



**Monday, February 22, 2010**

**BOARD OF APPEALS**  
minutes\*

Jordan Small Middle School Broadcast Studio  
7:00 pm

**ATTENDANCE: Peter Leavitt, Elden Lingwood, and Sheila Philpot.**

**MEMBERS ABSENT: Chairman Matt Schaefer, Larry Murch, and Mary Picavet.**

**STAFF PRESENT: Code Enforcement Officer Chris Hanson and Karen Strout, Administrative Assistant.**

**1. CALL TO ORDER:** At 7:10 pm meeting was called to order by Acting Chairman Peter Leavitt who declared a quorum to conduct business.

**2. APPROVAL OF MINUTES: October 26, 2009.**

**MOTION:** moved by Peter Leavitt and seconded by Elden Lingwood to table the minutes of October 26, 2009 due to the lack of a quorum of those in attendance at that meeting.

Vote: 3/0 to table. Motion carried to table.

**New Member Welcome:**

Sheila Philpot was welcomed as a new member and informed that she would be participating as a regular member, not an alternate, at this meeting in order for the Board to have a quorum.

**3. PUBLIC HEARINGS:**

**Raymond Cemetery Committee** Chairman Linda Alexander spoke on the request of the Cemetery Committee who were requesting a Conditional Use Permit for the expansion of the North Raymond Cemetery on the North Raymond Rd. This property is referenced by Raymond Tax Map 19, Lot 42 and is in the rural zone. They would like to extend onto land given by Mrs. Dailey.

**Public Comment:**

Raymond Joseph Jala spoke in favor of the expansion; no one spoke against it.

**MOTION:** moved by Elden Lingwood and seconded by Sheila Philpot to grant approval for the Conditional use permit as requested in the application.

Vote: 3/0 unanimous to approve.

**Applicant Joseph Jala** spoke on his own behalf requesting a side set back reduction to twelve (12) feet from the twenty (20) required from the west property line in order to be able to construct a two car garage. Property is located at 58 Papoose Island Rd. referenced by Raymond Tax Map 68, Lot 31 and is in the LRR2 zone.

**Public Comment:** Jim Kelley, an immediate abutter spoke in opposition to the request. He stated that he had been there since 1961. The lots there were originally camp lots. He commented that Joe could do a one car without variance. His concerns included:

- fire equipment access
- wider garage would restrict access
- property values
- aesthetics
- access for Jalas who presently access via Kelley lot.
- concerns about erosion; very bad runoff problem

If request were granted Jim Kelley would like to see the following requested from the applicant:

- ✓ line survey
- ✓ vegetation plan for erosion
- ✓ no external stairs into an attic space.

There were no additional comments from abutters.

**Board and Staff Comments:** Burden is on applicant to prove setbacks. Code enforcement officer could require survey. Set back reductions generally are looked at with a qualitative discussion. CEO Chris Hanson read the ordinance criteria.

**Applicant Joe Jala** clarified his position by adding that aesthetically he was not imposing on their (Kelley's) view with this garage. He felt that a 12 foot setback should be sufficient. They live there full time and this structure is not a convenience, but a necessity for his residence. He would be getting rid of the temporary garage he has now. He is looking to make his former camp into a real home.

Boardmember Elden Lingwood inquired about a previous variance given to this lot. A variance had been given to reconstruct the foundation. **Acting Chair Peter Leavitt** stated that this request clearly didn't represent a hardship. His observations included that the buildings along the lake are encroaching and narrowing the panel. What he is seeing is a visual walling in affect on the lake. He has concerns about putting structures too close to the lot lines. Today you would need three acres to build on the lot. The size of the lot is a concern. The coverage on a smaller lot is a problem. Walling to the lake is an issue, not just the visual from the road, but the lake. The view belongs to everyone. The lot is already nonconforming- less than 1/2 acre.

Percentage of lot coverage was also a big concern and several percent calculations were discussed by the abutter and Board.

**MOTION:** moved by Acting Chairman Peter Leavitt and seconded by Elden Lingwood to deny the setback reduction request of Joseph Jala citing the following reasons:

1. concerns of abutter
2. square footage of lot compared to shedding structures and impervious areas
3. keeping the views to the lake open

Vote: 3/0 to deny was unanimous. Motion carried; request denied.

**4. CODE OFFICER UPDATE:**

CEO Chris Hanson gave a brief summary of what was happening in the code office which included the number of homes under construction and permits for relocation.

**5. ADJOURNMENT:**

**MOTION:** moved by Elden Lingwood, seconded by Sheila Philpot to adjourn at 8:02 pm.

\* Meetings are broadcast live on the public access channel and rebroadcast at a later time. Written minutes are an informal record maintained for the convenience of the Public. The DVD is the official legal record of the meeting . Copies may be signed out at the Town Office.

Karen G. Strout

Recording Secretary