You're online.

Welcome to the 1229 20 Sony board of appeals meeting of the town of Raymond. The zoning board of appeals will come to order and the board does have a quorum. I'm now going to ask the members that are here to state their name. What you start your win. Rick, Rick Welch, Mary,

Remember the board, but Mary court recording secretary.

You're a big part. And I'm Lynn Sorelli. This is a public proceeding. And unless the board specifically votes to go into executive session, you have the right to hear everything that is being said. And to look at all of the exhibits that are presented, please notify the chair. If you want. It are unable to see or hear the board works from a publisher agenda, and we'll be considering tonight's items. In the following order, we have, uh, an interview applicant for a board membership. We have a

public hearing for Nicole stylet, a conditional use variance and an applicant. Uh, I'm hoping I'm pronouncing this right lowest degree and Vela me lie on a lot size variance. In each instance, the burden is upon the applicant to demonstrate compliance with the provisions of the applicable ordinances or state law.

After the board votes on the merits of each application, it will prepare a written notice of decision because the notice of decision may substantially affect any appeals rights. And also as a matter of courtesy, the board asks that those attending the meeting with regards to a specific application, not leave until the board has completed its decision. Generally speaking appeals from adverse decisions must be filed with the Supreme court as otherwise provided by law within 45 days of this board's decision. Also to be certain that you preserve your individual right to file any such appeal. You must be certain that the board's record evidence is your appearance this evening in opposition and the basis for your opposition. Now we're on zoom tonight, so we don't have a podium. So we'll just ask that every person speaking, uh, give their name, address, and

affiliation with the applicant for a post or neutral. All persons speaking she'll direct. Our remarks or questions to the chairman meeting is not over until the board is formally adjourned. Any discussion, not included on the meeting agenda or accepted by the board is to be held until after

adjournment or conducted outside the meeting room. Any questions? Anyone?
All right, let's get down to business. The first order of businesses, we have a, uh, an application for, uh, David Merck who would like to join the, um, what would appeals. So, David, you want to tell us a little bit about yourself?

Sure. Arkadin and everyone. Um, yeah, my name is David March. I am a Raymond resident, uh, Raymond resident for 20 years. Uh, recently I have been looking to invest into the community, um, have been doing that through, uh, an election clerk, um, volunteer opportunities. I had originally had interest in joining the zoning board back when Luis, uh, originally applied and I, I heard that she was going to do it. So I did, I D at that point, I didn't, uh, decide to pursue any further, but then when

we stepped down, I decided it would be a good opportunity to once again, uh, think about being on the board and move forward with that, uh, application

David, can you attend all meetings which are normally held on the last Tuesday of the month and sidewalks? What are normally held a week before the actual meeting?

Yeah, there there's nothing in my normal schedule, either personal or work that would interfere with either of those.

Now you've been, uh, a clerk, a voting clerk, and you obviously know a lot of people in town. I hope that you realize that sometimes we have to make decisions that are unfavorable and upset people. Can you handle that?

Yeah. I, I, I know less people than you probably think, but, uh, yeah, no, I recognize that, you know, this is, this board is, is, uh, you know, it's, it's, uh, pseudo judicial, so it's, you know, it's important to, you know, review the, the ordinances and, uh, ensure that you're following what they, they state or the proper interpretation of them. So, yeah, I recognize that that doesn't always win when popularity, contests. Okay.

Ward members. Do you have any questions for David?

Just a quick one, if I may, David, thank you very much for stepping up to the plate here. Um, and I have, I can honestly say I've done some volunteer work with David and I speak very highly of him. Yeah. He's a quick learner. Um, he's very interested. He gets engaged and it's things like we make sure to, like he said, study and understand kind of processes. And, um, I truly believe that he will do the same thing on the board of Neilson and David just, I saw what you wrote regarding the responsibility as a board. Um, and can you, in your own words, just a brief, you know, how do you see the workings with the board? How do you see your role,

I guess at that point, a little bit of feedback here, my feedback. So I would, uh, certainly view my role as, um, ensuring that, um, you clearly hear, uh, what I am
thinking in terms of what is being presented, uh, not only through the ordinances, but, uh, you know, if a petitioner is there to present something, you know, making, uh, making sure to ask the right questions because it's important. You're, you're trying to look at ordinances. You're trying to ensure that, uh, the petitioner has, as you know, has made a request and that they've provided all the right information. Uh, so just, just ensuring that, that, so, you know, we're coming to the correct decision, at least as a board. And then my responsibility in that is to let you know where I'm coming from, uh, and recognizing that we may not all come to the same conclusion, but at least it's important for you to hear my perspective where I'm coming from and how I view the ordinances and what I'm hearing from other people. Uh, you know, my interpretation of that, uh, so that we all as a board can come to, you know, a decision that even again, if we're not unanimous in at least this one that we've, we've followed, you know, taking a vote in and had a chance to, uh, have a say, um, I hope that answers that question.

It does. Right. Thank you very much. Good one.

Rick, do you have any questions?

I don't want at this time?

Thank you very much, David, for coming down and your application does look really good. So I would like to make a motion to allow David to go take the next step, which would, which would be to go before the board of selectmen to get formal approval, to join the board, uh, then it passes and, um, I'm sure Mary can fill you in on the next steps. All right. She'll be good to have you.

I'll pass you on to the capable hands of Sue look. Okay. Take it from there and get you on.

All right. Appreciate it, everyone. I thank you. Thank you, David. I'm going to stick around and listen in on this, so, all right. Thank you.

Okay. The next piece of business that we have to discuss is a conditional use variance for N Nicole at four Oh two web mills road. Uh, cool. Why don't you go ahead and speak. Okay.

