



APPROVED

**TOWN OF WELLS, MAINE  
ZONING BOARD OF APPEALS**

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September 29, 2014

Crescent Beach Realty Trust  
c/o Neil J. Rapoza  
Civil Consultants  
PO Box 100  
South Berwick, ME 03908

**APPEAL:**

On September 15, 2014, continued to September 29, 2014, the Zoning Board of Appeals (ZBA) of Wells, Maine opened a public hearing to hear an appeal by Crescent Beach Realty Trust for a variation in nonconformance appeal according to Article III, Section 145-13.E for building side setbacks. The Property is located at 257 Webhannet Drive in the Residential B and Shoreland Overlay Districts and further identified as Tax Assessor's Map 119 Lot 8-1, 8-2, 8-3 & 8-4. Mr. Neil J. Rapoza of Civil Consultants of South Berwick, Maine was the representative for Crescent Beach Realty Trust, owner.

Deliberations and discussion took place on Sept. 15<sup>th</sup>, continuing following the close of the public hearing.

**FINDINGS OF FACT:**

1. The ZBA has jurisdiction over this appeal under Land Use Chapter §145-67 A. (2).  
"To permit variations in nonconformance as prescribed in Article III."
2. §145-22, Residential B District, establishes the following setbacks in §145-22 F. (6):
  - (a) Six feet away from any lot line.
  - (b) Fifteen feet from any lot line abutting any street right-of-way.
3. §145-13. E states "A nonconforming structure may be relocated on the lot on which the structure is now located if the relocated structure conforms to all setback requirements to the greatest practical extent as determined by the Zoning Board of Appeals. In no case shall the encroachments into the required setbacks be increased in area or in distance. In determining whether the building relocation meets the setbacks to the greatest practical extent, the Zoning Board of Appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the lot and on adjacent lots, the location of the septic system and other on-site soils suitable for septic systems and the amount of vegetation to be removed."

- 4. The building located at 257 Webhannet Drive is a three-story timber framed structure built in the mid-1900s with typical construction methods of the time. The foundation is comprised of loose stone walls supporting 2 x 6 joists and 6 x 6 beams. In recent years, the foundation walls have shown signs of significant deterioration. The building has an existing front porch and deck that are located within the right-of-way for Webhannet Drive. The south side of the structure sits on, or adjacent to, the property line. The proposed renovations, as shown by Civil Consultants' drawing SK1 for the project #14-226.00 dated 9/16/14, to replace the deteriorating foundation with a new foundation that meets DEP requirements will involve moving the building approximately 9 feet to the rear of its present location on the lot. This action will improve the nonconformance in the front by moving the structure out of the right-of-way; the front will remain within the setback, but the condition will be improved. There will be neither improvement nor worsening of the condition on the south side.

**DISCUSSION:**

This old building was built in a location where it became nonconforming with the establishment of requirements in Land Use Chapter §145. The front of the building is beyond the setback area and within the street right-of-way. The south side of the building is on the property line with no setback. Efforts to replace the deteriorating foundation include moving the building on the lot. Moving the building to the rear by approximately 9 feet will get the building out of the right-of-way but not out of the setback area. The setback nonconformance of the south side, which was constructed where the property line exists, will not be increased. The concrete pad which is in the street right-of-way will not be addressed by this appeal.

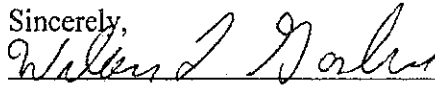
**CONCLUSION:**

The Zoning Board of Appeals concluded that the proposed renovated and relocated structure conforms to all setback requirements to the greatest practical extent.

**DECISION:**

Based on the Findings of Fact and the Conclusions, the Wells Zoning Board of Appeals determined on September 29, 2014 by a vote of 4 to 0 that your request for variations in nonconformance will result in an equal to or less adverse impact on adjacent lots.

Based on the Findings of Fact and the Conclusions, the Wells Zoning Board of Appeals decided on September 29, 2014 by a vote of 4 to 0 to GRANT your request for variations in nonconformance.

