

**TOWN GRAY**  
**ZONING BOARD OF APPEALS**  
**AGENDA • OCTOBER 28, 2020**

**Zoning Board of  
Appeals Regular  
Meeting**

**Henry Pennell Municipal Complex**  
**24 Main Street**  
**Gray, ME 04039**

**7:00 PM**

**I. MEETING COMMENCES**

Roll Call

**II. MINUTES APPROVAL**

Zoning Board of Appeals - Regular Meeting - *(August 26, and September 23), 2020 7:00 PM*

- a. August 26, 2020 ZBA Minutes
- b. September 23, 2020 ZBA Minutes

**III. BOARD BUSINESS**

- a. Election of Officers
- b. Adopt new 2021 ZBA Calendar

**IV. NEW BUSINESS: PUBLIC HEARINGS**

- a. Neokraft Signs, Inc. on behalf of Loon Island LLC, are requesting a waiver for a new sign, that exceeds the maximum height and sign area allowed in Chapter 406 Town of Gray Sign Ordinance, by Administrative Appeal. The property is located at 13-17 Main Street as shown on Tax Map 43-402-53 and 35-402-54 (*Postponed from 9-23-20*).

**V. ADJOURNMENT**

*\* The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

**Town of Gray**  
**Zoning Board of Appeals Minutes**  
**August 26, 2020**

Draft

**Regular Meeting**

**Henry Pennell Municipal Complex**

**7:00 PM**

24 Main Street, Gray, ME 04039

**I. Meeting Commences**

Meeting commencement delayed. Brad Fogg arrived at 7:14pm

Attendee Name	Title	Status	Arrived
Lena Reichardt	Vice Chair	Present	
John Swiger	Board Member	Present	
Brad Fogg	Chair	Late	
Doug Wilson	Board Member	Present	
Joshua Sibert	Board Member	Present	
Scott Dvorak	Code Enforcement Officer	Present	
Doug Webster	Community Development Director	Present	

**II. Minutes Approval**

a. Zoning Board of Appeals - Regular Meeting - Jun 24, 2020 7:00 PM

Lena Reichardt abstained since she wasn't at prior meeting.

<b>RESULT:</b>	<b>ACCEPTED [4 TO 0]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Doug Wilson, Board Member
<b>AYES:</b>	Swiger, Fogg, Wilson, Sibert
<b>ABSTAIN:</b>	Reichardt

**III. New Business: Public Hearings**

a. Goguen Variance

Joanne Goguen spoke about the request. She hopes to improve their home by adding a bedroom. There is an additional request for a deck on the detached garage. She explained the property is at a low point of Mountain View. They are victims of runoff issues so they lifted deck up to protect their belongings.

Ms. Reichardt asked for clarification of which deck and Mrs. Goguen confirmed it is the back deck. She also explained the culvert issue when Mr. Sibert requested clarification.

Mr. Fogg asked her to show the location of the culvert on his map. Mrs. Goguen did so and she explained how water gushes onto her property during rainstorms. She said they originally thought about tearing down the garage due to damage by the runoff. They found someone to fix it. She also explained the deck already exists, she just wants to raise it. Mr. Swiger asked for clarification about how high the current deck is off the ground. Jeffrey Goguen said it is about 12 inches.

The Board then discussed the bedroom. Joanne Goguen explained the bedroom won't be closer to the line than the garage, but they couldn't find prior variance.

Brad Fogg asked Doug Webster to speak. Mr. Webster discussed a provision in ordinance 402 regarding being adjacent to shoreland but variances are outside shoreland zone. He said new construction has to conform to current standards. Therefore, CEO is not authorized to issue a building permit until ZBA approves variance.

Ms. Reichardt explained they should handle the items separately since they need to vote on both.

Further discussion took place regarding the deck. Mr. Fogg asked the Goguens about #3 (practical difficulty is not the result of action taken by the petitioner or a prior owner). Mr. Goguen said they have tried to divert some of the water from the culvert. There is about a 15-20 foot steep decline from culvert to their property. Garage floods due to the water. Company will lift garage and they hope to close in the deck as a storage shed. He said they are trying to alleviate this water problem. Home is only 600 sq. ft. A frame so they need storage. Mr. Goguen explained their limited options of where they can put a shed due to slope of property.

Ms. Reichardt said it is unfortunate that the deck was already built. Mr. Goguen said that was temporary at first to keep building materials off the ground. He said the deck has metal studs and the 2x4 posts are in concrete. He did add a few screws to attach to garage. He said it is not a problem to remove it if that is needed to be done.

