



**TOWN GRAY**  
**ZONING BOARD OF APPEALS**  
**AGENDA • DECEMBER 16, 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**

- a. Minutes Approval for October 28, 2020 Meeting

**III. NEW BUSINESS: PUBLIC HEARINGS**

- a. Hamilton Variance

Proposed motion:

*Tedd Hamilton is seeking a Variance Request (Practical Difficulty) for a 10-foot reduction from the property side-line located at 46 Summit Road, as shown on Tax Map 58, Lot 31-26-201, for a driveway entrance. The property is located in Rural Residential and Agricultural Zoning District.*

**IV. 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**  
**October 28, 2020**

**Regular Meeting**

**Henry Pennell Municipal Complex**

**7:00 PM**

24 Main Street, Gray, ME 04039

**I. Meeting Commences**

Attendee Name	Title	Status	Arrived
Lena Reichardt	Vice Chair	Present	
John Swiger	Board Member	Absent	
Brad Fogg	Chair	Present	
Joshua Sibert	Board Member	Present	
Scott Dvorak	Code Enforcement Officer	Present	

**II. Minutes Approval**

- a. Zoning Board of Appeals - Regular Meeting – August 26, 2020 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [3 TO 0]</b>
<b>MOVER:</b>	Lena Reichardt, Board Member
<b>SECONDER:</b>	Joshua Sibert, Board Member
<b>AYES:</b>	Fogg, Reichardt, Sibert

- a. Zoning Board of Appeals - Regular Meeting – September 23, 2020 7:00 PM

Chair Brad Fogg stated tonight’s meeting is a continuation of the September 23<sup>rd</sup> meeting so he set these minutes aside.

**III. BOARD BUSINESS**

- a. Election of Officers

Chair Fogg called for nominations. Joshua Sibert nominated Brad Fogg as Chair. Lena Reichardt seconded that. Joshua Sibert nominated Lena Reichardt as Vice Chair. Brad Fogg seconded that nomination. Chair Fogg called for a single vote for slate of officers.

**Motion to approve Brad Fogg as Chair and Lena Reichardt as Vice Chair of ZBA.**

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

b. Adopt new 2021 ZBA Calendar

**Motion to adopt the 2021 Meeting Calendar**

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

**III. New Business: Public Hearings**

a. Neokraft Signs on behalf of Loon Island LLC

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).

Will Boyle explained the situation. He owns three properties and wants to have one sign. He stated that since he pays three tax bills, he technically could request three separate signs. He currently has four signs. He wishes to remove all of them and replace them with one sign. He also plans to change the direction of the traffic flow in the parking lot and will change it to slanted parking. He explained the proposed sign exceeds the current ordinance but is smaller than the total of what is there now. He is requesting a waiver due to the square footage of the proposed sign. He provided information about signs at other locations in town. Other issues include the lighting of the sign and the distance of setback.

Due to the fact that the town is working on a new sign ordinance, Brad Fogg explained the Board needs to work with the current guidelines. Lena Reichardt explained that 56 sq. ft is allowed and the proposed sign is 95.3 sq. ft. Mr. Boyle also explained that the proposed height of the sign is 17 ft., yet the current maximum height is 12 ft.

Lena Reichardt commented that this new sign would clearly be an improvement and she supports it. Joshua Sibert commented that the current signs are an eye sore and the new sign looks sharp and professional.

Clay of Neokraft Signs commented that he thinks the current ordinance is too restrictive for multi-tenant properties. Brad Fogg inquired about how many tenants are at the location. Mr. Boyle said 16 in total, (and the hardware store is allotted for three of those). Mr. Boyle also said he is working with the Fire Dept. to get consistency of numbering of tenant location addresses (100’s on first floor, 200’s on second floor, etc.) for the residential apartments upstairs and tenants downstairs.

Scott Dvorak commented if Mr. Boyle receives the waiver from ZBA at this meeting, he can reapply with the waiver for a permit. Other issues can then be addressed at a later time. He also suggested they make it a condition of approval that old signs be removed.

Lena Reichardt clarified the request of waiver is for height and sq. ft. She said the ZBA Board has the authority to grant that.

