

Minutes
Town of Raymond Zoning Board of Appeals
401 Webbs Mills Road
June 28, 2004

Members present: Chairman Aurel Gagne, Peter Leavitt, Lawrence Murch; Matthew Schaefer; Michael Higgins. Newly appointed alternate Mary Picavet was not in attendance.

Staff present: Code Officer Jack Cooper and Karen Strout, Recording Secretary.

Chairman of the Board of Selectmen, Elizabeth McDermott, was also in attendance.

Call to order: Chairman Gagne called the meeting to order at 7:07 pm.

Consideration of minutes dated May 24, 2004:

Motion: With a motion by Peter Leavitt and a second by Larry Murch, the minutes were unanimously approved as submitted. 5/0.

Election: Michael Higgins nominated, and Lawrence Murch seconded a nomination for Matthew Schaefer to serve as Chairman for the next year. The vote carried unanimously. The position was accepted. On behalf of the board, member Michael Higgins expressed appreciation to Aurel Gagne for his work as Chairman, and for the fine job that he had done during his term.

Application:

Map 61, Lot 5, LRR2 District

22 Manor Harbor

Elizabeth Wilson

Asking for a variance from three (3) acres to 1.74 acres for a building lot.

Elizabeth Wilson is asking for a variance to allow the sale of a building lot of less than three acres. She feels that the land in question cannot return a reasonable return unless the variance is granted. Referencing her divorce decree applicant commented: "Maine District Court Judge Keith Powers entered a judgment on June 21, 2001 requiring sale of this land as a lot (land south of the gate) by July 1, 2004. Hardship is a result of an order by Divorce Court and Probate Court in the estate of Donald F. Gordan. She stated that she needs to sell this to pay off his debts. She added that both she and her former husband thought this lot was larger than it turned out to be.

Comments by the Public:

There were several comments by abutters. Arlene Briad had concerns about the impact on wetlands, the beaver house, and the loons. She feared the precedent that this would set for the future.

Bonnie Lewis was also concerned about the wetland area.

Ethelyn Kern was concerned about reducing the lot size to less than three acres and setting a precedent.

Chairman Gagne read the following letter dated June 28, 2004 from Priscilla and Richard Koleshis:

Please accept this note as a statement of our opposition to the requested variance on a 1.7 acre lot on Manor House Road, off Deep Cove Road, to an approved building lot.

We are owners of the lot that has a tennis court and garage on it on the corner of Deep Cove and Manor House Roads. We had actually considered purchasing an abutting property there, and discussed with Mr. Cooper the possible approval on this lot. It was of the approximate size to the one being discussed tonight,

but we were assured that it would not be a build-able lot, unless we attached it to our current lot that is an approved lot. Had it been a possibility to acquire it and get a building variance, we would have purchased it immediately. We would be most distressed to think that a different set of rules than the ones communicated to us might apply in this current request.

There are strong codes in place in Raymond to protect both land and water quality. I am of the mind that they were established for a reason, and should be abided by. A variance in this case would allow 1.3 acres of required lot size to be forgiven, and I do believe that it sets a serious precedent that could be applied in countless other cases. I hope you will deny it.

A letter from Jerry Hart of Krainin Real Estate was received in support of the variance. This letter is on file.

Comments from the board:

Larry Murch asked the applicant how much other land do you own in that area? The applicant responded that she owned 11 ½ acres. He asked whether or not she could add to the illegal lot. Her response was that she did not want to live in a development and wanted the privacy of her compound maintained.

Peter Leavitt asked why she had waited so long to do this? Her response was that the lot didn't sell. Leavitt suggested that she had several options. You merge this with property you already own. You could sell to an abutter. You could purchase land from an abutter to conform to the ordinance. Her response indicated that she did not want her privacy encroached.

Matthew Schaefer asked if the gate had been moved. He stated that there seems to be some discrepancy between the divorce decree and the lot. She stated that the gate had not been moved.

Chairman Aurel Gagne added that she had several choices open. She can add to the lot and keep an easement or right of way. The land next to her would be preserved and not built upon.

A **Motion** was made by Michael Higgins and seconded by Matthew Schaefer to deny the variance. This request does not meet Point 1 of the criteria under Shore land Zoning Ordinance Section 16 G.2.c.2) i. "That the land in question cannot yield a reasonable return unless a variance is granted". The request for a variance from three (3) acres to 1.74 acres for a building lot was denied. Vote was unanimous. 5/0.

Other Business:

The Code Enforcement Officer, Jack Cooper, brought the Appeals Board up to date on the Kenneth Thompson violation with a discussion of a letter from Christopher Vaniotis, Town Attorney.

Next site walk will be held on Sunday July 18th at 10:00 a.m.

Adjournment:

A **Motion** was made by Murch and seconded by Leavitt to adjourn at 7:50 p.m.

Karen Strout
Recording Secretary