Mr. Fogg asked if this would impact the look of the property. Mr. Goguen said the deck is not visible from the road.

Ms. Reichardt asked if abutter was notified. Mrs. Goguen said neighbors are supportive. This is outside of shoreland zoning per Doug Webster.

Ms. Reichardt asked if board and applicant would be amendable to revise motion to "shed" vs. deck to avoid need for a future variance. Mr. Goguen said their plan in future was to make a deck.

Mr. Dvorak said they ask that variance be revised to show it allows for a closed accessory structure (shed) to be built to close in the deck. Mr. Swiger asked if this is actually an addition to garage. Mr. Dvorak said addition to existing accessory structure. Mr. Wilson asked for clarification. Mr. Goguen explained they have a drilled well, stairs to 2nd story deck and access to garage on same side. They added deck and now have this proposal. He confirmed access would be external only. When asked if he would need stairs, he said ramp access.

Mr. Fogg asked Mr. Dvorak if they could add stipulation to have no access from garage. Ms. Reichardt asked about what criteria would have been if they had asked for garage addition. Mr. Swiger explained it is non-conforming garage and now they are asking for variance. If they add more additions, could end up with garage with bedroom and on and on.

Ms. Reichardt suggested amending to say an enclosed unfinished accessory structure. Mr. Fogg wants to make sure it remains outside access. Mr. Sibert said they are experiencing problems (culvert) from something not their fault. Suggests giving deck or shed.

Ms. Reichardt read her proposed amendment to the motion to approve the practical difficulty variance of 42' reduction to 50' rear setback at 198 Mt. View Road to allow construction of an enclosed, unfinished accessory structure to their existing detached garage.

Mr. Dvorak said might have overhang that goes over limit. Suggested they say no overhang.

Mr. Sibert seconded Lena's motion (she revised from 42' to 43')

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Joshua Sibert, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

b. Motion Goguen Variance

\*Adopted as amended.

Chair Fogg requested an additional vote of final vote after discussion of the bedroom and porch.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [3 TO 2]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Doug Wilson, Board Member
<b>AYES:</b>	Reichardt, Wilson, Sibert
<b>NAYS:</b>	Swiger, Fogg

c. DECK: Motion to approve that the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

Board member Reichardt commented it is a unique situation with water runoff and slopes. Board Member Swiger commented it is unique to have 50' setback on front and back.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

d. DECK: Motion to approve that the granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

e. DECK: Motion to approve that the practical difficulty is not the result of action taken by the petitioner or a prior owner

Board Member Reichardt commented it is the fault of the layout and the culvert. Board Member Swiger commented it was the petitioner's fault for putting the deck in but regardless, it must meet setback.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

f. DECK: Motion to approve that no other feasible alternative to a variance is available to the petitioner

Board Member Fogg mentioned the lot is narrow. Board Member Reichardt commented it may have been feasible to have a lesser variance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

g. DECK: Motion to approve that the granting of a variance will not unreasonably adversely affect the natural environment

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

h. DECK: Motion to approve that the property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

Per Scott Dvorak, this is not applicable - not in shoreland.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

i. DECK: Motion to grant practical difficulty variance of 43 ft. reduction to 50 ft. rear setback at 198 Mt. View Road to allow construction of an enclosed, unfinished accessory structure to their existing detached garage, Tax map 32, lot 304-1-1

\*Adopted as amended by Lena Reichardt:

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Joshua Sibert, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

j. BEDROOM: Motion to approve that the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

Most lots in area are non-conforming per Doug Webster. Mr. Goguen said this is a ground level bedroom. Mr. Sibert asked if proposed addition includes an overhang. Mr. Goguen provided clarification.

Mrs. Goguen thought they only had to apply for a variance from the side, not the front. Ms. Reichardt explained dimensions of deck aren't showing so they need to see distance from Ramsdell Road. Mr. Goguen said it is 10 feet wide.

Then, there was a lot of discussion about the porch and overhang and Mr. Fogg sought clarification from Mr. Dvorak and if petitioners would need to reapply for a variance for a farmer's porch. Ms. Reichardt said it appeared in the construction documents, but not on the survey. Mrs. Goguen said they were willing to amend for the overhang. Mr. Swiger said farmer's porch is not mentioned anywhere in application and he was not comfortable amending any further. Mrs. Goguen said that is unfortunate as they did a lot of advance work with town, paid fees, etc. Ms. Reichardt said it would be the same set of criteria since this isn't a hardship variance.

Chair Fogg asked for Dvorak's recommendation. Mr. Dvorak said they could amend but need to know dimensions of farmer's porch. Mr. Sibert asked if they could add a certain number of feet. Mr. Dvorak said they could grant that but when they come in for building permit, it has to match.

