. Special Exception to Keep Chickens on MDR Lot Under 2 Acres; Chapter 701, Article IV/H; Michelle and Aaron Kaufman, Applicants; 18 Lone Pine Lane.; Map 28 -Lot 8E,

The applicant is requesting to have domesticated chickens on their half-acre property located at 18 Lone Pine Lane. Per Ch. 701/ Art. IV/ H., the Medium Density Residential (MDR) zone requires a minimum of 2 acres for the permitted use of Farm Animals for Personal Use. Lots of less than 2 acres in the MDR may seek a Special Exception for this use. Uses designated as Special Exceptions within this Ordinance are intended as potential land uses in the districts in which they are so designated, subject to the issuance of a Special Exception permit by the General Board of Appeals per Ch. 701/ Art. VII/ B./2./b.

Definitions:

Animal, Farm for Personal Use: The keeping of bovines, horses, birds, goats, sheep, pigs and other related animals for personal pleasure and/or consumption.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, areas, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exception is made in this Zoning Ordinance.

2. Administrative Appeal of Planning Board Denial of Shoreland Zoning Permit and Waiver of Maximum Float Size; Chapter 701, Article VII.B.2.a; Denise and Craig Benson, Appellants; 104 Spruce Point Road; Map 54 Lot 27.

Administrative Appeal of a Planning Board decision. The applicant requested a waiver

on float size of 320 square feet to 720 square feet. On August 26, 2020, the Planning Board denied the waiver and related shoreland permit. Applicant appeals this denial to the General Board of Appeals. Under the General Board of Appeals ordinance, Chapter 203.F, Jurisdiction, Powers and Duties, the GBA is authorized to hear appeals from decisions under the Chapter 701 Zoning Ordinance, and under Chapter 203.F.3, the GBA would hear this appeal on a de novo basis, undertaking its own independent analysis. The Planning Board ordinance, however, at Chapter 202.H states that appeals of Planning Board decisions are to Superior Court. The GBA first will determine whether it has jurisdiction in this case, and if it so determines, will hear and decide the appeal.

3. Administrative Appeal of Planning Director Zoning Determination under Chapter 701, Article VII.B.2.a; Rebecca Rundquist, Appellant, Re: Approval to Use Out-Building as a Bedroom at 53 West Elm St., MDR Zone, Janice Cooper, Owner; Map 41 -Lot 71.

Administrative Appeal of zoning determination by Planning Director that the out-building on property owned by Janice Cooper at 53 West Elm Street may be used as a sleeping space (bedroom), and that such use may occur concurrently with short-term rental of the subject property. Ms. Rundquist is the abutting property owner and asks the General Board of Appeals to reverse the Planning Director zoning determination. Under Chapter 701, Article VII.B.2.a the General Board of Appeals has jurisdiction to hear and decide appeals of such zoning determination.

IV. OTHER BUSINESS

None

V. ADJOURNMENT

Note: The order of items scheduled on the agenda is subject to change.

As of June 1, 2020, the Yarmouth General Board of Appeals will be holding all board meetings via GoToMeeting conferencing technology. We remain committed to full public access and participation in our meetings through remote access during the COVID-19 crisis. Remote meetings will be held in accordance with the requirements of [LD 2167, Public Law Chapter 618](#).