



**Raymond Zoning Board of Appeals  
Minutes\*  
Monday, April 28, 2014**

**PUBLIC HEARING**

**Present: Chairman Matthew Schaefer, Elden Lingwood, Lawrence Murch, and Mary Picavet.**

**Absent: None**

**Staff: Code Officer Chris Hanson and Recording Secretary Danielle Loring.**

**Applicant: Gordon & Lee Street.**

**Other: Joanne Stinson**

**1. Call to order:** Chairman Matthew Schaefer called the meeting to order at 7:01 pm and a quorum was declared.

**2. Approval of Minutes:**

**a) September 30, 2013**

MOTION: Elden Lingwood motioned to accept the minutes; seconded by Mary Picavet.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

**3. Consideration of Volunteer Application for Vacant Position – Joanne Stinson**

Chairman Schaefer asked Joanne Stinson to explain her interest in the Zoning Board of Appeals, and Ms. Stinson explained that she wanted to be involved in her community and had a pleasant experience with her recent interaction with the Board.

Chairman Schaefer explained that the Board's role was to enforce the Town's ordinance and the Selectmen would consider her appointment upon their recommendation.

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MOTION: Mary Picavet motioned to recommend approval of Joanne Stinson's application; seconded by Larry Murch.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

#### **4. Applications:**

- a) Map 008, Lot 085  
104 Webbs Mills Road  
LRR1 Zone  
Gordon & Lee Street**

**Reason: Applicant is requesting an amendment for an existing Conditional Use Permit.**

Gordon Street explained that they resided at 104 Webbs Mills Road as well as operated the Olde Mill House. Chairman Schaefer asked that Mr. Street summarize their request, and Mr. Street explained that they were looking at their options for their property. They realized that the previous Conditional Use was posing a limit on their use because it stated that the owner of the business must be occupying the residence. He stated that he was confused by the intent of the condition. Mrs. Street added that they were looking for increased flexibility, whether they would rent out any of the office space of residential space within the building.

Chairman Schaefer clarified that they had a Conditional Use Permit that prescribed certain criteria and read the existing conditions. He explained that the issue was also the clarity of the restriction.

Mrs. Street clarified that there were actually two businesses being operated out of the building, and Mr. Street added that it was not an issue with the existing conditions because they were the owners for both. Mr. Street also explained that the conditions created issues for the value of the property if they were going to sell the property.

Chairman Schaefer asked if there any other questions from the Board. Mr. Murch asked what their zoning was, and Mr. Hanson responded that they were RR and SP, but at the time of the previous approval they were zoned as LRR1, which did not allow for the use that they are describing. Mrs. Picavet asked about the options for the business if they were to not reside in Raymond, and Mr. Street explained that they did not have a use in mind but wanted to clarify their options. Mr. Lingwood asked if they were going to sell the property, and Mrs. Street explained that they were looking at their options which may include selling the property at that time in the future. Mr. Murch was concerned that the applicants should be coming forward with their request at the time that they were making the change, and he was concerned with the property having commercial use in the residential zone. Mr. Street explained that he was concerned that the restrictions would lower property values. Chairman Schaefer clarified that the applicants had no use in mind, and Mr. Street agreed.

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Chairman Schaefer opened the public hearing and asked if there was anyone to speak in favor of the project and there were none. He asked if there was anyone opposed to the project and there were none. Chairman Schaefer turned the conversation for Board discussion. He asked if there were major differences between LRR1 and RR and CH explained that there were only minor changes and read them. Chairman Schaefer read the allowed uses for that zoning and the conditional uses allowed. He referred to Article 6b1d of the Land Use Ordinance regarding the powers of the Board in respect to Conditional Use Permits.

Mrs. Street stated that she was concerned with the intent of the ordinance and gave the example of a nursing home versus an office building. Chair Schaefer explained that were particular uses that were identified but that there could be other allowed uses. He elaborated that the real matter was that the conditions for the proposed use were usually created at the time of approval, but the use was not known at the current time.

Chairman Schaefer asked about how Conditional Uses worked, and Mr. Hanson read the definition.

Mr. Lingwood stated that he was concerned with changing a Conditional Use permit after the fact. Mr. Street explained that they were either asking for an amended permit or create a new Conditional Use Permit. Mrs. Street explained how they would want the permit to be changed, and added that she was concerned that the current use was not allowed under the current zoning in light of the information discussed at the meeting.

Chairman Schaefer explained that the Board had to be cognizant that the permit would run with the land, and recognized Mr. Murch's concern that there should be a use in mind so that they could prescribe conditions to go along with it. Mr. Murch stated that he felt that the applicant should be coming to get approvals when a buyer showed interest. Mr. Street wanted clarification regarding the Board's concerns. Mr. Murch clarified that the Board was trying to remain consistent with the way they had operated. Mr. Street stated that he understood but felt that it made the process more difficult, and that he was also concerned with the phrasing of condition b and gave scenarios where it created confusion. Chairman Schaefer clarified that the condition consistent with the definition of a home occupation and it was the Code Officer who was suppose to interpret and enforce the ordinances and Conditional Use Permit. He explained that the applicant had the option to appeal the Code Officer's interpretation.

Mr. Street requested a short recess and Chairman Schaefer granted a recess at 7:43 pm and the Board resumed at 7:45 pm.

Mr. Street explained his hesitation with the current Conditional Use Permit. Chairman Schaefer explained the Board's role and offered to table the application. Mr. Street agreed to table the application so that they could investigate their options. Mr. Murch clarified that the Board was giving them the opportunity to narrow the scope of their request.

**MOTION:** Matthew Schaefer MS to table the application at the request of the application until the next meeting on May 19<sup>th</sup> ; seconded by Larry Murch.

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DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

## **5. Board Communications**

### **a) Consideration of Bylaws as Approved By the Board of Selectmen**

MOTION: Elden Lingwood motioned to accept and approve Mary Picavet.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

## **6. Code Enforcement Officer Comments**

Mr. Lingwood asked in an apt was a residential use, and Mr. Hanson confirmed. Mr. Lingwood asked for clarification on what point a building would go from residential to a commercial use when there was a split use. Mr. Hanson explained that if the condition was removed that the offices involved in the previous application would not be allowed because the building would be a nonconforming use. Mr. Hanson further explained that professional offices were not in the list of unpermitted uses. Mr. Murch felt that they were trying to maximize their profits rather than knowing the future uses. He felt that they should come back with a defined use and come back as needed.

## **7. Adjournment.**

MOTION: Matthew Schaefer motioned to adjourn; seconded by Larry Murch.

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Matthew Schaefer adjourned the meeting at 7:57 pm.

Danielle Loring  
Recording Secretary

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