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UNOFFICIAL TRANSCRIPTS: Zoning Board of Appeals, June 23, 2026

Welcome, everybody to the June. What are we? 23rd 23rd meeting of the Cape Elizabeth Zoning Board of Appeals. This meeting will come to order. It's a public proceeding. And unless the board specifically votes to go into executive session, you have the right to hear everything that is being said and to look at all the exhibits that are offered. Please notify the chairperson if you are unable to hear or see the board works from prepared Agenda. I will be considering tonight's items the following order. Roll call approval of the minutes for May 26th, 2026. Old business of which there is none, and new business, which is the request of Kimberly Newcomer of 18 Old Hollis. Oh, no. Sorry, 18 Charles Road. As for the new business being considered, the burden is upon the applicant to demonstrate compliance with the provisions of the applicable ordinance or ordinances after the board votes on the merits of each project application. It will prepare a written opinion because the written opinion may substantially affect any appeal rights, and also, as a matter of courtesy, the board asks that those attending the meeting with regard to a specific project not leave until the board has taken the second vote, adopting a written opinion. Generally speaking, appeals from adverse decisions must be filed with the Superior Court, except as otherwise provided by law, within 45 days of this board's decision. Also, to be certain that you preserve your individual right to file any such appeal, you must be certain that this board's record evidences your appearance this evening and the basis for your support or opposition. Again, remember, this is a public proceeding. You have the right to hear and to see what is happening. All persons speaking will be asked for. State their name and address or affiliation. Are there any questions? Great. We will now have a roll call. Kevin, just present Joe Barbieri. Present. Adam Foster Webster. Present. Colin Powers present. Gretchen Noonan here. Chris Gorski present. And we have no remote. We don't. Excellence. We have a quorum, and we can get down to last session's minutes. I would just like to preface that the highlighting was a clerical error and is not supposed to be there. I had one comment, and this is from my recollection. I didn't go back and watch it, and this was just on board member Noonan's statement about knowing, uh, one of the applicants and living on the same street, which we've all had from time to time. I'm not sure I would say the board did not find a conflict of interest, just because we didn't really make a finding on

that. My recollection was that. No one objected. No one objected. And and I believe Gretchen stated she didn't have a con or didn't feel as if she had a conflict. Um, I don't. It might be more. Not much substance there. And I don't think this was in contest, but I just. I wasn't quite sure about the board did not find a conflict of interest. Maybe the board did not see a need to further discuss or, you know, I think that's what happened. Right? Yeah. No comment from the board or. No one raised. Nobody. Nobody. Nobody raised an issue. Yeah. Something. Yeah. Yeah. No other board members. Commented. Raised an issue. Is that a good way to put it. Yeah I think that works okay. Thank you. I also noticed didn't call to order. I it says that the second paragraph that I motioned but then I seconded my own motion. Mhm. All right. If we can go back and get that right I. Think it was Kevin. But I could be wrong. I'll check the recording. See, I'll get my memories. Um. I just found it. I didn't have any comments on the content. I thought these were great minutes, but Joe's last name is just spelled incorrectly in a few spots. Um, yeah. Sorry. Page. Page three, I think towards the bottom. And then on the last page in that big paragraph, it's. It's twice. Unless I have your part. Yeah. Okay. No. Yeah, it's spelled right. I was like, maybe I'm wrong, but. Somebody's paying attention. We'll get we'll get that corrected. Yeah. Gary. Barbarella. Pirates. Barbarella. Any Further. I'd make a motion with those edits to accept the minutes. I'll second second that motion. All right. Uh, motion and seconded. All in favor? It's unanimous. The minutes are approved. All right. Now, we are on to the matter at hand. Let's see the request of Kimberly Newcomer, representing Joe Edison. Edison, owner of property at 18 Charles Road. Map oh one, lot 52. To expand the house by adding a second storey and rear addition based on section 19434 of the zoning ordinance. Uh, Ben, any context for us? Yeah. Kimberly newcomer submitted a building permit. She's a designer and a builder and submitted a building permit for what you're what you're seeing in the application. And I basically informed her that because we don't have those ten foot side setbacks, it would it would need a zoning board approval. And here we are. Excellent. Um, Miss newcomer, would you like to walk us through your application, please? Do you want me to describe the project a little bit? Yeah, sure. Walk us through the application and, um. Yeah. Um. So it's a small lot. I mean, I think you're familiar with these old cottage style homes that were built, um, down off of Charles Road and a few others. And so the lots are very small. We basically we thought we had an eight foot on each side setback. We did the survey. It turns out we have actually 9.3ft on one side. So that's a win. Um, but the the house, as it currently is, is about eight feet on one side and nine feet setback on the other side. So it's currently non-conforming. Um, the hope for, for Joe and his family is to add a larger living space off the back, on the first floor and then on. Oh, sorry. And then on the second floor, um, just extend the gambrel roof that currently exists over what is an existing kitchen, which is a single story on the first floor right now. Um, that's going to give them basically two larger bedrooms upstairs, the, the one

