

**TOWN OF RAYMOND  
401 Webbs Mills Road  
Raymond, Maine 04071**

**APPEALS BOARD  
Public Hearing  
AGENDA**

**Monday, December 28, 1998**

**ATTENDANCE:** Peter Leavitt, Chairman; Lawrence Murch; Robert Fey; Jim Stephenson; and Jack Cooper, Code Enforcement Officer.

1. **Call to order:** Peter Leavitt called the meeting to order at 7:05 p.m. at the Town Hall.

2. **Minutes:** October 26, 1998

**MOTION:** Lawrence Murch motioned to accept the minutes as written. Seconded by Jim Stephenson.

**VOTE:** Unanimous.

3. Ursula L. Slavick Map 67, Lot 7A 32 Whittemore Cove Road

Seeking a Variance for setback.

**DISCUSSION:** William Steven Slavick, RR2 Limington, Maine 04049 represented his parents in their absence. William Slavick stated that the variance spoke for itself and this request was solely the consequence of the abutters. The property now has 88' frontage and not 100'; the neighbor moved the stake. The Slavicks will not yield their claim to the full lot as identified on the map. As a safety precaution they have moved the house back 3' to provide a 20' setback which necessitated a shift to provide deck access to the house. They have held off final location and construction of the deck pending approval.

David Rolfe, 855 Cumberland Street, Westbrook, Maine, an abutter, spoke in favor of the variance. Mr. Rolfe has reviewed the plans and felt that the house would look odd with a 2' - 3' deck. He would prefer to see the deck built as requested by the Slavicks.

Mr. Pacillo, an abutter, spoke in opposition of the variance. He stated that he could not locate the iron pipe marking the property line. He has lost 12' of frontage. A survey showed there to be 190' of frontage total between his property and Slavick's. The surveyor at that time suggested they split the total to 95' each.

Lawrence Murch asked if there was a master plan and are there irons? He also asked who did the original survey? Mr. Pacillo stated that he had the original subdivision plan.

Mr. Rolfe stated that his father originally owned three lots. Owens did original survey and that it's filed in the Registry of Deeds and that there may be an error in the property description.

Lawrence Murch asked if there was a guaranteed amount of frontage at the time of sale. Mr. Rolfe answered that it was along the water line and not point to point and that the angles were not consistent with what is on the ground.

Mr. Pacillo said that he owns two back lots which have irons. Mr. Pacillo requested that the Board hold off on the meeting until he can have his land surveyed.

Robert Fey stated that the issue is Slavick's variance not the property lines. Slavick to Rolfe

property line is the set back in question.

Mr. Pacillo said he was concerned regarding the 10' from the corner of the lot and doesn't want the building to proceed if it will be on Pacillo property.

Mr. Slavick stated that to-date \$1,000 in expenses have been incurred due to the delays by Pacillo.

Peter Leavitt asked if there were any questions from the Board. There were none. Mr. Leavitt asked when Mr. Pacillo expected to have the survey completed. Mr. Pacillo stated that it would take two to three days for the surveyor to complete the survey but that the surveyor would not be available until after the holidays. Mr. Leavitt asked if the survey would be complete 30 days prior to the next meeting.

Robert Fey stated that the Slavicks have to decide whether or not to proceed and that the survey has nothing to do with what is before the Board tonight.

**MOTION:** Jim Stephenson motioned to accept requested variances for 4' from Rolfe's property line for the explicit purpose of building a deck.

**AMENDMENT:** Jim Stephenson amended the Motion to accept requested variances for 4' from Rolfe's property line for proposed structures of deck. No second.

**MOTION:** Robert Fey motioned not to allow proposed variance for set back. No second.

Lawrence Murch suggested that the property line be defined and that the Board extend to the next meeting and have Mr. Pacillo get the survey accomplished prior to the next Board Meeting.

**MOTION:** Peter Leavitt motioned to continue to the January meeting. Seconded by Jim Stephenson.

**VOTE:** Three in favor, one opposed.

A discussion followed. Robert Fey stated that the foundation is poured and backfilled. Peter Leavitt asked Mr. Pacillo if he had been initially notified as an abutter.

**MOTION:** Peter Leavitt motioned to adjourn. Seconded by Jim Stephenson.

**VOTE:** Unanimous.

**ADJOURNMENT:** Peter Leavitt adjourned the meeting at 7:30 p.m.

**NEXT MEETING:** The next meeting will be January 25, 1999 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Elisa A. Trepanier  
Secretary