



**Raymond Zoning Board of Appeals**  
423 Webbs Mills Road  
Raymond Broadcast Studio  
**Minutes**  
**Tuesday, October 26, 2021**  
**7:00 pm**

**Call to order:** David Murch called the meeting to order at 7:00 pm and a quorum was declared

**Roll was Called**

**Present:** David Murch, Patricia Beaton (via Zoom), Tom Hennessey (via Zoom) and Greg Dean

**Staff:** Alex Sirois, CEO and Sandy Fredricks, Administrative Assistant/Recording Secretary

Murch read the Opening Statement into the Record as well as the Agenda.

Acceptance of September 28, 2021, Minutes

Dean moved to approve as submitted

Beaton seconded

All in favor? 4 yes (Murch/Beaton/Hennessey/Dean) – 0 no – 0 abstain

**OLD BUSINESS**

**Port Harbor Marine Application:**

Port Harbor Marine has filed an application for a Conditional Use to Permit Outside Sales and Service on property known as Map 51, Lot 2 in the Commercial Zone. Said application was filed by Robert McSorley of Sebago Technics and was tabled at the September 28, 2021 meeting.

Dean moved to remove the application from the table.

Hennessey seconded.

All in favor? 4 yes (Murch/Beaton/Hennessey/Dean) – 0 no – 0 abstain

The Board reviewed Article 9, items 1 through 10 as follows on September 28<sup>th</sup>, 2021 and had questions on numbers 1, 3 & 4. Sebago Technics provided additional information to the Board. The Board also received input from Phil Saucier, Esq., the Town's attorney to assist them with certain items regarding the application.

Sirois advised the Board that he had reviewed the Comprehensive Plan and there are no issues. In fact, the application hit upon several points in the Comp Plan.

Beaton stated she felt the Board had done its due diligence. Hennessey stated he did a

FOR DETAILS, PLEASE SEE VIDEO, THE OFFICIAL RECORD OF THE MEETING

quick review of Comp Plan and it fits. Murch and Dean agreed.

The Board reviewed each of the 3 items. Item #1 has been satisfied. Beaton, Hennessey, Dean and Murch agree. Item #3 Murch stated this was questioned because of the phrase "within the structure". The Board asked for legal input and were advised by attorney that this phrase does not apply in this instance. The remaining portion regarding noise, vibrations, fumes, odors, dust, or glare do apply.

Beaton asked if the Board could place Conditions on the approval. Sirois informed they can if they wish.

Murch asked McSorley to confirm what activities Port Harbor is planning to conduct on the parcel. He stated sales, storage and display of product and marina-like activities. The Board would like to have some conditions regarding marina-like activities of sales, storage, shrink wrapping, product display. Sirois stated it may be prohibit certain things.

The Board discussed product storage, product display and marina like activities except outdoor engine repair services are not allowed.

Board members all agree that Item #3 has been met.

Item #4 Will not cause water pollution, sedimentation, erosion, contaminate any water Supply, nor reduce the capacity of the land to hold water, so that a dangerous or Unhealthy condition may result. The Board had requested additional information which was supplied by Sebago Technics. McSorley explained the information submitted and how the water would be treated before leaving the parcel.

Dean stated he is still wondering if there is any conflict of interest with Sebago Technics preparing the information for the applicant and advocating for the project for the applicant as Sebago Technics provides reviews for the Town. Sirois explains that if a project is presented by Sebago Technics, they are disqualified from reviewing same on behalf of the Town and a third party is brought in for that review.

Board members all agree that Item #4 has been met.

The Board agreed unanimously that Article 9, Items #1 through #10 have been satisfied.

Dean moved to grant the Conditional Use application of Port Harbor Marine for Outdoor Sales & Service with the condition that it is limited to product storage, display and marina like activities with the exception of outdoor engine repair services.

Beaton seconded.

All in favor? 4 yes (Murch/Beaton/Hennessey/Dean) – 0 no – 0 abstain

## **NEW BUSINESS**

### **Sarah & Matthew Holland Setback Reduction Application:**

FOR DETAILS, PLEASE SEE VIDEO, THE OFFICIAL RECORD OF THE MEETING

Sarah Holland provided the Board with background of the property. They feel it is time to think about building on the lot to accommodate their family as well as allowing them to move to Raymond year-round. She continued they would like a front setback reduction to 15' and the side toward her parent's house reduced to 10' setback.

Murch opens the Public Hearing at 7:57 p.m.

Mr. Perry, an abutter, spoke to confirm the granting of this application would not preclude his uses of his property. He is informed that he is not precluded from uses of his property if the Hollands received setback reductions.

Murch closed the Public Hearing at 8:00 p.m.

Hennessey questioned the ownership of the property. Sarah stated it is 50% ownership in her name and 50% ownership in her brother's name. Hennessey was concerned that the co-owner is aware of the application. Sarah stated he is.

Sirois explained to the Board how right, title and interest works.

The Board discussed possible Condition of Approval, if approved, that there be an acknowledgement from Mrs. Holland's brother that he is aware of and supports the application.

Murch stated the property is within a Shoreland Zone and that is the Section of the Ordinance the Board will be addressing. He continued that a Site Walk was held on October 16, 2021. Pursuant to Article 16 G 2 f 1 – Setback reduction appeals are only available to reduce the minimum setbacks of structures from lot boundary lines. Setback reduction appeals shall not be used and are not available from bodies of water as provided in these provisions. The Board unanimously agreed this is met. Item 2 – Setback reduction appeals may only be granted and are only available for lots with a residential dwelling as the principal structure. This language is shown in the existing Shoreland Zoning Ordinance however, this item was amended on July 14, 2020 at the annual Town Meeting and now reads "Setback reduction appeals may only be granted and are only available for lots with an existing residential dwell as the principal structure."

Due to the amended Ordinance language, this property does not meet the criteria for a setback reduction.

Sirois confirms this is correct and informs the Hollands what their options are. He stated they would have to apply for a Setback Variance rather than a setback reduction. A Setback Variance application would include having to meet the hardship requirements set forth in the Ordinance.

Dean asks if the Board denies the application does that preclude the applicants from filing a new application for a certain time. Sirois stated that if it is denied, yes, there is a one year time frame before they could reapply.

FOR DETAILS, PLEASE SEE VIDEO, THE OFFICIAL RECORD OF THE MEETING

The Board discussed how best to proceed. If the applicants withdraw the current application, they can apply for a Setback Variance for the next available meeting.

Matthew Holland stated they are withdrawing their application for Setback Reduction and will apply for a Setback Variance for the December meeting.

**CEO Communications:** Sirois said he didn't have much this evening. He informed the Board that we have some good changes coming up. Murch asked if there are some Administrative appeals heading to the Board. Sirois stated there are none yet.

Beaton moved to adjourn.

Dean seconded.

All in favor? 4 yes (Murch/Beaton/Hennessey/Dean) – 0 no – 0 abstain

Adjourned 8:28 p.m.