Um, thank you. As you said, my name is Nicole Sterrett. Uh, for those of you that don't know me, my husband, Ben and I have lived at four Oh two webs mills road for the last five years or so. Um, and my husband owns his own business. It's a landscaping and excavation and snow removal business. We do quite a bit of work around the town. Um, you may have seen his trucks, maybe, maybe not.
Um, so we are applying for this conditional use permit to be allowed to continue, um, operating as a contractor, uh,
from our property, which involves vehicle storage and a few cover it's up, down, back and equipment, just a little bit different than what a typical homeowner would have. Um, the, this process was brought to our attention this year. Um, by Alex, we had, uh, an issue with the neighbor who has since moved, um, and talking to our other neighbors. We don't have any
other issues that we're aware of, uh, with anyone else. So, um, I don't know how much information you'd like me to provide, but we're just a small business, um, trying to put food on our table for our family and, and be allowed to continue doing what we're doing.
Can you tell us a little bit about how it's laid out, like your house and then you have a lot in the background where you in the back where you keep your equipment?
Yes. Yeah. So we have, we have a really weird shape lot. Um, our, our house sits up by the main road on a very small triangular piece. Um, that's our lawn, and then it opens up into a big field area down back, um, and that this is kind of large rectangular area. Uh, it used to be a Christmas tree farm as far as I'm aware of back. Um, I don't know, sixties, seventies, eighties, maybe. Uh, I'm not exactly sure when and when we bought the property, there were still Christmas trees down there that were
about 60 to 70 feet tall. Uh we've since cleared those disease trees and leveled the area. So in that rectangular area down back, we have, uh, uh, probably a quarter of it is cleared, um, completely. And we have trucks and excavators, loaders equipment down there along with three cupboards. Uh, I believe there was a sketch included with my application. Um, and then the other areas, there's a small pond and some, some rough area and another
small parking area.
I want to go over my concerns here. Um, when do you have any questions while I'm thinking?
Absolutely. And I can just quickly say, did conduct
A site walk on the 19th at 9:00 AM and Len and I were there and we had, um, a few, just a few neighbors came out and it was great. The sterics walked around. It was, it was good to see the layout of the property. Um, as Nicole mentioned, it's a little different. So we walked by the house and everything was down in the far back, um, where they, we did see some green storage units. We saw, um, construction vehicles. Um, and I
think that was pretty much it. And then a few, uh, comments just were made that eventually they may consider adding or requesting to add more storage units or, um, possibly a permanent building, but that's, you know, obviously something that has to go through the proper permitting to do any of those. So as far as questions, how many employees is it just the two of you?

Uh, no. My husband has three full-time employees that report to work here every day.

Refill. Yes.

I'll send an H his father works for him part time occasionally.

Okay.

So is that both of you are in the business? So what I say that's five, five pounds.

Um, I, I'm an unpaid paid employee. I do the office work, but I also have a full-time job at dielectric.

Oh my goodness. Okay. Let's say for them to be fair. And can you just tell me again how many construction vehicles from what they are?

Sure. Um, let's see. I just have to run through them in my brain. Hang on just a second. Uh, so we have two, um, large dental trucks and one kind of medium drunk drunk. It's a, it's like a seven yard dump truck. It's smaller, like a, what would be used for plowing roads? We also have, uh, three, a total of three pickup trucks, uh, two excavators, a Komatsu loader and two tractors. I think I got everything. Oh, wait. I had a skid steer on also.

Wait,

There's a lot of it down there and it's not always onsite. So I forget what's down there sometimes. Okay.

Um, What is it that you store them in the green storage unit?

Um, two of the green storage units are used primarily for business storage. Um, when we have the tractors and one of them and other attachments for, for the pieces of equipment, the third is used to store our personal cameras.

Okay.

And do customers come to your home for this business or is this all just you going out to customers?
We very rarely we'll have a customer here. Um, normally it's onsite at the customer's residence or wherever the project is located.

And then just to brief, um, eat well, do you guys operate how many days a week?

Um, typically just Monday through Friday, occasionally for snowplow against such, it'll be on the weekends.

And that's obviously no crawling at a customer's site.

Right, right.

Um, and then what what's, uh, what are the comings and goings at your business on a day-to-day and normal bags?

A normal day? Um, our crew will typically arrive around 7:00 AM, Monday through Friday. Um, they get set up and get their, their instructions for the day. Then they typically leave, go to whatever site they're working on and then return at the end of the day, which could be anywhere from 3:00 PM to 7:00 PM, depending on what the, the project that they're, um, working on is. And then for plowing it's, whenever it's snowing, they show up, they grab their trucks, they go, so they're not.

they're not onsite here a lot.

That's it one for me. Thank you.

Thank you. How about you, Rick?

Um, the only questions that I had we're going to be, um, I assume there's going to be no rushing, no screaming, uh, nothing like that. That would be involved in a pit location.

Oh, Oh no. Not, not on this site. Absolutely not.

Okay. That, that was my biggest concern,

Right? Yeah. I mean, we do have equipment, but we try to keep the noise level to a minimum as we can. Right. I understand, you know, neighbors are close and we want to respect everyone as much as we can.

Cole during the site visit, it was mentioned that, uh, perhaps in the future you'll run electricity down there. So at that point you could, uh, start the trucks down there instead of yeah.

Um, yes, our, we do have, um, the plow truck that my husband uses primarily. We do leave next to the house and have it plugged in. Um, and when we get power
down there that will be contained to the backlog and we'll be up by the house anymore.

Okay. Nicole, the board of appeals has the power to approve or deny all conditional uses and variances. I'd like to read to you from the minimum standards clause. It says the applicant shall have the burden of proving that his or her application is in compliance with the requirements of this ordinance. And then it goes on to list 10 things that you have to

comply above the ordinance regarding you are dentist. Now, like we could go through all 10 and kind of vote on them. But I think that, I think the first one alone is going to be an issue. When I read that to you, the conditional use will not depart from the general purpose and intent of the ordinance, nor from the town's comprehensive plan. I don't think you can get around that at this point. What do you think?

