



TOWN OF WELLS

Zoning Board of Appeals

207-646-5187

MEETING MINUTES OF AUGUST 11, 2025

MEETING 7:00 PM

In Attendance: Chairman Wilber Gosbee, Mary Midura, Jason Heft, John Ardini, John McDermott, Thomas Pulsifer

Staff Present: Jodine Adams, Code Enforcement Officer and Meeting Recorder, Devon Bettinson

Absent: Larry Duell, Michael Braniff

DELIBERATIONS/FINDING OF FACTS:

I. VARIANCE APPEAL

Property owner, Mary DiRico of 69 Batchelder Ln., further identified as Tax Assessor's Map 115 Lot 089-A-1, is requesting a Variance to allow a portion of a 5x7 deck to encroach 2' into the 11 feet 3 inches reduced side setback. The subject property resides within the Residential A District (RA). Land Use, Chapter 145 Article V § 145-21.

The board reviewed and revised the Findings of Facts.

Mr. Ardini was not in agreement to remove item seven from the draft findings, but the board continued to remove item seven.

The board disagreed if it was a deck or a structure.

DECISION AND VOTE

The board voted on the conclusions of the Findings of Facts.

By a **vote of 5 to 0** agree that the subject property is a nonconforming lot of record, so the side setback may be reduced by 25% from a minimum of 15 feet to a minimum of 11 feet 3 inches.

Mr. Pulsifer - Yes

Mr. Heft - Yes

Chairman Gosbee - Yes

Mr. Ardini - Yes

Mr. McDermott - Yes

By a **vote of 5 to 0** agree the deck is partially within the required setback of 11 feet 3 inches.

Mr. Pulsifer - Yes
Mr. Heft - Yes
Chairman Gosbee - Yes
Mr. Ardini - Yes
Mr. McDermott - Yes

By a **vote of 4 to 1** agree the deck has no roof, so it is not a building.

Mr. Pulsifer - Yes
Mr. Heft - Yes
Chairman Gosbee - Yes
Mr. Ardini - No
Mr. McDermott - Yes

By a **vote of 4 to 1** agree 145-67. A. (5) is applicable only to buildings. Since the deck has no roof, it does not meet the definition of building, and 145-67. A. (5) cannot be applied.

Mr. Pulsifer - Yes
Mr. Heft - Yes
Chairman Gosbee - Yes
Mr. Ardini - No
Mr. McDermott - Yes

Based on the Finding of Facts and conclusion of the meeting the board decided to deny the appeal.

MOTION

Motion to deny the appeal by Mr. Pulsifer. Seconded by Mr. McDermott. **Passed 4 to 1.**

The board discussed the upcoming September 10th meeting. Mr. Ardini discussed with the board having legal assistance for writing Findings of Fact.

ADJOURN:

MOTION

Motion to adjourn by Mr. Pulsifer. Seconded by Mr. Heft. **Passed unanimously.**

RESPECTFULLY SUBMITTED:

DATE:


Devon Bettinson, Meeting Recorder

10/27/2025

ACCEPTED BY:

DATE:


Wilber Gosbee, Chairman

9/16/2025