Ms. Reichardt suggested amending not to exceed 27 x 20 structure. Mr. Dvorak said could say 'proposed addition granted along with additional 10' for farmer's porch not shown on plan'.

Mr. Swiger queried the Board about other feasible alternatives. He said the bedroom would have no other feasible alternative, but farmer's porch is luxury. Alternative would be to not have a farmer's porch. Mr. Fogg said he is not comfortable amending the

variance request for the farmer's porch. He understands good intent was there and it shows on the drawing. Mrs. Goguen asked, hypothetically, what if they were here asking for a bedroom 10 ft. larger. Mr. Fogg said that would be different as a bedroom is livable space.

Mr. Wilson said prior discussion was about deck size and setback. The Board clarified our ordinance does not square off. Mr. Sibert stated his argument for it but understands the board's thoughts that it isn't necessary. Chair Fogg doesn't want to set a precedent by amending for the farmer's porch.

Ms. Reichardt restated motion as written in agenda, although she didn't come up with same dimensions. Mr. Webster said they added half foot to dimensions of surveyor to come up with 380 sq. ft. and he said the survey submitted with application did not show farmer's porch. Ms. Reichardt said 22x27 = 594 sq. ft.

Mr. Fogg asked if there is amendment to motion. Ms. Reichardt suggested amendment to grant practical difficulty variance 28' reduction to existing rear 50' setback to build one bedroom addition and open porch to their existing house. Mr. Swiger suggested stating sq. ft for bedroom and sq. ft for porch and Ms. Reichardt adjusted her amendment.

Mr. Swiger said the Board has spent a lot of time fixing a flawed application and doesn't want that to impact their ability to move forward.

Chair Fogg asked for vote. Ms. Reichardt explained she thought they had just done so. Chair Fogg asked for minute taker for clarification. Minute Taker Peggy Brown explained Ms. Reichardt amended, Wilson seconded, voted 3 yes - 2 no Mr. Fogg then asked for additional vote (again 3-2) for final decision.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

k. BEDROOM: Motion to approve that the granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or mar

Board Member Sibert commented neighborhood is non-conforming. This will increase property value.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

l. BEDROOM-Motion to approve that the practical difficulty is not the result of action taken by the petitioner or a prior owner

Board Member Fogg commented on the water runoff issue.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

m. BEDROOM: Motion to approve that no other feasible alternative to a variance is available to the petitioner

Board Member Reichardt commented it is a very narrow lot. Board Member Fogg commented on the lot size and runoff issues.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

n. BEDROOM: Motion to approve that the granting of a variance will not unreasonably adversely affect the natural environment

No discussion.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

o. BEDROOM: Motion to approve that the property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

No discussion.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

p. BEDROOM - Motion to grant a practical difficulty variance for 28 ft reduction to 50 ft setback for the construction of a 380 sq. ft. bedroom and a 220 sq. ft open porch to 198 Mt. View Road, Tax Map 32, lot 304-1-1.

\*Adopted as amended by Lena Reichardt.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [3 TO 2]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Doug Wilson
<b>AYES:</b>	Reichardt, Wilson, Sibert
<b>NAYS:</b>	Swiger, Fogg

q. Wadleigh Variance

Scott Dvorak explained discrepancies in dimensions and that the agenda has updated info.

Mr. Fogg said they request/require more than just 'yes' on the paperwork. Mr. Wilson explained town attorney advised for more information in the past. Mr. Wilson also said that prior (Goguen) application should have been pushed back due to clarifications needed.

Mr. Dvorak explained the history of the property - permit already issued for pool by the CEO at the time and there may have been a possible infringement previously. He confirmed this is an above ground pool. Mr. Fogg asked why we need a variance if they could take it down. Mr. Dvorak said 24" or higher needs variance.

Ms. Reichardt reported the disclaimer that she knows the family but feels she can be unbiased and impartial.

Crystal Wadleigh explained her request. The deck around pool goes to 40' of setback. Pool was permitted about 10 years ago. Entire neighborhood has half acre lots. Other neighbors also have pools, including inground.

Current deck was there when they bought the house. She wants to install a lower, safer deck so that a gate can be there as a barrier around the pool for safety. This is a curved deck, 16.5 ft. wide on ends, 11 ft. wide in center.

Board members discussed the situation. Mr. Dvorak said pool is one structure and deck is another structure, both needing a variance. Motions for the pool and the deck clarified/amended the proposed motion in the agenda.