Can, can you expand that? I don't I'm, I'm not really fluent on these ordinances. I don't know.

Okay. What does it mean? Uh, will not generate noise, vibrations, fumes, odors, dust, or glare, which are detectable at the lot boundaries and all aspects of the conditional use will be carried on within the structure. Okay. Um, I, I, I mean, it you're you're right. It is, it is difficult to, to,

If it's helped to get around the way the ordinance is right.

Is written, correct? Correct. Um, uh, like I, like I said, I mean, we do our best to respect our neighbors and everybody around us, but I understand that the nature of our work isn't always quiet.

I have a statement that I'd like to read to you guys. The zoning board of appeals members have the difficult task of interpreting the town ordinances. The board must at the same time, look at the big picture while staying within the ordinance guidelines to do what is best for the citizens of Raymond and our town standards have been painting their landscape and snow blowing business for over five years with no issues. In this case, it

is my opinion. It's clear that this procedure is outside the conventional use ordinance. Therefore it is my Judaist chairman and all board members to look at the factors retaining to the conditional use ordinance at this time where there is a pandemic, many people are forced to work from home or even be out of work. We're all experiencing rules and regulations. We don't like, but we go along with it because it's the right thing to do to protect that cannon citizens. I'd like to make a motion that the conditional use appeal for the status table for at least two months. At that time, it is my hope that the Starks
could work with their, uh, neighbors or neighbor and the town perhaps find a resolution to this issue. Maybe for example,

00:20:48:11 Running the electricity down in the back and things of that nature. I'm sure there's ways. Perhaps you could speak to that neighbor. One-on-one, I'm sure they're a waste. This could be worked out. So that that's my motion. Can I get a second? Can we, can we hold the motion one? I just, um, just a comment to that and we can do it now, a board discussion. I just, before we do that, I'm just wondering if there's anyone who's

00:21:21:14 opposed to this, anyone to speak in favor. Um, just like to hear how the residents feel about the current situation. If there's anyone to speak on that, that's, that's a good, a good point. I have four calls waiting. I don't know if they're calling on this application.

00:21:39:23 Um, I can screen them now and find out, okay. Uh, while she's doing that, can I say one additional thing? Um, I know that we had a particular neighbor that had an issue with our operations, but that neighbor has since moved. Um, they don't, they live on the other side of town as far as I know, and that the people that have moved in there don't have an issue and have told us as such, they don't have an issue with, um,

00:22:07:03 our operations here, caller.

00:22:22:21 Uh, my name is Tom Hennessy. You live in Raymond.

00:22:28:04 Are you calling about the steroid application?

00:22:34:23 I wasn't originally, but I, I know of their operation that Sarah, do you want to comment? I guess my comment is if it's been there for five years and only one neighbor has offered an opinion and it has now moved, I think they should be allowed to continue their operation, but not expanded possibly

00:23:11:27 The board have anything to add to this? Any questions for the caller?

00:23:17:21 Okay, go ahead. I have no questions. Um, I

00:23:23:04 Wanted, just to clarify, do you live nearby

00:23:26:07 With spirits or

00:23:32:23 Do not move nearby, but I go by it and it's right across from the town office

00:23:47:14 Invite the next caller call. Are you calling? I'm

00:24:01:21 Calling about the second agenda item. Okay.
I will put you on hold for now. You caller, about which application are you calling

The current issue.

All right, please proceed application in the following.

Yeah, I think there's a, I'm watching it on my computer, so I think there's a delay. So I'm just going to mute that. Hang on one second.

Second.

So yeah. Uh, I think I'm live now. Um, yeah, so my family just moved into the, uh, a budding property where I believe the complainant, uh, previously lived and we were up the sidewalk and everything. And, uh, just wanted to speak that, you know, we moved here assuming that business was in place legitimately already. And, um, you know, knowing that we still purchase the property and that, uh, we appreciate the fact that they do try to operate the equipment during business hours. And we haven't found that to be a disruption at all for us. And that, uh, we don't have any objections to what they're doing at this point, uh, for what that's worth.

Thank you. Any questions? Anybody for him? Nope. All right. I have one. I have one more color color.

Hello? Yes. I'm uh, yeah, I was referring to the next item with the church conversion. Right.

All right. Then I will have, we will proceed bring you back in later. Okay. Thanks, Mary. You did send out a, a letter from a Mr. John. I hope I pronounced his last name. Right? Live at tree, maybe L

E V I T R E. And he is opposed.

Yes, he is. We'd like, he would like his letter read into the record.

Okay. It's it's fairly long,

But I will read it. Okay.

Lovey tree and my spouse Louise live at three 70 web mills road, Raymond Maine for the last 16 plus years, and are sole owners of both flats, 21 and 21. A, the reason for the purchase of this property was our desire to live in rural Maine and be owners of a property that would allow life would allow us to life. We saw it. We have enjoyed the solitude. Our 33 acres allows us. The property has, uh, given us statue, beauty, peace,
and a home. We feel would meet the needs and wants of our family. It has met our needs splendidly.

Okay.

Postmark, December 9th, the town of Raymond, uh, zoning board of appeals sent notice of a walk as follows that we would walk the property, having read the style, start requests for zoning variants, and spoke, spoken to Mary quirk and the zoning board of appeals regarding current property zoning and the appeals process. Our family has decided not to support the start appeal. Our reasons include, but are not limited to

current zoning for the stark property does not allow for this type of use currently being engaged in the site, heavy equipment noise increase in property value, destruction of habitat and the rural residential appeal. The stylish requests States that they were unaware of any concerns regarding the use of their property strains, credibility, credibility, credibility on their lap, on their claim of lack of concern regarding the property property development seems to be on the quick uptick, given all the heavy truck activity and Jake brake use on route 85 w Webb mills road going forward.

