



**Raymond Zoning Board of Appeals  
Minutes\*  
Monday, October 27, 2014  
7:00 pm**

**PUBLIC HEARING**

**Present: Chairman Larry Murch, Vice Chair Elden Lingwood, Mary Picavet and Joanne Stinson.**

**Absent: None.**

**Staff: Mary Costigan, Town Attorney; Chris Hanson, Code Officer; and Danielle Loring, Recording Secretary.**

**Applicant: Leo Blair**

**Other: Robert Fogg (Qteam),**

**1. Call to order:** Interim Chair Larry Murch called the meeting to order at 7:00 pm and a quorum was declared.

**2. Election of Chair and Vice Chair**

Chairman Murch called for nominations for Chair.

MOTION: Elden Lingwood nominated Larry Murch as Chairman; seconded by Joanne Stinson.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (3/o/1 ab [LM])

Chairman Murch called for nominations for Vice Chair.

MOTION: Joanne Stinson nominated Elden Lingwood as Vice Chair; seconded by Mary Picavet.

DISCUSSION: None.

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VOTE: UNANIMOUS APPROVAL (3/0/1 ab [EL])

### 3. Approval of Minutes:

**a) April 28, 2014**

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

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (3/0/1 ab [JS])

### 4. Applications:

**a) Leo Blair on behalf of Lapco, LLC  
55 Stark Cove Road  
Map 066, Lot 006  
LRR2 Zone**

**Reason:** Applicant is requesting an Administrative Appeal for an alleged tree cutting violation.

Leo Blair explained that he was appealing the Notice of Violation (NOV) and listed his supplements. He explained that he had purchased the property in late fall of 2013, and he shortly hired Q-Team to do tree cutting until December 2013. He explained the process in which trees were removed from the property and other site work completed, including moving a rock wall under a Permit By Rule from the DEP. He felt that some branches were removed as a result of bringing an excavator onto the site to move some boulders.

He addressed the letter from the DEP and felt that there were some issues with the information presented. He explained that he had hired another company to clean up the broken limbs and slash. A concerned neighbor had contacted the Code Officer, and he was sent a NOV. A visit by the Code Officer and DEP was made, and he explained his recollection of the conversations that occurred. He explained the subsequent meetings that occurred including a meeting with the Town Manager, which resulted in the agreement he would pay a fine. However, the resulting Consent Agreement listed Mr. Blair as “willfully” creating the violations, which he disagreed with. He explained that he felt that a couple of the trees that were included in the violation were scheduled to be cut down. He explained that he would come up with a replanting schedule once he knows where they could be relocated.

Chairman Murch Opened the Public Hearing and asked if there was anyone who wanted to speak and there was none. He read a letter from Mike Morse, DEP, dated October 27, 2014 in favor of denial of the appeal. He closed the Public Hearing.

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Chairman Murch asked if the Board had any questions or concerns. Ms. Stinson asked why Mr. Blair did not continue the work with Qteam, and he responded that they were booked out too far and he had contracted with someone who was looking for work. That it was basically convenience. She asked if there were any other permit necessary to continue the work, and he responded that there was not because they were cleaning up. She asked if that included limbing, and he responded that it did but only the trees that were damaged.

Mr. Hanson explained that Mr. Blair was taking responsibility for the violations, and Mr. Blair confirmed.

Chairman Murch asked about Mr. Blair's selections for replantings, and Mr. Blair responded that he had made his choices based on aesthetics. Chairman Murch asked about including white pine. Mr. Blair explained that there was hemlock present. They discussed the species that would survive there.

Mr. Hanson went through the historical pictures starting in 2011. Mr. Blair pointed the presence of blueberry bushes that he was also including in his plantings, and Mr. Hanson explained that he was not disputing the presence of blueberries but that they would be considered supplemental to a tree plantings.

Mr. Hanson felt that it was clear that there was excessive clearing and read the violations into the record. Ms. Stinson asked Mr. Blair if he agreed that a violation occurred, and he responded that the actions were no intentional and that the site work activity created a violation.

Mr. Lingwood read the ordinance regarding the limbing of the one-third the tree height. He recollected what he saw at the site walk and could not see how all of the damage was caused by the equipment. He also agreed that excessive ground cover was removed.

Chairman Murch was concerned that inappropriate species were going to be planted and recommended white pines. Mr. Hanson explained that PWD was willing to come up with an appropriate replanting schedule. Chairman Murch asked if Mr. Hanson was satisfied with replanting, and he responded that he was not. Mr. Blair explained that the landscaping plants were not to address replanting but the blueberries were. He was concerned with putting large balled plants into the rocky ground. He was happy to cooperate and plant required species but wanted them to survive. He felt that he would need to bring in soil, and Mr. Hanson said that was a possibility.

Me. Lingwood stated that Mr. Blair was willing to pay the fine, but could the Town get this issue resolved, and Ms. Costigan explained that the Board's job was to determine if the NOV would stand or if it should be overturned.

**MOTION:** Larry Murch motioned to uphold the decision of the CEO; seconded by Elden Lingwood.

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DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

**5. Board Communications**

None

**6. Code Enforcement Officer Comments**

Mr. Hanson reported the recent activity for the Town.

**7. Adjournment.**

Elden Lingwood motioned to adjourn, seconded by Joanne Stinson.

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Larry Murch adjourned the meeting at 8:00pm.

Danielle Loring  
Recording Secretary

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