bedroom that currently the two, the second bedroom that currently exists will turn into more of like an office or like a space to walk through to the larger bedroom off the back. There's a large bedroom off the front, and then also give them a little bit more space on the first floor. Um, and so that's the hope and why we're here. And we tried to, as best as we could, um, before I submitted the permit to Ben, try to sort of stay within the existing footprint of a lot of what was there. So currently there's a large deck off the back. And so we were trying to not extend anything much past what sort of currently built out on the property. We do extend over, um, to if you're looking at the house towards the right, sort of over the um, I can't remember what it's called now, how you access the basement from the outside. Okay. The bulkhead. Yes. Thank you. Um, and but we were trying to respect the setback from that side of the property. Since the deck didn't extend the whole way over there. We had set it back to be eight feet, so that side was already going to come in two feet. And we just thought if we could keep that same line of where the deck and that structure is now on the left side of the property, that we would maybe probably be okay. All right. Um, any questions from the board members? So I've got it. Got a couple here. So just some of this making sure the application reflects, you know, what's going on. So there are two bedrooms currently and there are two bedrooms. There will be two bedrooms again. Okay. So the the the current second bedroom will be turned into basically a big hallway. But what will become an office space or like a library. Okay. Um, and then on the setbacks, the current setbacks, really it's the sides is eight, eight foot six inches, nine foot three inches. The proposed that eight foot six inch is going to be a ten foot setback. Yes. Well so we're on so sorry. The the existing house will continue to be eight foot six inches. Our new addition will be setback to ten feet. Sorry, I may have filled that out. Okay I was trying to respond to the the new part, so I may have filled that out incorrectly. That's that's why asking clarifying questions. Um. Uh, we're not moving the whole wall that exists. The current wall that exists is going to stay, but our new wall will be will meet the ten foot setback. And so the new addition is going to be on a new foundation. Correct I assume. And so that's typical frost wall. Yeah. Actually I have a copy of the full building permit if you would like to take a look at it. It's a I don't I don't, I don't particularly feel like I need it, but the the existing home foundation. Uh, it's a full basement. Okay. Full basement. So you have frost wall. Yeah. Slab on that wall. Okay. Yeah. The new one will not be a full basement. It'll just be, um, frost wall sort of crawl space so we can get access under there to get electrical run and everything else that we need for the addition. Those were my questions. Okay. Perfect. Thank you. Actually, one more question for Ben. Rear setback is 25ft or 15ft. That's right. Car seat. Got it. Thank you. Um, well, let's demonstrate that we've addressed the slope of the land and potential for soil erosion. Can you walk us through? Are there any potential issues? And it's basically a flat lot. It's not exactly flat. Um, it has a slight slope towards the back. Um, but it's, you know, there's a rear neighbor.