The allure of Raymond can be devastated by a governmental zoning creep. That that will be hard to reverse when trying to decide the next time someone wants to add industrial industrial commercial use to a property zone, residential heavy equipment storage and multiple vehicles in zoning are while I am sensitive to the star situation, there was no question regarding the zoning of lot two Oh seven slash zero, zero, zero as zone are at the time of purchase. Or now I have never been approached to the current application relative to my feelings or butter's feelings regarding their intended use of the property. I must therefore conclude that they, the stylish field justifies as owners to proceed. Again, the property is zone R R. The question remains. Why did the Starbucks feel they are proper in this request other than the appeal is available for conch conflict resolutions? Sadly, because of my current health status, I was unable to attend the sidewalk, my apologies, unavoidable. However, it is critical to my objection to this appeal. I do have a representative who would do a sidewalk in advocate for us if necessary. Hopefully the starts will find a solution to the problems that will address not only their wants and desires, but consider the relationship to the town of Raymond and the neighbors. Any questions or comments on the letter?

No, I do wish I wish he'd called in cause they have a lot of questions. Um, cause it sounds like they have lived there for a long time, so they they'd be really good to
talk to. And it sounds like things have gone well. So I'm a little confused if these, um, uh, concerns that may arise, but none of these concerns have arisen in the last five years that they've been in operation. I just, I, I, um, I feel badly that there's not more clarification

00;31;24;15 I do too. And I, I'm not even a hundred percent sure if, if these people are actual abutters they did receive an, a butter notice. They did. Okay. Well that clears that up. Okay.

00;31;37;17 Uh, mine, can I, can I ask a couple more questions? Sure. Go right ahead. Um, you're you're pulling is, um, very appropriate, uh, regarding, under conditional uses that it will not generate noise, vibration glare, which are detectable at the lot boundaries. And I'm not sure I'm not convinced that's happening. However, when it says in all aspects of the conditional use will be carried on within the structure. If I read that literally, I mean, it's all outdoor. Um, but it's literally

00;32;12;16 getting in vehicles and driving away. Um, just a comment. That's just my comment on that. And just, I also wanted to bring up just something we can think about, um, is that under article four district regulations, when you look at the rural residential district, it says the intent is the town of Raymond recognizes that certain areas of the town will experience

00;32;36;16 residential growth due rapid population in the region. It's the attendant intent of this ordinance to allow these uses while maintaining the basic rural orientation of the community, but also keeping in mind what you had read. Um, and then the permitted uses it's various things, but this doesn't fall under, but conditional uses that can, um, be considered. One of them are contractors and that's not having more than five vehicles and pieces of equipment that are not screened from view. So

00;33;10;09 that is something we'd have to think about. Like the, I, which just sounds like more than that. So they would have to be screened if were to consider that, um, from surrounding properties in the street, when a piece of equipment is located on a trailer or a truck, the combination is considered one. So I'm just noting that it is something we can consider. Um, but, um, I think the only thing on Bart or bothered by is if the use is carried on with them and the business, the actual conducting of the

00;33;43;09 business was occurring at them. They're not at the residence. I, I struggled with that to it. And, um, my interpretation was that when they refer to the structure, I thought they were referring to running that business out of the structure of their home. That's just my thought.

00;34;10;09 Can I comment on the, the, um, screened from view, um, wording, um, when we cleared our lot down back, we left a natural buffer around the perimeter of that rectangular section that was supposed to serve as the technical, the natural screen of that area. Um, it, it doesn't define, or at least I didn't, I couldn't find anywhere
in the town ordinance that it, where it defined what that screen needed to be and whether or not it needed to be screened 365 days a year. Um, during the summer there, there's a,

there's a very big difference. Um, looking at the lot in the summer there, you can, can't see anything down there, whereas in the winter, um, now with all the leaves gone, you know, you can see some of the equipment from the road. So I just wanted to mention that.

Thank you. If you notice too, on the, on the letter that I just read, uh, the bottom paragraph and I just misplaced it, but he's, he says something about O'Hara is women that you would find a solution to the problem that will address don't only the wants and desires, but consider their relationship to the town of Raymond and their neighbors. So I think he's opening the door there for perhaps you two to talk about this together. So you can, you can think about that. I'd be happy to do

That. I've, I've, I've never met, um, them personally, and I didn't know that they had an issue with our property until right now, so I would be happy to discuss anything with them.

Yeah. Can I ask, um, Alex the question at this point? Yes. Um, Alex, I'm just, yeah, I'm wondering if we were to consider what line has mentioned about tabling tabling this for awhile, because people are working from home or whatnot, however, don't, they need some sort of permit to continue running this business. I mean, can we leave it undone like that or,

Yeah. So that's a good question. Um, you know, this is kind of a three step process. Um, you guys are the first stop for them. Um, you know, it is the contractor conditional use is allowed in this zone if a ZBA approves it. Um, so your step one, if you guys approve the conditional use, then they need to actually go through site plan. Um, and that could either be with the town planner and myself, or with the planning board. And

there's pretty specific and pretty intense criteria that they need to meet no stormwater, um, buffering, parking, you know, all sorts of things that would be, um, you know, discussed and figured out at that stage in the process. And then once they get that, they would actually need to get a building permit for any of the structures. So, um, so we're kind of, we're at step one. Um, this did come about from a citizen complaint in September. I believe

that actually came in and, um, I noticed the violation was issued to, uh, the it's for the operation, um, you know, for their, for the use that's taking place. Um, so they are currently, um, in violation, so that notice was given with a 30 day time period that they had to bring their property into compliance. And so what that meant is they could either, um, remove
all of the structures and stop using a lot as, you know, like the contractor use, um, or they could start the process to legalize it after the fact. So obviously that's the option that they've gone with, cause they do want to continue to do the business and stay in Raymond. Um, so by submitting the, um, after the fact, um, application to you guys, they

effectively are stopping the clock.