Board members decided to answer motion questions separately for the pool first and then the deck. After voting on the questions for the pool, they decided to use the same answers/votes for the deck questions.

Mr. Swiger explained one requires 28' reduction for the pool and asked what is needed for the other. Ms. Reichardt explained a 10' reduction would be good to ask for deck and she asked Mr. Dvorak for clarification. Doug Webster said if you add all distances, 154 ft is total. Deed, tax map, original subdivision shows 150 ft. When he saw additional 4' of lot depth, he added 4' to the request so it would meet setback if ZBA grants.

Ms. Reichardt said 22 ft' from rear property line and could be as close as 18' (the 4 ft. Mr. Webster discussed). Mr. Sibert asked if they are asking for 32' and Ms. Reichardt confirmed.

Mr. Swiger stated the Board used to get more information on the request and they would prefer to see it written as to what the applicant is truly requesting.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Brad Fogg, Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

r. POOL: Motion to approve that the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

Board Member Reichardt commented this neighborhood is a thorn in the town's side due to lot and setback sizes.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Swiger, Fogg, Wilson, Sibert
<b>NAYS:</b>	Reichardt

s. POOL: Motion to approve that the granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or mark

Board Member Fogg commented other neighbors don't seem to meet setbacks.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

t. POOL: Motion to approve that the practical difficulty is not the result of action taken by the petitioner or a prior owner

Board Member Reichardt said her comments from an earlier motion (need for variance due to unique circumstances) apply here also. Board Member Fogg said the petitioner has no control over the design of the neighborhood.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

u. POOL: Motion to approve that no other feasible alternative to a variance is available to the petitioner  
 Board Member Reichardt said this will create a safety improvement and not make it more non-conforming.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

v. POOL: Motion to approve that the granting of a variance will not unreasonably adversely affect the natural environment

Board Member Fogg asked that the petitioner's comments from her application be included in these minutes:

"The lot is well wooded around property line. This is just an extension of the current deck to connect to pre-existing pool that was permitted in 2019. Would like to include the permitted pool in this variance if possible which would be 22 feet from the rear property line. If this is not allowed will ask for the 45 feet from the rear property line for the extension of the current deck."

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

w. POOL: Motion to approve that the property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

x. Motion to grant practical difficulty variance of 32' reduction to a 50' rear setback for the existing pool permitted on 8-26-19 at 6 Chris Lane, property located in a RR&A zoning district tax map 27, lot 47-37.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Doug Wilson, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

y. Motion to use same findings for deck discussion as were used for pool discussion - all findings are the same

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Joshua Sibert, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

z. Motion to grant practical difficulty variance of a 10' reduction to a 50' rear setback to add deck to existing pool at 6 Chris Lane, property located in a RR&A zoning district, Tax map 27, lot 47-37

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

aa. 5249 : Lee Variance: Motion to grant practical difficulty variance of a 16 ft. reduction of a 50 ft. front setback for the existing single family house and a 14 ft. reduction for the existing attached garage, property in RR&A zoning district, Tax map 41, lot 13-32-3.

Mr. Dvorak shared letters of support from the neighbors.

Rebecca Lee, petitioner, explained she had the house built in 1994. She sold it to her son-in-law in 2015. He no longer wants it and she wants to buy it back. In just a few hours before closing, she found out the survey showed setbacks were wrong. She is requesting a 16 ft. reduction. She said she cannot purchase the house without the variance.

Mr. Fogg confirmed with her that she isn't changing anything. Mr. Swiger commented that the builder should have gotten the pins right but didn't. Ms. Reichardt explained there are often problems with rights-of-way of private roads as the dimensions are often measured from the gravel, not the ROW.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	Doug Wilson, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

ab. Motion to approve that the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

Board Member Fogg commented this is due to previous surveys being inaccurate.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

ac. Motion to approve that the granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or mark

Board Member Swiger commented this is an existing home. Board Member Wilson stated letters from neighbors do not object.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

ad. Motion to approve that the practical difficulty is not the result of action taken by the petitioner or a prior owner

Board Member Reichardt said the homeowner had the responsibility but that was over 30 years ago. Board Member Fogg commented previous people didn't get accurate surveys.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Doug Wilson, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

ae. Motion to approve that no other feasible alternative to a variance is available to the petitioner

Board Member Swiger commented that this is an existing house.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

af. Motion to approve that the granting of a variance will not unreasonably adversely affect the natural environment

Board Member Wilson commented the petitioner isn't changing anything.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Lena Reichardt, Vice Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

ag. Motion to approve that the property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Swiger, Board Member
<b>SECONDER:</b>	Brad Fogg, Chair
<b>AYES:</b>	Reichardt, Swiger, Fogg, Wilson, Sibert

**IV. Action Items**

No action items.

