

TOWN OF NAPLES
BOARD OF APPEALS MINUTES
Tuesday, July 31, 2018

Skip Meeker called the meeting to order at 7:00 pm. Also present were Russ Sweet, John Flaherty, Russ Lashua and Code Enforcement Officer Renee Carter.

The minutes from the June 26, 2018 meeting were reviewed by the board. John Flaherty made a motion to approve the minutes as written. Russ Lashua seconded the motion. The board was in favor 3-0, with Mr. Meeker abstaining.

New Business:

1. A Setback Variance Request submitted by Joshua and Carey Wiltshire for property found on Tax Map U27, Lots 6 & 7 regarding building a garage to grant a 50' south side setback variance and a 55' west side setback variance from a stream.

David Goldman was representing the applicants regarding the variance request. They were proposing building a 30' x 25' garage on their land. The lots were irregularly shaped, and due to that, building would have to be close to what the Town and DEP considered a small stream. Mr. Goldman explained that even though it was considered a stream, the stream ran dry the majority of the year. Mr. Meeker said that unfortunately, it was designated as a stream and the Board could not ignore that.

Mr. Goldman stated due to the all setback requirements including the stream, without a variance the lots would not be buildable. He explained to the board, that whether the application would be admissible would rely on the interpretation of the Town's Ordinance. The applicant believed it was a hardship as the lots would not be buildable.

The board reviewed the plans. Mr. Meeker asked if they had changed, and Mr. Goldman explained that the actual plans had not changed from the last time the board reviewed the proposal. This was the third time the applicant had met with the Board regarding his request. The first time, the applicant had an error in the proposal, and the last time they came before the Board the application was for a Setback Reduction, not a Setback Variance which did not give the Board the power to grant the approval.

Mr. Meeker argued that there were many recreational activities that could be done on the lots rather than building a structure, such as setting up a site for a RV or trailer, which would increase the value of the lots, therefore they would make reasonable return. Mr. Meeker did not believe they met the hardship requirements. The Code Enforcement Officer said that according to the Ordinance to allow the variance it would need to meet all the requirements for a variance. The board was concerned that allowing setback variances to waterbodies would set precedence that the Town would allow more residents for variances from the water in the future, and that the request did not meet the standards.

Skip Meeker made a motion to deny the setback variance request because it did not meet all of the 4 required criteria, and the application would create the setback of just 25' from a stream,

which was clearly not allowable with the Town's Setback Reduction Ordinance. Mr. Meeker also stated that the application did not meet the reasonable return hardship. Russ Sweet seconded the motion. The board voted to deny the application 4-0.

As there was no other business, the meeting was adjourned.

Respectfully submitted,

Kate Matthews
Administrative Assistant