Um, if this were to go to court, uh, fines are typically assessed from the date of the first notice of violation, uh, and that can accumulate over a period of time. What usually would happen is, you know, if there are time periods where they're doing their due diligence and making sure that they're falling through the process, like they are right now and we kind of stopped the clock. Um, so I don't know, you know, I

think the idea of, of tabling and waiting a couple of months, um, you know, the violation would continue to stay open, um, but really there's no path forward for them, uh, that doesn't involve it. Doesn't involve a consent agreement with the select board or possible legal action that doesn't involve you guys approving the conditional use. You're kind of a first, first gate for them.

Joanne Alex, if, if we found that this could pass our S our step and that went on, like they couldn't meet the intense, um, screening, they had to go through with the planning board of the orthos Watson. Um, what happens to the conditional use that we've okayed for this property?

Um, well you've approved it and that approval could have a time period on it. Uh, you could say for example, um, you can condition the approval on BEM obtaining site plan approval within a year, um, which is what I would suggest that gives them a time period that they need to go through the process and, and, uh, you know, it's going to require some minor engineering, um, probably for the stormwater, for the large, you know, driveway that comes down in there and the cleared area. Um, so, you

know, you could ask, or you could condition the approval if you approved it on, you know, that, and you could add in some other stuff, if you want to, um, let you really have the opportunity to do that. And you know, the other thing, the, uh, the point that you guys are kind of stick or stuck on, um, where it needs to take place within the, uh, structure. I mean, you could

possibly try and add a condition on there that, um, you know, the lots to be used just for storage of these structures, and maybe they all need to be, or vehicles, maybe they all need to be stored within, you know, our structure, whether it's a temporary car port or permanent garage. Um, maybe that's something that can be discussed as well, so that they are truly screened because if they're stored within something, then they're definitely considered screened, um, you know, from, from a butters and from
Any more questions, Joanne? Um, I think that's, yeah, I guess just supposedly, well, it says in the ordinance that conditional use has passed with the land, um, are we able to override that so that we could say once this family had stopped, had ceased conducting the business? I know there's a certain period of time that that condition will use, I think after two years of not utilizing that it would, um, delete itself, but can we put any such thing in there that if they stop operation of the business, the conditional use will now be boy? Um,

Yeah, I mean, I think that you could, you could probably add a condition on here that if they were to seize business for two years, that you know, that conditional use approval expires whether or not you can do that. I'm not exactly sure, but it's something we could always verify with legal before. Um, you know, we move forward if that's something you guys wanted to consider.

Um, and just to explain, um, one of my thinking on that is I get the impression, and this was my personal feeling from listening to all this and all the neighbors that came through the SiteLock, um, it doesn't sound like this was a disruptive business. Businesses conducted at the customer's site. They're, they're loading up the trucks, getting ready to go, and they go and they do their business. Um, I'm not, again, I know we got the letter from Mr. Levine and his wife, um, but there's a lot of questions open to that. It still isn't convincing me that there's currently the way the business is being run is troublesome to them. It's, it's what might happen. It sounds like. So with the proper conditions and that it's an allowable, um, conditional use, if certain criteria are followed that we could set just my thinking was, you know, they run this business, but I don't feel like that property should forever. Uh, now be commercialized. That was my thought on the hospital. Well,

We could have, we could approve it with conditions,

Time limits, cetera. Do you want to make a motion?

It better than I can if Mr. Chairman, have we closed public comment? I'm sorry, Mary, I didn't get that. Have we closed public comment? You, you have no more three callers sitting here. Um, I think I know which one was commenting on this particular. I didn't realize that we should. I think he'd already commented, but I didn't know if you want to hear additional comments or you want it to close public comment.

Let's hear it.
00:44:43:02 Do you want to make further comment?

00:44:45:26 Yes. This is the original first caller. Tom Edison.

00:44:50:00 Yeah, proceed.

00:44:59:01 Okay. Um, after hearing all the discussion, it sounds like if they were to put up some sort of screening to pacify the, uh, budding neighbor, if he isn't

00:45:11:00 A butter that, um,

00:45:13:14 That seems to be the crux of the problem.

00:45:17:07 Um,

00:45:19:25 If they planted Christmas trees or something else that would screen their trucks from the other property, would that be a solution?

00:45:32:23 I don't know.

00:45:35:14 I don't know. You know, if you think about where their home is, you know, right on 85 there across from the town hall and the will fire station and all that, I mean, trucks go by, they're constantly pulling into the town office, you're going down the Egypt road. So I, I just don't see

00:46:02:25 where the star it's one truck is such an issue at this time.

00:46:12:13 And, and, and this is the phone caller. I agree with that on top of that, that that town are how office has traffic, but also the tone maintenance facility has all sorts of trucks and ambulances and fire trucks coming in and out of that place,

00:46:31:07 Which is basically directly across the street. Pretty much

00:46:45:10 Color of you. Further comment?

00:46:48:12 No, I, I can wait cause I'd like to speak about the church thing coming up. Alrighty.

00:46:55:05 The other callers. Thank you.

00:47:10:19 Um, I don't have any comments I'm waiting for the other.

00:47:14:13 Thank you for the president.

