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- 00;00;06;06 Okay,
- 00;00;06;26 Welcome to the January 26th, 2021 Sony board of appeals meeting of the town of Raymond. The zoning board of appeals will come to order the board does and does not have a quorum tonight. Are you a unique situation, which we'll explain shortly. I am now going to do a roll call with the members of the board. Please state their name and position. Start with
- 00;00;36;20 Joanne Joanne Stinson, vice chair
- 00;00;41;05 Should be in member David Merck member.
- 00;00;49;13 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 are unable to see or hear the board works from a published agenda, and we'll be considering tonight's items in the following order, we have some new business, uh, to do with election of officers. And then we'll move on to all business, uh, request for
- 00;01;24;01 reconsidering of the decision and then a table, the application for lot size variance, then code enforcement, officer communications and adjournment. In each instance, the burden is upon the applicant to demonstrate compliance with the provisions of the applicable ordinances or state law.
- 00;01;50;06 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 discussions. Generally speaking appeals from adverse decisions must be filed with the superior court as
- 00;02;20;18 otherwise provided by law within 45 days of this forge decision. Also to be certain that you preserve your individual right to file any such appeal, you must be sure in the board's record, evidence is your appearance this evening, you know, opposition and the basis for your opposition. All persons speaking, including representatives of the applicant and members of the public are asked to stand at the microphone while we're on zoom
- 00;02;51;19 tonight.
- 00;02;52;02 So we just ask you to state your name and affiliation with the application for opposed or neutral. All persons will address our remarks and questions to the chairman. The meeting is not over until the board has finally adjourned any discussion, not included on the meeting agenda or accepted by the board is to be

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held until after a German or concluded outside the meeting room. Any questions on all of that? Okay, well, we'll

00;03;24;03 get right to it. Um, we have some new business, uh, regarding annual election of officers. It was decided back in 2019, that voting for the election of officers would be done in the first meeting of the fiscal year, not the calendar year, Joanne mentioned at that time that the bylaws needed to be updated. And Mary I'd appreciate it. If you'd look into that and see

00;03;53;12 if we can get those updated. So I would like to make a motion that the voting of officers take place after the fiscal year. Can I get a second,

00;04;06;13 Second motion passes? I think we need to load on it.

00;04;17;19 Let's vote all those in favor. Raise your hand now the motion passes.

00;04;27;00 Thank you.

00;04;28;10 Thank you. Um, moving on to, um, the request for reconsideration of the decision requester, John F lovey tree in his reasoning, his request for a formal administration review of decision of approval of conditional use application. And the last in our last meeting, the board approved, um, the star it's, uh, we can prove the steroids could move on with your

00;05;00;13 application to continue to do business, the construction business out of your home. And Mr. Lovey tree, uh, is asking us to review that decision. Well, it happened tonight that one of the members of the board, uh, that was here on the original meeting has called in and a zeal key. Can't be here. The rules dictate that in order for us to hear this appeal, we have

00;05;30;09 to have the same members that were here during the original meeting. So unfortunately because of that, we cannot, we will have to reschedule within the approved time. And if we cannot do that, the reconsideration is denied. Alex, can you, can you tell us more about the time limits please? Sure. So their

00;05;58;02 Requests for reconsideration, um, is required to be done within 10 days of the original decision. Um, Mr. Levitra did, uh, submit that within the timeframe. So you guys are required to hold that reconsideration decision, and if you decide to reopen it, um, all the discussion, uh, included with that within 45 days, um, from that original decision date, which is February 12th, um, you, since there was only three members present

00;06;30;18 at that meeting to vote on that application, um, you need a quorum for this particular reconsideration consisting of at least those three members. Um, and unfortunately you can't do that because, uh, Rick is out. So, um, like you said, that it can't be heard tonight, but a special meeting is going to need to be scheduled, um, before February 12th. And, um, like you said, if,

