



TOWN OF WELLS

APPROVED

Zoning Board of Appeals

207-646-5187

MEETING MINUTES OF FEBRUARY 3, 2025

MEETING 7:00 PM

Present: Wilber Gosbee, Thomas Pulsifer, Jason Heft, John Ardini, Mary Midura, John McDermott, Larry Duell, Michael Braniff

Staff: Code Enforcement Officer Jodine Adams, Assistant CEO Stacey LePage, Assistant CEO Joel Paris

ELECTION OF OFFICERS

MOTION

Motion by Mr. Ardini to nominate Mr. Gosbee as Chairman. **Passed** unanimously.

MOTION

Motion by Mr. Gosbee to nominate Mr. Ardini as Vice Chairman. **Passed** unanimously.

PUBLIC HEARING:

I. MISLOCATED BUILDING APPEAL – POINT EAST II CONDOMINIUM

Point East II Condominium Association of 1801 Post Road, further identified as Assessor's Map 139 Lot 033-B, is requesting a Mislocated Building Appeal pursuant to Article IX Section §145-67. A. (5). The property includes 3 dwelling units and 102 motels units. The mislocated building appeal is for the lodging office, three-unit dwelling structure and "motel building 1", which were built within the required setbacks. Representation by Attorney, Ryan D. Lizanecz, with Jensen Baird Attorney at Law.

There is a quorum. The Board has jurisdiction to hear the appeal. No members have a conflict of interest. Ms. Midura will write the Findings.

Attorney Ryan Lizanecz of Jensen Baird represented the appellant. Jared, property manager of the Association, was present.

Construction began shortly after the original site plan approval in 1985. Various modifications have been made since, but no new dwelling units were added. It was discovered that three original buildings were constructed within required setbacks. The mislocated buildings are the lodging office, the three-unit dwelling building and the motel building. They have not been expanded since the original construction. Mr. Lizanecz reviewed the requirements for granting the appeal: the locations are not contrary to public interest, there was no willful or premeditated action or gross negligence. The error was discovered when a new site plan was prepared to bring the property up to current standards. The new survey did not match the original survey.

There was no public comment or objection to granting the appeal.

MOTION

A motion was made and seconded to close the public hearing. **Passed** unanimously.

DELIBERATIONS:

I. MISLOCATED BUILDING APPEAL – POINT EAST II CONDOMINIUM

Point East II Condominium Association of 1801 Post Road, further identified as Assessor’s Map 139 Lot 033-B, is requesting a Mislocated Building Appeal pursuant to Article IX Section §145-67. A. (5). The property includes 3 dwelling units and 102 motels units. The mislocated building appeal is for the lodging office, three-unit dwelling structure and “motel building 1”, which were built within the required setbacks. Representation by Attorney, Ryan D. Lizanecz, with Jensen Baird Attorney at Law.

Each setback violation will be voted on separately. For the Planning Board to approve the new site plan, a mislocated building appeal must be granted by the Zoning Board. The three buildings would become non-conforming.

It was unanimously voted that granting the appeal is not contrary to the public interest and there was no willful or premeditated action or gross negligence.

MINUTES

August 26, 2024

Page 2, Line 30 Change to “its role is to support the Town Code.”
Page 2, Line 36 Change to “All the lots in the neighborhood are small.”
The minutes were approved as amended.

September 16, 2024

Page 1, Line 16 Change to “The generator was installed without a permit which is a Land Use violation.”
Line 18 “The appeal is about the setback of the generator.”
The minutes were approved as amended.

ADJOURN

MOTION

Motion by Mr. Ardini to adjourn. **Passed** unanimously.

RESPECTFULLY SUBMITTED:

DATE:

Cinndi Davidson
Cinndi Davidson, Meeting Recorder

5/13/2025

ACCEPTED BY:

DATE:

Wilber Gosbee
Wilber Gosbee, Chairman

5/13/2025