00:47:31:14 Do you have any comments on this appeal? No. I'm waiting for the church transition better, appears to be able to help a comment. Yes. Um, Landon question, would you like to pull back your motion or is that still on the table? Um, I'd like to, we, we can vote on it if you'd like. Um, I,


I guess we could pull it back and, and, uh, add some conditions to it and then vote on it. I'm happy to make another motion if yours is off the table at this point, I'll take mine off the table. You go ahead. Okay. Um,

I would like to make a motion to accept the appeal by the stairs for a conditional use permit for a contractor business in the residential zone. Um, due to, uh, article four district regulations, allowing conditional uses of a contractor would that it would be under the conditions that, um,

they follow through and are approved through the site plan process. All of the processes that Alex had spelled out through the town. Um, but as it States, um, that not more than five vehicles and pieces of equipment, um, uh, not screened from neighboring properties. And if this was possible that

if the skirts business thesis operation for one full continuous year, that the conditional use would be voided, I would second that.

And is there any con um, I don't know if there's any comment. Oh, I totally agree with what you just said. Um, I really think they ought to be allowed to continue what they're doing. They're not really, they're not causing an issue. No. Um, they're not working they're on site. Um, I totally agree with that. I think when we just, you need to put it to a vote

and let's vote on

Joanne's motion to approve the conditional use variance with certain stipulations, those in favor, raise your hand. There's no one here to be against it. So the motion passes. Okay. Thank you so much. You, you welcome. Thank you. Okay. All right. Let's move one to the next order of business, which is LaRose greet and Bellamy lie. They're looking for a lot size variance for five 84 web mills road, which is the old church, as we know, and like, and they're looking for a lot size variance. It'll be a substantial variance. So do you want anyone who's here just going to speak to this applicant, to this application? So you Tom.

Yes, I could even, uh, Tom farmer. I'm a landscape architect in Yarmouth. Can everybody hear me? Okay, great. Um, and tonight I do have, uh, Laura cigarettes with me tonight. Uh, her sister Val is working. Um, so she wasn't able to join, um, Laura and Val, like I said, our sisters, they, they purchased this property together. Um, with the understanding that, um, it could have a duplex, uh, the previous owner, um, is a real editor and he did, he did gain approval for, uh, for a duplex unit. Um, and we noticed, and, or they noticed also on the, on the tax card that it shows it as a two unit parcel. Um, but then, uh, you know, they were talking to me and they, and we were looking at it and if it appeared that that approval had lapsed.
So that's our, our main reason we're here back here tonight. Um, that was two years ago that the previous owner, Justin Hayward, um, received that approval. It was a little over two years. So, um, that lapsed, it was a two year, um, timeframe.

Um, so we are, we're back, we're requesting, um, for a little, for two units on this parcel. Um, and then your packets, there's a site plan that shows, um, it's kind of a conceptual plan at this point because they don't have your blessing yet, but, um, they're looking at two kind of identical units with parking in the middle, shared parking lot in the middle. Um, the leach field was previously approved as one long, uh,

chamber across the back because the previous owner was going to keep the existing structure and renovate it, remodel it into two units. But, uh, they, they, um, they've talked to some structural engineers and, and, uh, they just don't feel like it's worth keeping that existing structure. So they wanted to take that down. That existing structure by the way, is about 4,700 square feet. And they're proposing two units at about 908 square feet each. So the footprint alone is being reduced by about 60% over half of what currently exists. Um, do you, do you guys have the site plan that shows it shows behind me here that shows two units. Okay, good. Um, so they're, they're pretty small units. Um, you know, like I said, about 980 square feet, that includes the front porch, the open porch on the front. Um, we wouldn't be getting going any closer to web mails road, nor would we be going any further toward the side sidelines. Um, we'd be reducing the footprint in the rear from currently it's about 15 feet to the existing structure. We'd be going to about 31 feet and we'd be leaving about 37 feet open in the middle. So it's, um, it's going to be a lot, a lot. Um, the less intrusive, I guess. Um, not certainly not, uh, more on conforming, it's more, more conforming if anything, but it is a smaller lock. You know, the lot size is only 8,712 square feet. And in this zone, it's a two acre zone. Uh, but the zone does allow for duplex units if you had the two acres. Um, Right.

And I think that's really about that's about it. We did receive, um, some of his other permits had lapsed also like the, the entrance permit onto the main, uh, department of transportation road. So we, we did receive a new permit from the DLT for the entrance. Um, we would have to, um, resubmit these static design, but this septic design is actually, um, more conforming. It's basically taking the one long chamber that went across the entire back. Um, and they'll has the same setback from the property lines and the building 15 feet from the building and five feet from the side setbacks, but it
actually increases the distance, uh, to, to their well, to their proposed well on their site, which is down in the lower, the North corner of a lot. Um, currently previously it was, I want to say it was like a 60 feet to the well, and now it's now it's 90. Yeah. 90 feet to the, to the owners. Well, and about the septic tank would be 80 feet to the owner as well, instead of 50. So it's, um, overall, you know, we think it's more conforming and more compliant than, um, what was previously approved, uh, approved and also the it's going to be brand new construction. So we think it's going to, um, you know, be an investment in the neighborhood and, and really help the aesthetics of the neighborhood. I know that church has been abandoned for many years and it's kind of, it's getting to the point where it's almost falling in now. So with that, I'll turn it over to the board. The questions, I have a question really For Alex, Alex, um, is this a duplex or is it two units? Everything I read says they have to be attached to be called a duplex and Nissa. Yeah. So, um, and that's, I had a couple of things I wanted to kind of bring up right off of here with this one. Um, you have a great point. So one of the issues, so there's really a few different issues with this one. The first thing is they have a non-conforming, um, structure or non-conforming use, and they're changing the, um, the use of the nonconforming structure. Our ordinance requires the ZBA to approve of any use change for non-performing structure, um, within the shoreline zone. So that's kind of the first issue to change the use. They need you guys to approve of it, regardless of what the use is. Um, I think we're good there. The next thing is, um, the first approval was for a duplex and what they're proposing here is single family dwellings. I'm not a duplex. So one of the issues that we're now dealing with is the land use ordinance actually doesn't allow for two principal's structures. So, um, that's something that's going to need to be changed. There's some ways around it, but I don't see any of those ways working in this particular situation. And the most common one is, uh, one is the principle structure and one is an accessory apartment. Um, but that assessor apartment has a bunch of requirements that you have to meet as well. Honestly, in this situation, it would be easier to just attach these two structures together somehow, uh, and call it a duplex again. Um, the next issue is a lot size. Uh, technically they were requesting a variance, the lot size, which I don't believe was done the last time around. It should have been, uh, technically the ordinance requires twice the dimensional requirements per dwelling unit, and then a duplex is two dwelling units.
Um, so you really do need twice the road fundage, um, twice the lot area.