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- 00;06;58;27 if we're unable to do so then the, uh, request is essentially denied on default.
- 00;07;10;07 Tell him that anybody.
- 00;07;13;16 So Glen, do you know if Rick can in fact make a meeting before the 12th?
- 00;07;20;28 I can't speak for rich for Rick, but I don't think so. We have to wait and see, he, he said he'd be in contact with us shortly regarding that. Mary, is there anybody on the phone or anything, uh, regarding this? I can't hear you Mary.
- 00;07;44;12 Not yet. I don't see the number of yet. Let me check in the back and see about putting that up. Okay.
- 00;07;49;21 Is it, do we need to take, um,
- 00;07;57;03 I have no calls with yet
- 00;07;59;22 To even take calls on this. We, we really can't hear him. Okay.
- 00;08;07;10 I have no calls of yet. I show a box with Mr. Lovey tray, but it's muted. So I don't know if he is on this somewhere on the phone or something. He he's logged in under zoom, zoom access, and C would be the one who asked for the reconsideration.
- 00;08;29;00 Can you
- 00;08;31;05 Get him to unmute? There he is. He free? Hello? Can you hear me?
- 00;08;44;24 I believe we can.
- 00;08;48;27 Well, I'm not sure what to say. Um, unfortunately I was in the hospital
- 00;08;56;02 With a complaint of chest pain, uh, the night of your meeting and I just couldn't be there. Um, so Nick de Ross, um, is an, a butter as well. He is, um, was working at works for he's in the national guard. He was called up to Augusta. He was doing contact tracing and he, he works horrible hours. Now he's just been called up with less than 48 hours notice. And he's not available again. I had sent an email to Mary with a
- 00;09;30;18 letter from Ms. Mr. Ross. And, um, I was hoping that that had been provided to you along with the other documents that I sent to you as well.
- 00;09;42;09 He'd get the letter.
- 00;09;44;03 Oh, good. I'm glad for that. Um, I'm not sure exactly how to proceed because you don't have a quorum at this point. So

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- 00;09;56;04 Yeah, we can't proceed. I'm sorry. We really can't proceed because it would be mute. We can't vote. Uh, so we just have to schedule a meeting so we can resolve this once and for all.
- 00;10;11;05 So is the next step, Alex, then for us, do we have to table it again? Set it aside. See if Rick could attend a meeting before the 12th. And if not, then, as you said, it's deemed, we're not going to hear this reconsideration.
- 00;10;27;28 Yeah, that's correct. Okay. Verify that today with the attorney. Okay.
- 00;10;34;19 Then I moved to table, uh, the request for reconsideration of the decision from Mr. Levitra until it's determined whether Rick wilds can indeed attend a zoom meeting on this before February 12th. I think it was,
- 00;10;57;18 I think that's a shame. I think he could have done better. Good evening.
- 00;11;09;14 And just, if I may take one second, do all the board members understand
- 00;11;20;19 They're going to throw out three consideration, not the request, not the request for the, the, I didn't. I didn't get that. You just, just wait. I wanted to tell you something. Did you see Mr.
- 00;11;39;12 Is there still a question?
- 00;11;49;25 I have a question. I'm sorry. I don't, I don't even know how to proceed. How could there be a question when you won't you're going to table the request. I mean, you have gone to business and work at the municipal building for years and watch what happened and now, Oh, well, too bad. We just don't know if we can
- 00;12;24;23 figure this out information from the Canberra's and their attorney, you know, the draws were there. All of this stuff has happened right in front of your eyes. One tree. There's nothing we can do tonight. We're willing to we'll we'll take it from there. That's all we can do. Our hands are tied.
- 00;12;51;24 Thank you for your time. I'm not, I'm really anxious and upset. So if I was inappropriate, forgive me. I'm sorry. Not an issue. Thank you, sir. Next table, the application, which is Larisey greed and Bellamy, the Allegheny law. I have a question.
- 00;13;17;26 If I may, I will go to some of the callers who apparently are calling in and see if we can clear that.
- 00;13;24;02 So we need to have any collars on this,
- 00;13;27;18 But I don't know whether they're calling in youngest. I understand holler at one, two (078) 416-6752. Please unmute and ask you a question and please turn down. When you are on the phone with us, please turn down the volume on whatever you're viewing it on. So we don't get the