**V. Comments Prior to Adjournment**

Scott Dvorak, Code Enforcement Officer, spoke from the podium to say tonight is Doug Wilson's last meeting and he thanks him for his service. Mr. Fogg said he thanks him for his service and will miss his insight.

Mr. Fogg asked Dvorak to work with Doug Webster to make sure applicants are thorough and to make agenda more thorough and similar to how they were written in the past.

Doug Webster said they will make it a policy to require a survey and will ask the town council about if they need to change an ordinance, they will get a boundary survey. He said a survey for existing and survey for proposed will be required for when items go before ZBA. Mr. Swiger asked if that is only if pins cannot be located. Scott Dvorak said the only way to make sure it is accurate is to have a survey. Survey could cost \$500.00. Mr. Wilson asked hypothetically if someone asked for building permit for shed, they would need a survey? Mr. Dvorak said they he will require if close (2-3 ft) to setback requirement.

Ms. Reichardt recommended looking at value of item, such as small shed or deck (which could be removed) vs. value of an addition to determine if survey is needed due to cost of survey.

Mr. Siebert asked what cost would be if someone requested a variance for deck. Mr. Webster said the application is \$250.00. Mr. Siebert raised concern with that increasing to \$750.00 due to a survey. Mr. Webster discussed the range of surveys - mortgage class D vs. boundary survey. Ms. Reichardt explained there could be title problems down the road. Mr. Fogg said he would support the town council changing the ordinance to square off. Mr. Webster said he would have a differing opinion on that. Mr. Webster also said with the new comprehensive plan, they could look at changing zoning for some areas of town.

a. Motion to adjourn at 9:12pm

Chair Brad Fogg struck gavel and adjourned at 9:12pm.

**Town of Gray**  
**Zoning Board of Appeals Minutes**  
**September 23, 2020**

**Regular Meeting**

**Henry Pennell Municipal Complex**

**7:00 PM**

24 Main Street, Gray, ME 04039

**I. Meeting Commences**

Meeting was held in person at Town Hall. A phone number was provided for those who wanted to call in during the public hearing. However, due to technical difficulties, it was determined it was not possible to live stream the meeting. Chair Brad Fogg commenced the meeting at 7:23pm in order to postpone.

**II. Roll Call**

Attendee Name	Title	Status	Arrived
Lena Reichardt	Vice Chair	Present	
John Swiger	Board Member	Present	
Brad Fogg	Chair	Present	
Joshua Sibert	Board Member	Present	
Scott Dvorak	Code Enforcement Officer	Present	
Doug Webster	Community Development Director	Present	

**III. Motion to postpone meeting until next regularly scheduled ZBA meeting on October 28, 2020**

Vice Chair Lena Reichardt motioned to postpone the meeting to as soon as possible with proper public notice, a time to be determined upon discussion, as technology is not working to meet required standards. Chair Brad Fogg seconded the motion.

The board members discussed the earliest possibility of meeting on October 21<sup>st</sup> if notice published on October 2<sup>nd</sup>. John Swiger stated he would prefer to stay on the regular meeting schedule. John Sibert stated it seemed unfair to the people in attendance. Lena Reichardt concurred and suggested they set a new meeting date for as soon as possible with proper public notice.

Will Boyle, of Loon Island, LLC, inquired if they should wait until the next meeting. Lena Reichardt responded they could have the public hearing at the next regularly scheduled meeting if it is ok with him. He indicated it wasn't holding up anything critical.

Lena Reichardt amended her motion to postpone the meeting, and have the public hearing (Neokraft Signs, Inc. Administrative Appeal public hearing), added to the agenda for the October 28, 2020 meeting. John Swiger seconded the amended motion.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [3 TO 1]</b>
<b>MOVER:</b>	Lena Reichardt, Vice Chair
<b>SECONDER:</b>	John Swiger, Board Member
<b>AYES:</b>	Reichardt, Swiger, Fogg
<b>NAYS:</b>	Sibert

**IV. Adjournment**

Chair Brad Fogg adjourned the meeting at 7:31pm.