So they actually need a variance for road frontage as well. Um, cause there isn't enough road frontage. I dunno, I think this is a, maybe a quarter lot. I'm not sure exactly how much they got, but, um, that would be something we need to look at as well. And then the last thing, um, is an oversight on my part. I'll take full ownership of it, uh, in the short land zone, any variance, um, appeal should be reviewed by DP needs to be sent to DP 20 years, probably 20 years, 20 days before the appeal hearing. And we didn't, uh, get that to DP. So they should, I mean, and it's just barely within the state Shortland zone, uh, two 50. Um, but I believe it is slightly within, so they would have to at least have the opportunity to comment on it. So I think we're in a situation before you guys go too much further where we're probably going to be having to table this until we at least get a comment back from DP. Um, but there may need to be some adjustments to the plan as well.

Is there anyone else? Oh, go ahead, Julian. Yeah. I just want to make sure I'm aware we're at two in this. Okay. So that when we, when Justin Hayward came before us, we approved a conditional use change to now a conforming is which is residential, correct. Right. He wanted to do a duplex and thought he could, if it stayed within the footprint of that current building. Um, that was my understanding, but we, yeah, we granted there were no variances or anything done. So that's where I was confused about what has actually lapsed. That can be the change to a conforming use. Did not laugh. That's still good.

The, um, the variants granted actually did expire. Uh, it required that a building permit be issued within a certain amount of time. Um, so, and I don't know exactly what it was. I can find it here and dig it out, but, um, it was pretty clear. It did require it had a certain time period to it.

Okay. So that, that made our change from a, non-conforming use a commercial use to a residential use. That's now void we're back. Okay. Okay. And then, then I'm just so we would have to deal with that if it comes back before us again, but then also if, um, this structure, the existing structure is torn down and they start over, um, then do we have to look at setbacks and everything? How does that work?

So it's a nonconforming structure and a non-conforming lot. So if they were to just tear this thing down and try and come in for a building permit, um, it still does require ZBA approval because they're changing, um, changing the use of a non-conforming structure and they need to keep that nonconforming status because otherwise they have to meet the setbacks of today. They don't want to
IPTV

have to do, because they're going to end up with practically no building employment. So they need to hold on to that nonconforming status.

01:03:55:23 Okay. And I just, you know, maybe a comment when you're actually, that was my first question too. These are two single family units, which I don't believe are allowable. Um, yeah. And then, um, just, you know, maybe for the applicants when they come just to reminder cause something I haven't heard at all yet, if you're coming to request an actual variance, we need to, we need to have, and you wrote out some answers to the criteria that must be met to prove hardship. There are very strict

01:04:29:08 criteria. So I encourage you. If you come before us again, asking for a variance to put a little more time to try to answer those questions. Um, um, any ways to show that there is hardship that you have not created to try to do whatever it is you're going to do going forward.

01:04:50:25 And that also, if I can add one thing you might want to consider Tom, uh, it might be too difficult to do two dwelling units or a duplex. You could do a single family that has one common kitchen and then kind of two, I guess, sleeping areas that are on their own and still have it all under one roof and call it a single family. Um, so you could possibly get creative with it so that it doesn't need the variants portion of this and

01:05:19:20 just needs the change of use.

01:05:22:23 All right. Is there anyone else that would like to speak in favor of this? Is there anyone that is opposed that would like to speak

01:05:40:12 Mr. Chair to public comment?

01:05:44:23 Go ahead. Okay. Let me start with Mr. Hannah, if you wish to comment.

01:05:58:24 Yes, it did. Uh, yeah. I was at the site plan walkthrough the other day and made, made a handful of comments. And I was asked to repeat those and, uh, tonight, so, um, some of the comments that Alex made was the same observations I made. Um, what I find astounding is that we were even considering putting two, uh, residential units or even one, um, a one fifth

01:06:33:26 of an acre, um, in the shore land zone And not the claimed half plus or minus acre it's on the surface or the subsurface wastewater disposal application. So that's my first comment. And let Alex answer that one.

01:07:02:11 Can you answered that Alex?

01:07:06:09 And the question was on building, even building a single family home on that small of a lie, right

01:07:16:15 Color.
Well, that's my question because, um, it is within the shore land zoning and I pointed that out to the other, uh, Tom, the planner that it's all within 250 feet of the shore land and it's not a half acre. It's one fifth of an acre, not two acres. I, as I understand the ordinance requires.

So basically if the ZBA approves, um, of the change of use this existing structure now becomes a single family dwelling for use. So it's now a non-conforming structure, non-conforming single family. So it could be demolished and rebuilt as long as it's not made anymore. Nonconforming that currently is. So if they went through that process, demolished the church and built a new single family that is smaller.

And Mark more conforming, as far as setbacks and law coverage go, then they should be fine. But there's obviously other things that need to be met along the way, you know, wastewater, um, and utilities and stuff like that.

Okay. So if it's, um, last, uh, impervious surface, I know that is part of a rule and, and it's a brand new septic system that never existed on the lot.

Um,

And you're adding driveway and parking area for at least four cars. It seems like there probably aren't many lots in the town of Raymond that past that, that current existing things.

