



TOWN OF WELLS, MAINE  
ZONING BOARD OF APPEALS

208 Sanford Road, Wells ME 04090  
Website: [www.wellstown.org](http://www.wellstown.org)

MEETING MINUTES OF  
FEBRUARY 13, 2023

**MEETING: 7:00 PM**

Present: Dr. Louis Cohen, John Ardini, John McDermott, Thomas Pulsifer, Joshua Morrell  
Staff: Code Enforcement Officer Jodine Adams, Meeting Recorder Dr. Cynthia Davidson

Excused: Jason Heft, Michael Findley

Welcome new member Joshua Morrell.

There are no conflicts of interest and all members are voting tonight.

**DELIBERATIONS:**

- I. DANIEL P. LUKER, HOMEOWNER, LOCATED AT 298 ATLANTIC AVENUE (128-060), IN THE RESIDENTIAL B DISTRICT AND SHORELAND OVERLAY DISTRICTS, IS REQUESTING A VARIANCE APPEAL PER SECTION 1 45-67A(3) TO REDUCE THE SIDE SETBACK FOR THE PLACEMENT OF A GENERATOR.

**FINDINGS OF FACT:**

Mr. Ardini said that by tearing down the original house and enlarging the footprint, the hardship is the result of the owner's action. The generator might have fit within the original space without a variance. Mr. Luker had testified that it was the same footprint. Ms. Adams said the footprint increased slightly.

Finding #3 The property has been occupied by the owners since they acquired it on September 16, 2016.

Discussion c) The members discussed whether the variance would alter the character of the neighborhood.

Discussion d) The members discussed whether the hardship was the result of the new construction in 2021.

Conclusion: Ms. Adams recommended moving lines 68-70 to the end of "Decision."

Decision: Lines 73, 77, 81, 85 and 89, change "Conclusions" to "discussion" and "January 30" to "February 13."

50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99

**MOTION:**

Lines 73-74 Motion by Mr. Ardini, seconded by Mr. Pulsifer, that the land can yield a reasonable return without granting a variance. Agree 5-0.

**MOTION:**

Lines 77-78 Motion by Mr. Ardini, seconded by Mr. McDermott, that the need for a variance is due to the unique circumstance of the property. Agree 5-0.

**MOTION:**

Lines 82-83 Motion by Mr. Ardini, seconded by Mr. McDermott, that granting a variance would not alter the character of the neighborhood. Agree 5-0.

**MOTION:**

Line 86 Motion by Mr. Ardini, seconded by Mr. McDermott, that the hardship is the result of action taken by the owner. Agree 3-2.

**MOTION:**

Motion by Mr. Ardini, seconded by Mr. McDermott, to deny the request for a variance. Passed 5-0.

**MINUTES:**

January 30, 2023

Page 1 Delete the end of line 15 and line 16.

Page 2 Line 3 Insert State DEP and FEMA

Line 5 Add that the owner was reluctant to pursue alternative locations with other agencies.

Line 11 Change " to inches.

**MOTION:**

Motion by Mr. Ardini, seconded by Mr. McDermott, to approve the minutes as amended. Passed unanimously.

**ADJOURN:**

Motion by Mr. Ardini, seconded by Mr. McDermott, to adjourn. Passed unanimously.

Minutes Approved: November 13, 2023.

ACCEPTED BY:

Cynthia Davidson  
Cynthia Davidson, Meeting Recorder

John N. Ardini  
John N. Ardini, Vice Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_