**PLANNING BOARD**  
**2021 MEETING & APPLICATION DEADLINE SCHEDULE**

*Approved at the 9/10/2020 meeting*

MONTH	NEW APPLICATION DEADLINE	SKETCH PLAN & EXISTING APPLICATION DEADLINE	MEETING DATE
January	12/16/2020*	12-28-2020	1-14-2021
February	1-20-2021	1-25-2021	2-11-2021
March	2-17-2021	2-22-2021	3-11-2021
April	3-17-2021	3-22-2021	4-8-2021
May	4-21-2021	4-26-2021	5-13-2021
June	5-19-2021	5-24-2021	6-10-2021
July	6-16-2021	6-21-2021	7-8-2021
August	7-21-2021	7-26-2021	8-12-2021
September	8-18-2021	8-23-2021	9-9-2021
October	9-22-2021	9-27-2021	10-14-2021
November	10-27-2021	11-1-2021	11-18-2021*
December	11-17-2021	11-22-2021	12-9-2021

*\*These deadline dates have been adjusted to accommodate Holidays*

**ZONING BOARD OF APPEALS**  
**2021 MEETING & APPLICATION DEADLINE SCHEDULE**

*Approved by the ZBA at the 9/23/2020 meeting*

MONTH	APPLICATION DEADLINE	MEETING DATE
January	1-4-2021	1-27-2021
February	2-1-2021	2-24-2021
March	3-1-2021	3-24-2021
April	4-5-2021	4-28-2021
May	5-3-2021	5-26-2021
June	5-28-2021*	6-23-2021
July	6-28-2021	7-28-2021
August	8-2-2021	8-25-2021
September	8-30-2021*	9-22-2021
October	10-4-2021	10-27-2021
November	10-25-2021	11-17-2021*
December	11-22-2021	12-15-2021*

*\*These dates have been adjusted to accommodate Holidays*



APPLICATION FOR ADMINISTRATIVE APPEAL  
 ZONING BOARD OF APPEALS  
 TOWN OF GRAY MAINE

For Office Use Only  
 Date Submitted: 8/28/20  
 Date Paid/Initials: [initials]  
 Amount Paid: \$ 250 -

**CONTACT INFORMATION**

Name	Neokraft Signs/Clay Bubak	E-Mail Address	Clay@Neokraft.com
Street Address	647 Pleasant St	City/State/Zip	Lewiston Me 04240
Phone Number	207-782-9654	Work Phone	207 576 3893
Name of owner on property which is subject to appeal:		Loon Island LLC	

**APPEAL**

Please describe in detail the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what actions you want the board of appeals to take in this matter. If additional space is needed, please continue on a separate sheet of paper and attach it to this application.

This is a large lot with multi tenants. the size restrictions do not allow for a sign that works for the property + tenants. I am proposing Reducing the Total Signage on the property from 4 seperate sign at 196 total sqft to 1 sign in a central location at 96 total sqft. I am asking for an exemption to the size limits due to the unusal size of the lot and the number of tenants.

**CERTIFICATION**

I certify that the information contained in this application is true to the best of my knowledge and belief.

Applicant Signature		Date	8/28/20
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PERMIT DENIED

SIGN PERMIT APPLICATION  
TOWN OF GRAY MAINE

GRAY

For Office Use Only

Permit No:  
Date Submitted: 8/28/20  
Date Paid/Initials:  
Amount Paid:

APPLICANT CONTACT INFORMATION

Name	Neokraft Signs / Clay Bujdak	E-Mail Address	Clay@Neokraft.com
Mailing Address	647 Pleasant St	City/State/Zip	Lewiston Me 04240
Phone Number	207 782-9654	Alternate Phone	207 576 3893

LOCATION

Property Address	13-17 Main St	Property Map/Lot	43-402-58
Zoning District	VCP	Lot Size	1.2 <sup>35</sup> -402-54 <sup>54</sup> .75
Owner Name	Loon Island LLC		

3102.4.4 CONSTRUCTION DOCUMENTS AND OWNERS CONSENT

Before any permit is issued for the erection of a sign, construction documents shall be filed with the code officials showing the dimensions, materials and required details of construction, including loads, stresses and anchorage. The applications shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

**\*Please ensure that the above documents are attached\***

SIGN(S) REQUESTED

Sign District and Maximum Aggregate Sign Area Permitted  Residential - 48 SF  Business - 150 SF  Village - 56 SF

PERMITTED* Quantity	Square Feet	TYPE	REQUESTED Quantity	Square Feet
1	56 95.3	Free-Standing	1	95.3
		Ground		
		Wall		
		Projecting		
		Roof		
		Temporary Public Notice		
		Temporary Real Estate/Construction		
		Portable		
		Home Occupation		
		Directory		

\* Refer to Chapter 406 Gray Sign Ordinance Table 1.3 for maximum quantity and square footage for each district (reverse).

