

**Approved 5/29/12**

**CITY OF ROCKLAND  
ZONING BOARD OF APPEALS  
Minutes of Meeting  
February 28, 2012**

**Board Present:** Chairman H. Grover, B. Carter, M. Lund, and H. Simmons

**Board Absent:** None

**Staff Present:** CEO J. Root and Secretary D. Sealey

The Chairman called the meeting to order at 5:15 P.M. A roll call was taken and a quorum declared.

**Communications:** CEO Root read aloud a letter from Carol Birbeck of 108 Main St. in support of granting a variance to Richard and Sally Brewster.

**Minutes of Previous Meeting:** 10/11/11

**ACTION:** Mr. Lund made a motion, seconded Mr. Carter, to accept the minutes of the 10/11/11 meeting as written.  
Carried 4-0-0

**New Business:**

**Richard & Sally Brewster of 11 Stanley Lane are seeking a Disability Variance to add a bathroom/laundry to the first floor of the existing dwelling that would encroach into the required rear setback area of the exiting zone – Public Hearing.** Rick Brewster, son of Richard and Sally Brewster, and Vicki and Rick Mitchell, daughter and son-in law of Richard and Sally, represented the application before the ZBA. Rick Brewster said their disability variance request had come about as a result of physical issues his parents were now suffering. The children had previously submitted a letter detailing these issues, which now precluded activities such as climbing stairs. The Brewsters' only bathroom was on the second floor of their home.

Rick Brewster said they had decided to put an 8' X 12' addition for a bathroom on the back of the house because other locations would cause other problems, including access to the house or cellar. He explained this in some detail. Mr. Brewster had discovered that the house was already at the setback, which would necessitate the addition intruding 8' into the setback.

Mr. Mitchell said the washer/dryer was currently located in a closet where the bathroom door was proposed; for that reason, the washer/dryer would also have to be in the new bathroom. If there were no downstairs bathroom, his in-laws would not be able to stay in their house. He said this second bathroom was a necessity, not a privilege.

Rick Brewster distributed to the Board old photos of the house and a letter from Michael McMahon of 13 Stanley Ave., who said he had no problem with the proposed addition. Rick Brewster said Mr. McMahon had also offered to help defray the costs.

Mr. Root ascertained that the cellar stairs could remain if one of the two closets in the living room was removed to make room for the bathroom door. Mr. Mitchell said the house was built 100 years ago with a staircase (to the second floor) that looked like a ladder and was treacherous. Rick Brewster added that both of his parents had fallen on these stairs. He said the family wanted to do in his parents' home what was done in public buildings for disabled access.

Mr. Lund asked if 11 Stanley Ave. had a first-floor bedroom. Rick Brewster replied that there had been a bedroom on the street side of the house on the first floor and it would be converted back to a bedroom. Mr. Lund

asked what would be done with the second floor and Rick Brewster said it would likely be used for storage. Mr. Lund ascertained that the ceiling height of the addition would match that of the house, which was 7-1/2 feet.

Mr. Lund said the Board had work to do because Rockland's regulations did not specify disability language for a variance. CEO Root said that language was provided in State law (30A MRSA ss 4353(4-A), which did away with typical criterion for a hardship variance. He read the statute aloud.

Chair Grover said the State statute met the criteria from his point of view and said it was good to not be restricted to the standard four criterion. He asked if anyone wanted to speak in favor of granting the variance. Richard Brewster said he and his wife had lived in their house for 54 years and wanted to continue to do so. They did not wish to be a burden to their children or other people. No one spoke against granting the variance.

Mr. Carter asked if the proposed bathroom would conform to the handicapped-accessible bathroom requirements. Rick Brewster said he was not positive, but thought they could make it practical. He then said CEO Root had been very helpful. Mr. Grover responded that Mr. Root and Asst. Code Officer Kalloch's experience was evident in the fact that there were very few problems after the fact.

Mr. Carter said he felt ADA standards in terms of wheelchair turning circle must be met in the bathroom. Mr. Lund added that the State statute stipulated allowing both access and egress, so wheelchair access must be included. Mr. Simmons noted that the Brewsters did not have access to the upstairs bathroom. Mr. Carter said approval might have to be conditional on the bathroom being removed when no longer needed.

**ACTION:** Mr. Lund made a motion, seconded by Mr. Carter, to grant the variance as requested to allow the construction of an 8' X 12' handicapped-accessible bathroom within the setback.  
Carried 4-0-0

**Adjournment:**

**ACTION:** The meeting adjourned at approximately 6:00 P.M.

Respectfully submitted,

Deborah E. Sealey  
Recording Secretary