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- 00;13;58;21 feedback. (207) 841-6752. Please unmute no response. Call her on two zero seven (655) 533-5351. Please unmute. Thank you. You have a question for the board, sir?
- 00;14;25;17 Yes, I do. Uh, my name's Dana daydream. I live on river road in Raymond. Um, I'm calling, uh, to, uh, in favor of Mr. Libby. Tree's request for reconsideration. I know it's too late, but this has been going on ladies and gentlemen, for a long time, I started with Hanson and I worked with Chris and I worked with Scott. Both of those people, code enforcement
- 00;14;58;24 officers left. They never answered my calls and I had a hard time getting a hold of Mr.. Thank you, Mr. Steroids for calling me back after the seventh attempt. What's going on here tonight is unbelievable. And it's a shame that's going on and things have to change in this town because this is not how we do business.
- 00;15;24;27 These are tied on this matter. We cannot move forward. We understand what you're saying, but it's mute at this point.
- 00;15;33;21 Well, can't, can't they get an extension on the time, sir,
- 00;15;39;26 We'll schedule a meeting within the timeframe.
- 00;15;45;27 Can they appeal the timeframe? This is unbelievable. Unbelievable, sir. Unacceptable and unbelievable. Thank you very much for your time. I know that fixes in now. I do know the fixes in have good evening.
- 00;16;07;24 Every let's let's not take any more calls on this, please.
- 00;16;12;09 Huh?
- 00;16;17;13 If I can take one second. I just want to make sure everyone involved in this as clear the what, um, LAN and Alex have said, I don't like to leave things on done. And there's a lot of, I'm not sure everyone understands, but as LAN and Alex mentioned, we didn't have the proper quorum tonight. So we couldn't hear the request for reconsideration. We didn't say we wouldn't. We are going to try to reschedule it within the allowed timeframe. So we absolutely are going to do our best to try to hear
- 00;16;49;11 it. And nothing's been decided it's been set aside to try to reschedule it, and I'm sure Mr. Levitra will be informed, um, as soon as possible. And it'll go out to the public as soon as possible. If we are able to re reschedule this, we just want everyone to be clear. No decision was made. We cannot hear it. We're not legally allowed to hear it without a proper quorum this evening.
- 00;17;14;29 And we will again be notified once it has been rescheduled. All butters will be notified. May I speak? Can anybody hear me? Um, my goodness. You know, I wish that from the beginning, nevermind, have

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- 00;17;45;07 All of you have received the documents that I asked Mary to email and you an hard copy.
- 00;17;50;26 Yes, yes, sir. And, and we'll be alternatives. Get that as well, because I used to rent any,
- 00;18;05;16 We have alternates. There are no alternatives. No. Okay.
- 00;18;13;02 I, I really am. Um, um, thank you, Mary. I appreciate everything you've done. I've been very helpful. I really have nothing to say, but I guess I just have to wait and see that people who are interested now, we're not even going to have more phone calls on this. I think that's just not government and the sunshine. Good night, ladies and gentlemen, forgive me if I've been inappropriate again. Good enough.
- 00;18;38;09 Hi. Um, could I just speak before you guys move off this? Um, my name is Travis NATO. I live on three 84 web snows road. I, uh, John and Nick Ross property. Um, I just wanted to just kind of check in because it seems like because someone couldn't be here for your quorum and there is a possibility that you can't get that person there within the timeframe that you've set. Um, you're going to dismiss this and it's affecting people that live in your community. And, um, I just want to let you know, I'm
- 00;19;10;23 disappointed to hear that. Um, I've only been here for three years, but, um, it's, it's pretty disappointing to see, um, in here when this has been going on in front of you for, uh, quite a while and, um, your hands were not tied to that point. Your eyes are not tied at that point, so that's awesome. And, um, thank you for letting me speak and I hope you all have a nice night.
- 00;19;33;23 Hmm.
- 00;19;38;14 Before we move on, can I just make one comment? I believe a motion was made to table this or police postpone it. I don't recall a vote on that. I might be wrong. There was, and it was second to be voted on it though. I think, yeah, we should. We should vote on it to be clear. Thank you, David Lynn, All those in favor, please. Raise your hand. What do we
- 00;20;20;12 come with? The table passes.
- 00;20;25;08 Let's move on to the next
- 00;20;29;26 Application for the lot size variance for Laura and Valerie lie. I think this time here, your attorney, dear landscaper.
- 00;20;47;02 Yes. Yes he is. Okay. I can't, I can't see him, but I can see it now. All right, John, um, you want to present your case please?
- 00;21;03;25 Yeah. Um, we were tabled at, uh, last month's meeting, um, so that it could be submitted to the DP and that we could strengthen our undue hardship case, um,

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which we did. And we submitted, uh, a five page application and really the undue hardship really comes down to the fact that the town records, uh, the official zoning map and the assessor's card

00;21;36;09 showed this as a residential property, uh, with a duplex already approved. And when my clients bought that property, that that was their understanding. Um, we're not trying to, you know, we, we, we all, we all realize and agree that we wouldn't be coming in for this variance. Um, if we bought a lot somewhere else in town, um, but you know, they did their

00;22;04;05 due diligence prior to the purchase and the town's assessor card shows it as a, as a duplex residential structure, um, ability for that, whether it's torn down or we used, and that's really where they are. Um, we're not, you know, we're not setting it. We're not, I don't think that we're, you know, putting myself in the town's shoes. We certainly wouldn't be setting a precedent here because I can't imagine there's another lot in town that has

00;22;36;22 an, has an incorrect, um, assessor's card that shows it as, uh, the ability to Pat a duplex unit on an under size lot. Um, so that's really the, the hardship case in this situation.