SIGN DESCRIPTION(S)

Attach documentation of the proposed signs (include wording) and/or provide a description of your request below:

Free standing sign for plaza + tenants

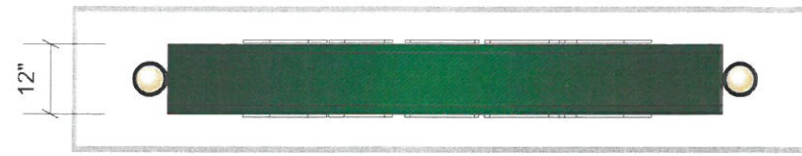
APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

*Clay*

8/28/20

CODE ENFORCEMENT OFFICER APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

Signature/Title: \_\_\_\_\_



TOP VIEW



**Neokraft Signs, Inc.**  
 647 Pleasant Street  
 Lewiston, Maine 04240  
 207.782.9654 | 800.339.2258  
 neokraft.com

*Custom Sign Fabrication*

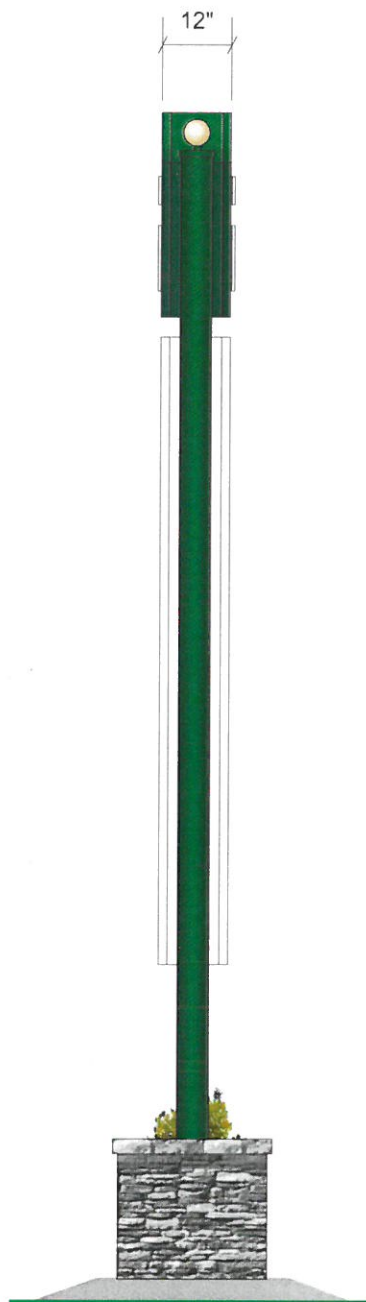
These plans are the exclusive property of Neokraft Signs, Inc. and are the result of the original work of its employees. They are submitted to Neokraft's client for the sole purpose of consideration of whether to purchase these plans or to purchase from Neokraft a sign manufactured according to these plans.

Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Neokraft expects to be reimbursed \$1500 in compensation for time and effort entailed in creating these plans.

**PRESENTATION**

**LOON ISLAND PLAZA  
 @7665**

ACCT ID: 011846  
 LOCATION: 13-17 MAIN STREET  
 GRAY, MAINE  
 DRAWING NO: 1 OF 1  
 DRAWN BY: BK REP.: CB  
 DATE: 05.05.2020  
 QUOTE: @7665  
 GEN REF:



END VIEW



**DOUBLE FACE INT. ILLUM. PYLON**  
 SCALE: 3/8" = 1'-0" (1) REQUIRED 95.3 SQ FT

ALUMINUM HEADER CABINET, PAINTED DARK GREEN, ALUMINUM FACES WITH ROUTED OPENINGS FOR GRAPHICS, WHITE 'LED' ILLUMINATION,

1/2" ACRYLIC PUSH-THRU GRAPHICS, 1st/2nd SURFACE WHITE TRANSL. VINYL, METALLIC GOLD TRANSL. VINYL OVERLAYS, PRINTED 'LEAF' GRAPHICS, METALLIC GOLD TRANSL. VINYL ADDRESS AND BORDER,

ALUMINUM TENANT CABINET, PAINTED WHITE, WHITE ACRYLIC FACES, VINYL GRAPHICS, WHITE 'LED' ILLUMINATION,

5" SCH. 40 STEEL POLES, PAINTED DARK GREEN, CAPPED WITH GOLD ANODIZED BALL FINIALS, SET IN CONCRETE

EXISTING ELECTRICAL

STONE PLANTER BY OWNER



EXISTING CONDITION



24' high  
76 sq ft

laundromat  
DIV. Cleaning  
5'x7'  
C. L. L. L. L.  
BRAZILIAN  
JIU-JITSU

3'6" x 7'

