

TOWN OF CAPE ELIZABETH

MINUTES OF THE June 24, 2025 ZONING BOARD OF APPEALS MEETING Town Hall & Hybrid

Present:

Joseph Barbieri Diana Chapman Kevin Justh
Gretchen Noonan Colin Powers Adam Foster-Webster

Staff: The Code Enforcement Officer (CEO), Jake Deslandes, and Recording Secretary, Sullivan McCarthy, were present.

A. Call to Order

Chairman Foster-Webster called the hybrid meeting to order at 7:00 p.m. The Chair reviewed the procedures for participating remotely and the protocols based on the Maine Municipal Association Board of Appeals Manual. The Chair called the roll of members. A quorum was declared with six members present.

Motion to approve the minutes of May 27, 2025, with friendly spelling amendments, made by Colin Powers; seconded by Diana Chapman. The motion carried with a vote of 6 to 0.

B. New Business:

1. To hear the request of Eric Sokol & Lea Stago, representing Laura & Stewart Critton, owners of the property at 17 Glen Avenue, Map U02 Lot 19, to reconstruct and expand their house based on section 19-4-3.B.3 & B.4 of the Zoning Ordinance..

CEO Jake Deslandes gave an overview of application. Deslandes referenced a historic application for this property that had been approved for renovation. The application before the board is for a new dormer that was not on the approved plans. Deslandes stated he advised applicant to get approval for the dormer.

Eric Sokol spoke about current application and stated they had applied then withdrew the application that was missing the dormer. Sokol referenced a goal of trying to make the renovations to the house look like the existing structure. The dormer is adding space at top of stairs for head room, a code requirement, and does not add height.

Kevin Justh confirmed there is no expansion of living space and questioned need for zoning board approval. Applicant clarified that the dormer is over existing footprint. Board determined that code enforcement can approve replacement, however, the dormer is not a replacement.

Adam Foster-Webster asked questions about erosion. Sokol said there are no concerns. Foster-Webster confirmed there are no public comments. Foster-Webster confirmed the new dormer does not exceed peak of ridge line of structure.

Barbieri asked about setbacks. Lea Stago said setbacks were left blank because the manager in the office accepted the application and plans and would fill in the blank if needed. Barbieri asked about the condition of the foundation. Sokol confirmed it is new foundation, poured concrete on footings.

Foster-Webster expressed concerns about not knowing the setbacks. CEO confirmed that there was a survey done for pouring the new foundation. Using the plans, applicant confirmed that the existing setbacks and new setbacks were the same.

Board entered deliberation. Justh mentioned concerns about water views that may be slightly impacted, however, noted that no public comment was received. Justh confirmed with CEO that the dormer was outside the shoreland zoning. Justh reiterated his interpretation that ZBA approval was not needed, as applicant was not expanding structure, but approval is a good path.

Colin Powers moved to approve the request of Eric Sokol & Lea Stago, representing Laura & Stewart Critton, owners of the property at 17 Glen Avenue, Map U02 Lot 19, to reconstruct and expand their house based on section 19-4-3.B.3 & B.4 of the Zoning Ordinance. Motion Seconded by Diana Chapman. Motion carried by roll call vote of 6-0.

Findings of Fact:

1. The property is a nonconforming lot in the RC zone. The property contains a single family dwelling. The house is being reconstructed on the same footprint with the addition of a nonconforming dormer on the front.

Additional Findings of Fact:

1. The Zoning Board of Appeals has 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, the location of the septic system and other on-site soils suitable for septic systems, and the impact on views.
2. The proposed structure will not increase the nonconformity of the existing structure.
3. The proposed structure is in compliance with the setback requirement to the greatest practical extent.
4. The building reconstruction meets the setback to the greatest practical extent based on the criteria in Section 19-4-3.B.2, B.3 & B.4 of the Zoning Ordinance.

Decision: Powers moved to approve the Findings of Fact and Additional Findings of Fact; Justh seconded. The motion was carried by a roll call vote of 6-0.

C. Old Business: None

D. Communications: None

E. Adjournment: Meeting adjourned 7:23 P.M.