Um, so it's high neighbors. So we're not expecting that digging the foundation will cause any new soil erosion, and is not there already. Any significant vegetation of note or. Just grass? Just grass. Okay, wonderful. Thank you. I guess, you know, one thing is the adjacent, um, structure structures on this property and adjacent properties, and this is more global comment not so much for this application, but I do think it would be beneficial to have, as part of that, something more than kind of the public notice thing that especially in areas where, you know, it's a very dense, um, to have those marked out as part of the application. Okay. Um, might be useful going forward. I would just note there is a shed, I guess, on this property that's like on the property line. Like a tough shed, like a plastic mobile. Got it. Okay. Yeah. It's not permanent in any reasonable. Unless we think that plastic is always permanent. But that's an existential question. Not going there. All right. Thank you. I would just also note for the record, it's not really a view court or area. Yeah. As well as other considerations. Pretty packed. Yeah. Um, any more questions? No thank you. Joe. The neighbors have any comments? Did the neighbors have any comments on the project? I spoke to Joe today, and his neighbors all let him know that they had received the notice, and they were super excited that he's about to get started on his edition, because he's been talking about it for a while, and I don't I didn't ask him if that was 100% of the neighbors. I didn't know I would get a question like this, but that was the conversation we had this afternoon. Thank you. I didn't have any comments received. Okay. Anything else? All right. You may have a seat. Are there any members of the public who wish to weigh in? I'm with her. Okay, wonderful. I'm the builder. I usually don't come to these things because I'm too busy, but I was in the area so fantastic. And we haven't received any public comment. A mailer we have not. Okay, well, we can now deliberate. Any thoughts? I would say it seems fairly straightforward to me. Um, I don't see any issues. I don't see any justification to do it differently than it already is. I don't see any obvious ways to decrease the nonconformity any more than they already have. I'll chime in. I have no issues with this project. I don't see any other possible place they could possibly expand, and I think all the conditions have been met as far as I'm concerned. I'm of that same opinion. I also really appreciate the fact that I'm not using every last inch of the existing. Nonconformity is a nice change of pace. Congratulations. To everyone. Of you. Any further emotion would be lovely. Colin Powers make a motion for the request of Kimberley Newcomer, representing Joe Edison, owner of the property at 18 Charles Road. Map 0152 to expand the house based on section 1943.4 of the zoning ordinance. I'll second that motion. All right. We have a motion. Has been seconded. Uh, let's have a vote. We can do a show of hands. The vote is unanimous. For, um. On to the findings of fact. Sorry. Uh, unanimous. Approving the request of Kimberly Newcomer, representing Joe Edison, owner of the property at 18 Charles Road. Matt. Oh one, lot 52. To expand the house based on section 1943.3.4 of the zoning ordinance. Now on to the findings of fact. The

property is a nonconforming lot in the RC zone. The property contains a single family dwelling. The existing house is 8.6ft from one side and 9.3ft from the other side of the property line. Required setback is ten feet from the side property lines. The owner would like to add a second storey addition. A single storey addition and a porch on the rear of the house. Based on section 1943.3 dot for the zoning ordinance. Additional findings. Effect. The Zoning Board of Appeals is considered the size of the lot. The slope of the land. The potential for soil erosion, the location of other structures on the property and on adjacent properties, and the impact on views to the proposed structure will not increase the nonconformity of the existing structure. Three of the proposed structures, in compliance with the setback requirement, to the greatest practical extent for the building reconstruction, meets the setbacks to the greatest practical extent. Based on the criteria in section 1943.3.2 and four of the zoning Ordinance. Any comments? I hate to be that guy, but I'm going to be 8.6ft or 8ft, six inches. That is. I'm just I'm now you're just want to make sure on the application. Work it. Is it 8.6ft or eight feet? Six inches. I just don't know the application. I just want to make sure we're consistent across the two. It does say 8.68.66. Oh you're right. It does 8.6 I was looking at. All right. You're right. Never mind. Okay. We're good. They're consistent. It's all I care about. I would move that. We. Oh. I'll make a motion that we accept the findings of fact and additional findings of fact as read by the chair. Second. That motion. All right, we have a motion, and it's been seconded. All in favor? It is unanimous. Approved. Congratulations. Yeah. Um, yeah. It's a great application. You will. Be respectful. Designer. We adjourned. Although we're sort of like Fight Club, we only exist on the fourth Tuesday of every month after 7 p.m.. After that, I'm just a regular man again. That's what I tell people. Did we adjourn? Yeah, we we can. That was for the record. Now we're adjourned.