00;22;56;25 And I believe it's, I believe it's being taxed that way, and I'm not, I'm not sure how the tasks of how the tax code works in town, but I think it has been taxed for the last year or so as a duplex residential structure.

00;23;16;17 Would you mind just speaking to that with the card being incorrect and what that means

00;23;24;17 It's in the, um, it's in your package. Um, and if you go to the towns assessor's website, um, for this property five 84 webs mills road, this is kind of the first, this was the first page. Um, as you read through it, uh, it shows the assessed value. Um, the appraisal, it shows it as, you

00;23;55;14 know, it gives all the difficult information year built and square living area of replacement costs. And then it gives the footprint kind of a picture in the footprint of the structure for assessing reasons. Um, it's got a gross floor area of 4,114, and then the third page shows it as, um, a zone L how, I mean, how are our one, which is, uh, um, limited recreation

00;24;28;27 residential and the description is two unit residential.

00;24;42;03 Oh, Len you wanted me to speak on that please? Yeah. So, um, I guess to kind of summarize, uh, code enforcement and assessing are two separate departments. So I can't really speak to the assessing side of, um, you know, value and how they classify a structure. But, um, I can tell you a little bit of the process from what I understand. Um, I, it looks like October of 2018, um, a change of use certificate was recorded in the

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- 00;25;15;14 registry of deeds. Um, so what typically happens with assessing is they're constantly monitoring documents that get recorded in the registry of deeds. So that's how they pick up land transfers, real estate transfers, stuff like that, um, change of ownership. Um, what happened in this case was they picked up this document from the registry that the use of the structure had changed and just updated that on the, um, assessing, um, platform that we
- 00;25;44;16 use.
- 00;25;45;19 Um, there is no document recorded in the registry when the certificate expires. So there was no out to that to ever hit the registry. So there was no way that assessing whatever be notified that that certificate, that variant certificate changed a new certificate, whatever you want to call it expired. Um, so that's kinda why that stays out there. Um, typical process for something like this, um, a real estate agent would
- 00;26;19;07 do their due diligence and pull the parcel file. Um, they will look at the tax card and kind of look at all that and, and pull what information they can out of it. A tax card is a reference document and similar to a tax map, um, but really the use of the structure, if the ZBA approves of the change of use that's, but the, the real change of use occurs with an updated
- 00;26;48;05 certificate of occupancy, um, which never happened in this case, uh, because there was no building permit ever hold for the actual work to change the use. So as far as code enforcement's concerned, the CVA approved of the zone change, but the, um, the code enforcement office never actually, um, oversaw any changes.
- 00;27;18;28 Jane has a question
- 00;27;21;15 And just a comment. Um, I was on the board back when that came before us, and we did approve the change of use, um, to a residential, uh, youth, when nothing came before us to approve a duplex. Um, any variances, anything to do with that, it was a simple change of use was all that was ever asked for at the time. So I'm not, I can't speak to as to whether a
- 00;27;49;04 second step should have come in at some point, but it never did. So,
- 00;28;05;11 But are you able to hear land
- 00;28;07;09 Len? We can't hear you.
- 00;28;11;13 Yes. Let me turn up, turn up my volume. Okay. Set better. That's as loud as I can go. Okay. Um, I'm sure you you've seen the letter from the department of environmental protection Where he States that, um, based on the conditions, the department recommends that the board denied variance application on the basis that the applicant cannot demonstrate undue
- 00;28;45;17 hardship. So do you want to speak to that or?



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- 00;28;53;20 Well, yeah, I understand, um, his situation and I would, I would agree to that if we're coming in asking to do a duplex on an, on a lot that shows it as a single family structure. Um, but when they purchase this, even the previous seller who was a Rick, who was a real real during the previous owner, Justin Hayward said that the change of use permit lapsed,
- 00;29;27;01 and he said, all you need to do is change it to residential or to keep it residential, which you said everybody wants, would, would prefer a residential and commercial. And then you're allowed to do a duplex within that zone. Um, and again, I just keep back to the, to the tax card that shows it as a, as a family duplex, two unit structure.
- 00;29;54;19 I understand what you're saying. I think Alex explained that the bestie.
- 00;30;00;15 Yeah. And I, and I, and we understand that that, but we were not, you know, they were not aware that, um, that lasts or that there are two separate variances.
- 00;30;17;18 Alex, does that, the fact that that had lapsed in, in the applicant didn't know, does that hold any weight in this?
- 00;30;27;12 Um, I mean, I can, that's up to you guys to decide the problem is, I guess I had multiple conversations with the previous owner. Um, I had many conversations with real estate agents in August, um, when this was on the market. Uh, and I made it very clear to the previous owner and the people I spoke with that, um, in order to do a duplex, it would need to go back to the ZBA. And there's no guarantee that you'd get that approval a
- 00;30;58;21 second time. Um, so while the opportunities out there, I tried to make it as clear as possible that there's no guarantee. So there was some risks buying into that. Um, I do, I do remember having a couple of conversations with Tom and, um, his client, and I don't know when, when they purchased and when those conversations were, I don't know if it was before or after, but, um, I do try to make that as clear as possible to everyone I talked
- 00;31;27;17 to.
- 00;31;28;13 Yeah. And that was after, uh, our conversation was after they already purchased it when I was trying to, um, find out what the process is for the change of use. And if you remember, I, I mentioned that Justin Hayward said we just needed to change their views, and then they were allowed, you know, then they would be allowed to continue with the duplex. And that's when you brought up the fact that it was a different, that's a different variants, the two kind of two variances.
- 00;32;01;11 Right. So, but it was
- 00;32;03;01 That at that point they had already purchased.