Could I make a comment to the call and Mr. Hennessy, yes. Win please. Mr. Head. I don't know if it helps or not, but just to clarify as is Alex stated in the beginning that there are a lot of issues with the current applications, so they need to go back and start over and then we'll start over. Um, and just want to assure you, we will do our best to look at a lot of questions you're asking are about the ordinances, but right now we don't know what they're going to propose to know whether these violate the orange ordinances or not. And that's what we will look at for whatever the future proposal is. Well, I'm not sure if that helps you or not, because this proposal, we will vote on if we're going to table this or not. But I think, I think we've pretty much agreed that this current proposal was not doable on this date.

Okay. I agree with all that. Um, the one thing that I pointed out is that during the summer, um, that's a parking area for both all the boat, traffic and trailers and the public beach. And now the proposal is to add another driveway and prevent additional well, cut back on the parking that exists today.

Any other comments? Any other collars, Mary? Yes. We have two more callers and Mr. March had expressed an interest in commenting on this. Okay. Are you dead Mr. Hennessy?
Yep. I believe there's plenty of problems here, so I'll let you people continue. Thank you. Next. Identify yourself. Hi, Abby Spicer. Um, I own the cottage behind the church at 22 cottage lane. Um, I, I think given all the concerns that you mentioned, um, that I'll hold my comment to see what comes back before the board at this point in time. Thank you. Thank you.

Still another caller, Mary? Yes.

Okay.

Well, it was not responding. Um, David. Yeah. Thank you, Mary. Um, um, sorry, Alex and the board members have addressed all the issues that I I had, so I have no comments. All right. Thank you. Let me try for the other, the other color.

Color.

Hello. Do you have comment on this issue? Yes, I do. This. My name is Greg ganja. I have one of the cottages behind the church.

That's fine.

And my question is no matter what is, uh, accepted to be put on that lot, My name is Mike to be put out.

Will the fence, the see-through fence, or will be a solid fence that will take away the view that some of us enjoy. Joanne. Yeah. Mr. Gagne, I think you said on side, um, if that's something for us, that's within our purview to address whenever we again, see what the next proposal will be. We'll, we'll talk about it and you're welcome on it at that point. Um, again, we don't have formal proposal.

Get that question out there and we'll see if that falls within something. Thank you very much.

Thank you, Seth. At the end of the comments, Mary, that is all okay. Let's let's close the public comments please. Trilemma. Does Laura want to speak on the issue?

Hi, I'm Loris Brie from Freeport Maine. Um, we are looking forward to build a, a newer structure, uh, to the property. Uh, our goal is to, you know, make the surrounding better looking than what it is right now. And, uh, I would desire is to have the, the, the structures, like we submitted it, but just, just so that it's, it's full privacy and for enjoyment, uh, we feel that the look of it is better in the surrounding. And I think the use of it is also better. And that's what we're proposing. Um, we understand.
that this lot is a grandfathered nonconforming, but so we're trying to see what we could do with what the lot that's that's there,

01:15:41:25 but we want to make it better.

01:15:47:17 Thank you. Is there anyone else that would like to speak in opposition? No, I guess it's time that we take a vote on this. Um, I have to agree with Alex and, uh, I think we, I would like to make a motion that

01:16:20:16 this, um, lot size variance request is tabled until the other boards involved in the town and the state, uh, get a chance to go through this and then the board of appeals will come back in and vote again. Can I get a second on that? Back-end okay. The motion is tabled. Just mode on it quick one before you, sorry. Okay. All those in favor, raise their hand, please.

01:16:55:09 Motion passes. And that'll conclude that, uh, business and we have left here, um, code enforcement, officer communications,

01:17:14:06 Um, and just, I guess one final little piece on that last one, Tom, if you can, um, get a revised plan put together pretty quick. I think we could probably get it over to DP. Like I said, if you just did a single family, it might not be something that requires their review, but, um, depending on what you guys decide, I mean, maybe we can chat tomorrow or something and figure out how it can kind of keep this on schedule for next year.

01:17:43:21 Okay. Can I ask a couple of questions or can we do that tomorrow? We'll certainly go ahead. Um, I just wanted to clarify, um, that you as a zoning board, um, not allowed to approve two separate small structures as, um, two units on the lawn. It has to be one structure.

01:18:06:14 That's my understanding, same here.

01:18:10:15 And then, um, as far as the, I think this is probably a DEP regulation, which I can look into, but, um, no more impervious surface than what currently exists on the lot. Correct. Okay. All right. Yeah, we do have a, we do have a backup plan that that shows, um, you know, a duplex unit. It's basically the same size. These two buildings push together with

01:18:43:04 the roof. The roof line is different. Um, we just thought that this was a better for the, for the neighborhood to have two smaller structures that match the other, the homeowners association behind us. Um, but what we can come back with, uh, with a revised plan and talk more about it then.

01:19:03:29 Yeah, Tom, if you want to go, if you go on the code enforcement page of the website, you can actually schedule a time tomorrow, um, that we could have a long conversation if you

01:19:13:11 Right. Thank you, Alex.
Does anyone have any questions at all? When I make a motion that the meeting is adjourned, are there any code enforcement officer communications?

Um, nothing, uh, I guess nothing specific. We are, the planning board is holding a workshop in January to discuss some land use, um, zoning amendments, um, nothing. I think that would really affect you guys. We would have one change, kind of more of an administrative clerical change to the, um, appeals section, the ordinance. Um, but it's nothing that really affects the process. Um, and, uh, it sounds like we might be meeting in January. So if that's the case, I could probably give you guys a summary of some of the land use changes that the planning boards discussing

In January, that's it.

Okay. So I make the motion that the meeting is now adjourned. Okay. Thank you for your time. Thank you everybody. Thank you.