



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

P. O. Box 398, Wells, Maine 04090

Website: [www@wellstown.org](http://www@wellstown.org)

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Date: June 22, 2015

Sheila & Richard Waterhouse Sr.  
Richard Waterhouse Jr.  
19 Hickory Lane  
Wells, Maine 04090

**APPEAL:**

On June 22, 2015 the Zoning Board of Appeals (ZBA) of Wells, Maine held a public hearing for a mislocated building appeal submitted by Tim Gowen, representative for Sheila & Richard Waterhouse Sr. & Richard Waterhouse Jr., as allowed by Wells Land Use Ordinance § 145-67.A.(5). The property is located 19 Hickory Lane, in the Rural District, and is further identified as Assessor's Tax Map 24, Lot 29.

Deliberations and discussion took place following close of the public hearing.

**FINDINGS OF FACT:**

1. The subject property is owned by Sheila & Richard Waterhouse Sr. and Richard Waterhouse Jr., in the Rural District, and is further identified as Assessor's Tax Map 24, Lot 29.
2. A Mortgage Inspection Plan of the subject property by Middle Branch LLC, File Number M2159863, dated May 8, 2015, indicates the garage to be 4 ft. within the required 25 foot setback and the house to be 1 foot within the required 25 foot setback from the abutting properties which are identified as Tax Assessor's Map 24 Lots 28 & 30.
3. The abutting properties (Tax Assessor's Map 24 Lots 28 & 30) are in the Rural District.
4. Land Use Ordinance §145-67, Powers and Duties, subsection A.(5)

*Mislocated building appeal. To hear and decide upon appeal in specific cases where existing buildings are found to be in violation of the setback requirements and where such location of buildings will not be contrary to the public interest whether an appeal should be granted. In order to grant a mislocated building appeal the Board must find that there was no willful or premeditated action (or gross negligence) to build within the setback.*

5. The current owners acquired the property on September 1, 1988 with the dwelling being erected in 1996, the addition to the house being erected in 2001, and the detached garage being erected in 1998.

6. Land Use Ordinance §145-30. Rural District, subsection F, Dimensional requirements, in part:

(6) Setbacks.

(a) All structures shall be at least:

[1] Twenty-five feet from any lot line.

[2] Twenty-five feet from any lot line abutting any street right-of-way.

[3] Forty feet from any lot line abutting the right-of-way of any state highway.

[4] Twenty five from the boundary of any cemetery.

**CONCLUSIONS**

Based on testimony received on June 22, 2015 it is the conclusion of the Zoning Board of Appeals that no willful or premeditated action (or gross negligence) **was/was not** taken by the appellant to build within the setback.

**DECISION**

Based on the above Findings of Fact and Conclusions on June 22, 2015, the Wells Zoning Board of Appeals decided by a vote of **5** to **0**, to **GRANT** your mislocated building appeal for the existing home at 19 Hickory Lane.

Sincerely

Wilber L. Gosbee Wilber L. Gosbee

Date 6/23/2015

Chairman Zoning Board of Appeals