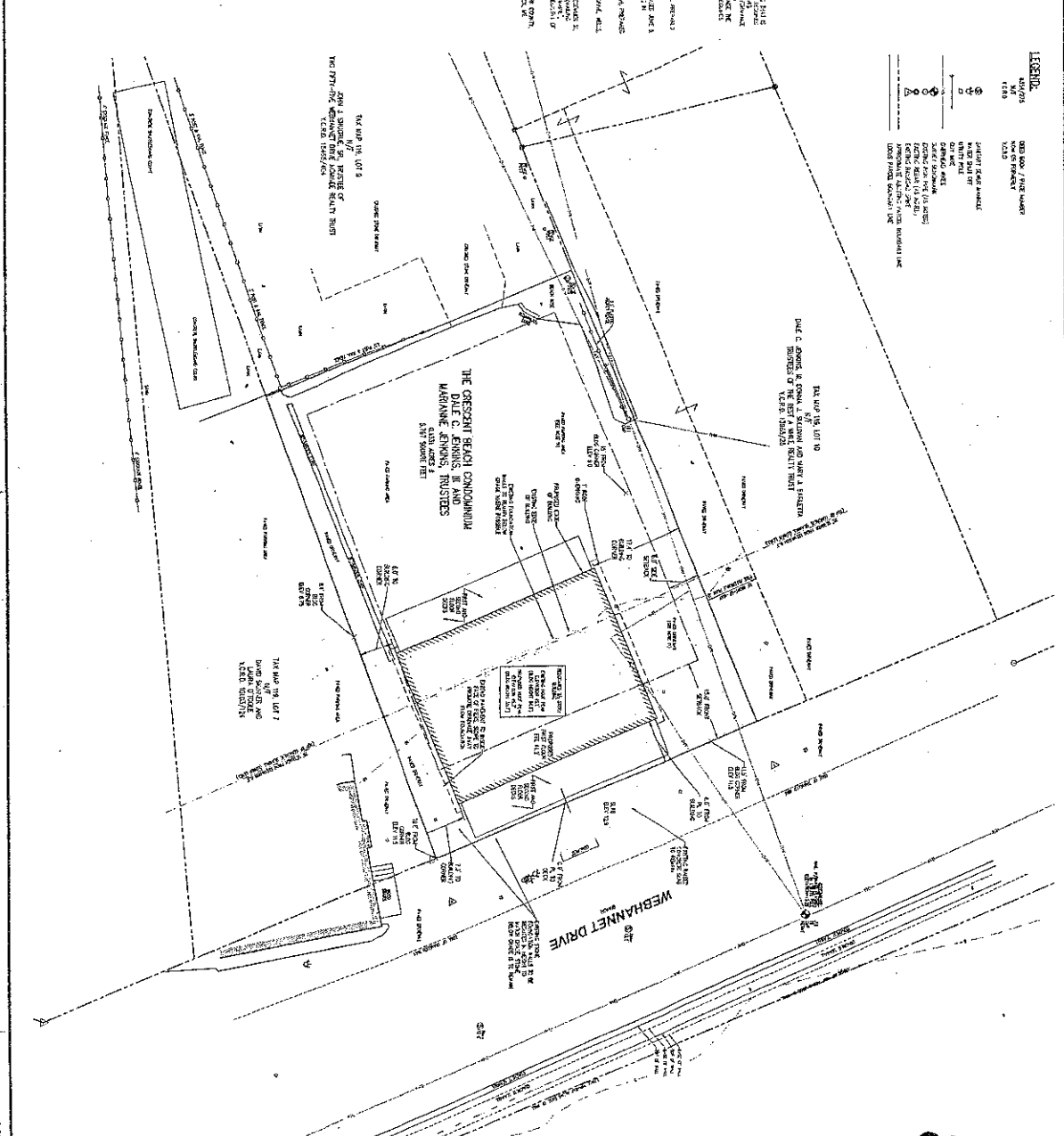
Sincerely,  
  
\_\_\_\_\_  
Wilber L. Gosbee  
Chairman Zoning Board of Appeals

Date 10/1/2014

PROJECT SCOPE:

1. The project consists of the construction of a building, including all necessary site work, including grading, drainage, and foundation work, and the construction of a parking garage and a utility building.
2. The building shall be constructed in accordance with the zoning regulations of the Town of Wells, Maine, and all applicable codes and regulations.
3. The parking garage shall be constructed in accordance with the zoning regulations of the Town of Wells, Maine, and all applicable codes and regulations.
4. The utility building shall be constructed in accordance with the zoning regulations of the Town of Wells, Maine, and all applicable codes and regulations.
5. The building shall be constructed in accordance with the zoning regulations of the Town of Wells, Maine, and all applicable codes and regulations.
6. The parking garage shall be constructed in accordance with the zoning regulations of the Town of Wells, Maine, and all applicable codes and regulations.
7. The utility building shall be constructed in accordance with the zoning regulations of the Town of Wells, Maine, and all applicable codes and regulations.

LOCATION MAP



DATE: SEPTEMBER 11, 2018  
 PREPARED BY: MORRISON CONSTRUCTION  
 PERIODIC BY: N/A

PROPOSED BUILDING RELOCATION PLAN  
 SHEET NO. H-20104

**SK1**

TITLE: BUILDING RELOCATION PLAN  
 SUBJECT: THE CRESCENT BEACH CONDOMINIUM  
 257 WEBBHANNET DRIVE - TAX MAP 119, LOT 6  
 WELLS, YORK COUNTY, MAINE

PREPARED FOR:  
 MORRISON CONSTRUCTION  
 150 HILTONS LANE, WELLS, ME 04096

CLIENT ADDRESS:

REVISIONS	
NO.	REVISIONS

DATE: 9/16/18	BY: [Signature]
DRAWN BY: [Signature]	

CONSULTANTS	
NAME	TYPE

STATE OF MAINE  
 PROFESSIONAL ENGINEER  
 JOHN A. [Name]  
 LICENSE NO. [Number]

SECOND OWNER: DANIEL C. JENNINGS, MARIANNE J. JENNINGS, TRUSTEES OF CRESCENT BEACH REALTY TRUST

ADDRESS: 930 BROADWAY, ENERGY, MA 02149

LEGEND:

- PROPOSED BUILDING
- EXISTING BUILDING
- PARKING SPACE
- DRIVEWAY
- SETBACK
- ADJACENT LOT
- ATLANTIC OCEAN

TAX MAP 119, LOT 6

DRAWN BY: [Name]

DATE: SEPTEMBER 11, 2018