4'x4'



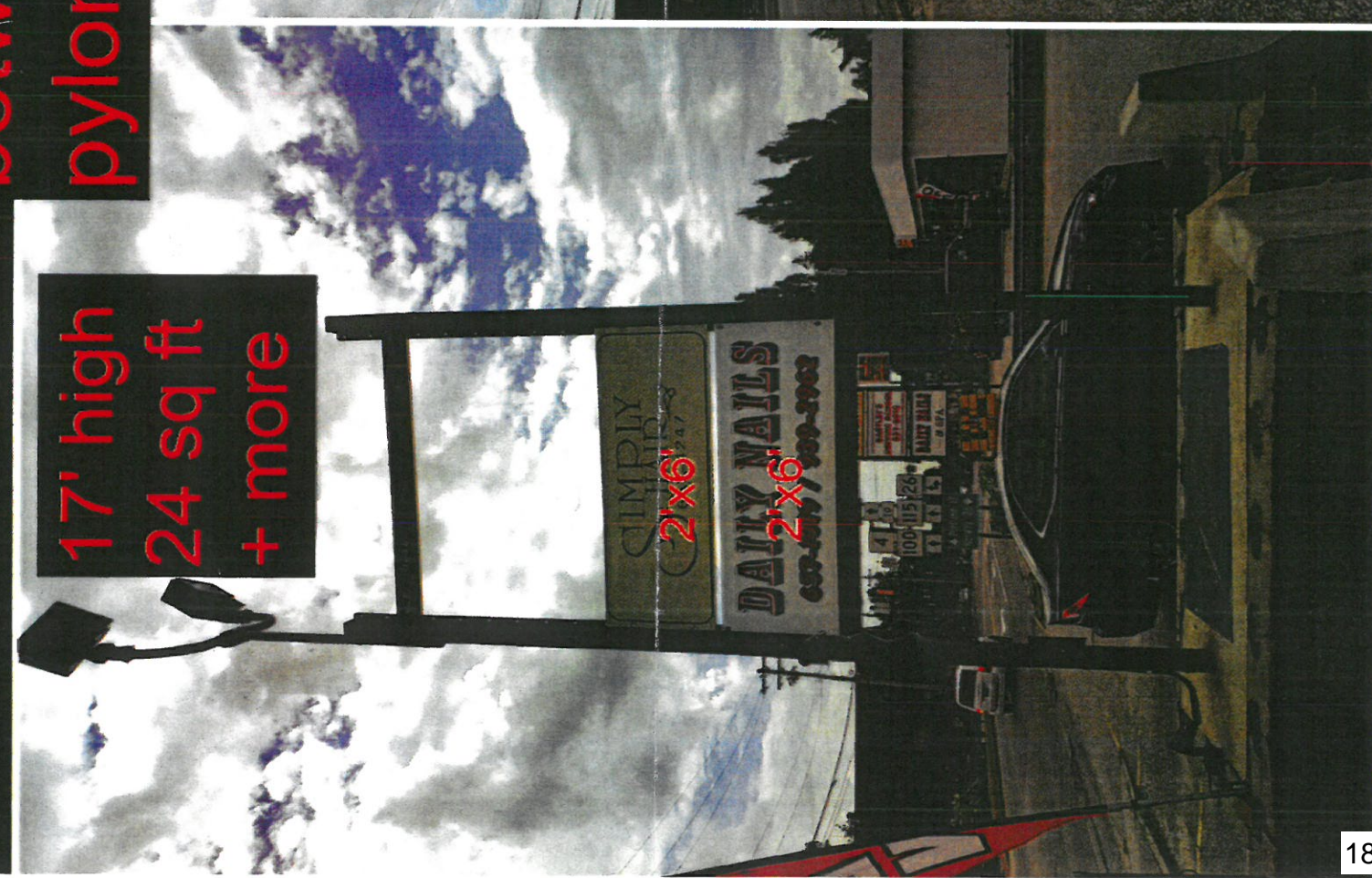
13' high  
42 sq ft

4'x6'

3'x6'

196 total  
sq ft

between 4  
pylons



17' high  
24 sq ft  
+ more

CLIMB  
2'x6'

DAILY WAYS  
2'x6'



12'6" high  
54 sq ft

CHINA GRAY  
EAST SIDE  
3'x6'  
TEL: 657-7298 / 7299

PORTLAND'S  
DRIVING SCHOOL  
3'x6'  
657-5010

DAILY WAYS  
3'x6'  
of SFA

WAS SA  
VALLEY  
WAS SA  
VALLEY