



## TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355  
TEL. (207) 685-4939 • FAX (207) 685-3420

### Planning Board Decision

**To:** Dawn and Scott Morash  
56 Ledgewood Drive  
Hollis ME 04042

**Location of Property:**

Map/Lot: 134-025

E-911 Address: 111 Mayo Road

**Decision:**

The Planning Board has denied the application to:

Replace an existing structure of approximately 2100 square feet of floor area, located approximately beginning at 14 feet from the Normal High Water Line (NHWL) with a new structure of approximately 4600 square feet of floor area located starting at approximately 75 feet from the NHWL.

**Background**

In April 2020, Dawn and Scott Morash (“applicants”) filed an application pursuant to Article 3, Section 4 (C) of the LUO to “replace or reconstruct” their current non-conforming home.

The applicants further sought to expand the “new” replacement home from the current home’s 2100 square feet of “floor area” to a completed structure of approximately 4600 square feet of “floor area.”

The application was filed prior to the amendment of the LUO approved by voters in November 2021. The Planning Board (“PB”) substantially reviewed the application prior to the LUO amendment. The applicants were then given the choice to have their application reviewed under

the “old” ordinance or the newly amended LUO. The applicants chose to have the review conducted under the old LUO. <sup>1</sup>

### **Factual Findings:**

After several meetings to review the application, including the holding of a public hearing (with several continuations) and a site visit, the PB made the following findings of fact:

1. The existing home contains approximately 2100 square feet of floor area.<sup>2</sup>
2. The existing structure is located starting at approximately 14 feet from the Normal High Water Line (NHWL).
3. The existing 2100 square foot structure could be reconstructed or replaced with a similarly sized structure that would meet all required setbacks, including the 100-foot set back from the NHWL.
4. A significant expansion of the new replacement structure could take place beyond the 100-foot setback from the NHWL and that expansion could meet all required setbacks. Specifically, the Planning Board finds that none of the factors set forth in Art. 3, Section 4 (B)(2), including the slope of the land, impose any significant limitation on the applicants’ ability to build an enlargement to the reconstructed home that would meet all LUO set-back requirements.
5. With regard to the applicants’ request to expand the replacement structure from 2100 square feet to 4600 square feet of floor area, the Planning Board did not make a final determination as to the precise size of any expansion beyond the 100-foot NHWL setback, except to note that such expansion could be significant.<sup>3</sup>

### **Reasons for Decision**

The LUO permits the replacement or reconstruction of a non-conforming structure, provided that such reconstruction “is in compliance with all requirements of this Ordinance to the greatest

---

<sup>1</sup> The 11/2/21 LUO clarifies Article 3, Section 4 of the LUO. The amendment also adds a provision, Section 4 (E) which provides greater flexibility with respect to non-waterbody set-backs to allow for greater opportunity to achieve greater waterbody set-backs. The PB suggested to the applicants that they review the new LUO changes since those changes would likely allow the applicants to construct a 4600 square foot house, fully outside of the 100-foot set-back. However, the applicants rejected this option because they want to locate their home closer than 100 feet from the NHWL.

<sup>2</sup> Non-conforming structures are measured in total “floor area” as that term is defined in the LUO, Art. 11. This differs from measuring the footprint of the structure.

<sup>3</sup> The PB was unable to make any final determination as to a specific allowed expansion since the applicants maintained that any expansion must meet the desired size of their planned home, i.e., approximately 4600 square feet of floor area and that the structure must be sited to encroach upon the restricted 75-100 foot HWM zone.

practical extent **as determined by the Planning Board.**” Art. 3, Section 4 (C)(1) (emphasis supplied)

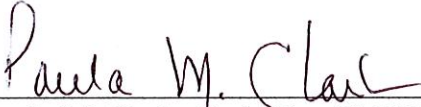
In this case, the Planning Board found that a 2100 square foot replacement or reconstructed structure could be sited to meet the 100-foot NHWL set-back requirement and otherwise meet all setbacks and otherwise be conforming, e.g. lot coverage, etc.

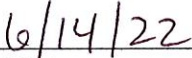
Having determined that the replacement structure could be constructed to be “conforming”, then there would be no right under the “expansion” provision of the LUO, Art. 3, Section 4 (A)(1) to allow a structure that could otherwise be made conforming to instead, through expansion, remain a non-conforming structure by being placed at 75 feet from the NHWL.

Allowing such a use of the 100-foot set-back area, particularly when the applicants have plenty of space to add onto their new replacement structure outside of the 100-foot setback, is not permitted.

**Appeal Rights:**

Any person aggrieved by this decision may appeal to the Readfield Board of Appeals within forty-five (45) days of the date of the Decision. **The date of the Decision in this matter is May 24, 2022.**

  
\_\_\_\_\_  
Paula M. Clark, Chair, Readfield Planning Board

  
\_\_\_\_\_  
Date

cc: Dirigo Surveying