



**TOWN OF WELLS, MAINE  
ZONING BOARD OF APPEALS**  
208 Sanford Rd, Wells, Maine 04090  
Website: [www@wellstown.org](http://www@wellstown.org)

**APPROVED**

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November 13 2017

Faith and Angelo Sicari  
2 Nina St.  
Stoneham, MA 02180

**APPEAL:**

On November 13, 2017 the Zoning Board of Appeals (ZBA) of Wells, Maine held a public hearing for a mislocated building appeal submitted by Christopher Mende, of Civil Consultants and agent for owners Faith and Angelo Sicari, as allowed by Wells Land Use Ordinance §145-67.A.(5). The property is located 8 Grants Pasture Way, in the Rural and Resource protection Districts, and is further identified as Tax Map 32, Lot 11-1.

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

**FINDINGS OF FACT:**

1. The subject property is owned by Faith and Angelo Sicari, in the Rural and Resource Protection Districts, and is further identified as Tax Map 32, Lot 11-1. The Sicaris purchased the property on October 14, 2016. The subject structure was erected in 2016
2. An As-built Survey of the Subject Property by Civil Consultants, dated October 17, 2017, indicates the cantilevered fireplace enclosure, projecting 2.42 feet within the required 40 foot setback from Route 9, a state highway.
3. 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.*

4. Land Use Ordinance §145-30., Rural District, subsection F.(3), Dimensional requirements, in part:

**(6) Setbacks.**

*(a) All structures shall be at least:*

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

*[2] Twenty-five 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.*

5. The setback requirements were modified by notes 2 and 3 on the Planning Board approval of the Grants Pasture Subdivision on May 2, 2016.

### CONCLUSIONS

1. Based on testimony received on November 13, 2017 it is the conclusion of the Zoning Board of Appeals that **no willful** or premeditated action (or gross negligence) was taken by the appellant to build within the setback.

### DECISION

Based on the above Findings of Fact and Conclusions, on November 13, 2017, 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 8 Grants Pasture Way.

Sincerely



Date

11/14/2017

Dr. Louis S. Cohen  
Vice Chairman Zoning Board of Appeals