She made the motion for the waiver. Joshua Sibert clarified she meant to say 13-17 Main Street when she read the motion and then he seconded the motion. Brad Fogg asked that it be amended to state they approve the waiver for a sign of 17’ high and 96 sq. ft. Lena Reichardt further amended to state this is conditioned on the removal of signs on all three properties.

**Motion to approve a waiver for Neokraft Signs, Inc. on behalf of Loon Island LLC, for a new sign, of 17’ height and 96 sq. ft area, 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). Further condition of approval is removal of current signs.**

<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>	Fogg, Reichardt, Sibert

a. Motion to adjourn at 7:40pm

Chair Brad Fogg adjourned the meeting at 7:40p.m.



VARIANCE APPLICATION - PRACTICAL DIFFICULTY  
 ZONING BOARD OF APPEALS  
 TOWN OF GRAY MAINE

For Office Use Only  
 Date Submitted: 11/4/20  
 Tent. Sched. for: 12/16/20  
 Amount Paid: 250

PROPERTY INFORMATION

Property Location/Address	46 Summit Rd	Property Map/Lot	58 . 31 . 26 . 201
Zoning District	Residential	Lot Acreage	1.84
Owner Name	Tedd Hamilton	Owner Phone Number	207-212-9713
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)		Email Address	TeddHamiltonBuilders@gmail.com
Mailing Address	PO Box 510 Gray	Contact Phone Number	212-9713
Mailing City/State/Zip	04039	Alternate Phone Number	

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.3:  
Practical Difficulty Variance: The Board may grant a variance from the dimensional standards of the Zoning Ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.
- 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;
- The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- No other feasible alternative to a variance is available to the petitioner;
- The granting of a variance will not unreasonably adversely affect the natural environment; and
- The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.  
 As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Describe request (description may be attached separately- plot plan/site map required to be attached)

(do to site + Drainage restriction)  
 This is for a Driveway set back variance

	Current Requirement	Currently Existing	Proposed
Front Setback	50'		
Rear Setback	50'		
Side Setback	10'		0
Other Setback (describe)			
Max. Lot Coverage	NA		
Min. Lot Area	NA		
Min. Street Frontage	NA		
Other (describe)	NA		

**CRITERIA- BRIEFLY DESCRIBE HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING:**

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

Do to site lines and Drainage

b. 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;

It does not change any and has no effect on the abutter

c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

The Condition is predicated on set backs

d. No other feasible alternative to a variance is available to the petitioner;

Because of the site conditions there is no other alternative

e. The granting of a variance will not unreasonably adversely affect the natural environment; and

No its just a matter of site distance and Drainage

f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

NO

Per Gray Zoning Ordinance 402.9.2.B.4:

Variance Review Criteria: In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:

- What effect will be proposed variance have on the prevailing character of the area?
- Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?
- Will the proposed variance create drainage, erosion or flooding problems?
- Will the proposed variance increase water pollution?
- Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- Will the proposed variance create to any degree nuisances to abutting property owners?
- Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

**PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS**

Applicant Signature

Printed Name

Tedd Hamilton

Date

11/2/20

**Scott Dvorak**

---

**From:** Alec Dodd  
**Sent:** Tuesday, October 27, 2020 6:40 AM  
**To:** Scott Dvorak  
**Subject:** Re: Driveway permit/ summit Road

Hi Scott,  
The driveway location appears unable to meet the 10 foot setback from property boundary. CMP pole #12 is 20 feet from the property pin/stonewall and existing property entrance/proposed driveway is inside that 20 feet. However, if they pushed it down the road past the pole there would be issues with site distance and drainage.

Alec Dodd  
Public Works Director  
Town of Gray  
office: 207-657-3381  
adodd@graymaine.org

---

**From:** Scott Dvorak <sdvorak@graymaine.org>  
**Sent:** Monday, October 26, 2020 9:34 AM  
**To:** Alec Dodd <adodd@graymaine.org>  
**Subject:** Driveway permit/ summit Road

Alec,  
Driveway permit on Summit Road.

Scott

-----Original Message-----

**From:** assessorcopier@graymaine.org <assessorcopier@graymaine.org>  
**Sent:** Monday, October 26, 2020 10:33 AM  
**To:** Scott Dvorak <sdvorak@graymaine.org>  
**Subject:** Message from KM\_454e

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