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- 00;32;05;16 Yeah. So they're kind of in an interesting situation. I don't know who the real estate agent they used was, or, or what broker, but, um, you know, the person they bought the property from was aware, um, and it should have been written on the disclosure, uh, for the contract. And I'm not sure if it was, but it really should have been.
- 00;32;32;10 Yeah. Can we open it up to questions,
- 00;32;35;04 Um, to the applicant from the board?
- 00;32;41;23 Yes, we can. If you'd like,
- 00;32;43;19 Yeah. And David had David, if you want to go first by all means, go for it.
- 00;32;48;07 Thank you. I just had a question follow up question for Alex for that, for the document that would have been filed with the registry of deeds back in October of 2018, would there have been an expiration date noted on that? Let me just take a look. Um, it says, um, the approval shall expire. If the worker change permitted by the variance has not been gone within six months and substantially completed within 12 months of the date
- 00;33;19;09 of the approval, uh, which would have been August 24th, 2018. So it would have had to have been completed by August 24th, 2019.
- 00;33;32;23 So this is,
- 00;33;35;01 So this was, this was been a X, so it expired a year. Am I hearing that correctly a year after? It was, uh, as far as I can remember, there was no building permit issued, uh, and the work did not start within six months. So it expired six months after August 24th. Okay. Very good. Thank you.
- 00;34;01;07 It's just to bring it back to, um, the request, which is for a variance, um, there are the criteria that needs to be met. The landing question can not yield a reasonable return unless the variance is granted and the need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood. And the granting of the variance will not alter the essential character of the locality. And the hardship is not a result of actions taken by the
- 00;34;31;29 appellant or the prior owner. Um, I'm wondering if, um, the farmer, if you folks can start by, can you speak to how the land in question can not yield a reasonable return without a duplex being on, uh, a variants for a duplex?
- 00;34;52;04 Well, it was just, it was, they feel like they just thought that it was going to going, they had the ability to do a duplex. So with the price of the land, um, if they had known, I think they would have offered a different price, they would have negotiated. So the price of the land and the, you know, the rising cost of construction, the cost of the demolition of the existing structure, which is pretty significant, it's a large

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- 00;35;22;08 structure. Um, they just feel like they, the, the reasonable rate of return would have, would be with a duplex.
- 00;35;33;04 And I just see, yeah, just, just clarification again, it's rate of return, which sometimes doesn't, you know, that's right near the waterfront. Sometimes that doesn't even mean a building on it or it to offer a reasonable return, but is there any reason why a single family home cannot go on that piece of property
- 00;35;56;24 Address that practice would be to your family? That's what it is. Yeah. I mean, there's, there obviously there's still value in a single unit, you know, a single structure, you know, a single unit must have a duplex. There's still value there. Of course they bought it with those, um,
- 00;36;30;08 the town of records, you know, they thought the town records were correct.
- 00;36;43;04 Excuse me, you're reviewing, uh, referring to town records being the registry, because didn't you say the town card said single family home?
- 00;36;52;28 No, no. The town card says family duplex, two unit.
- 00;36;58;27 I remember this when we get out there the first time, this was very involved with the first time, the picture looks much different, uh, from what are we call because there seem to be cars on a neighbor's lot in this picture. But as far as I remember there being the land, I mean, it was really, it was really like they were using every inch to make that happen back then.
- 00;37;24;15 Yeah. He wasn't, he wasn't taking down the structure. He was going to leave the structure in common with parking right in the middle.
- 00;37;32;17 That sounds familiar.
- 00;37;35;10 But again, all that was requested was a change of use from that was change of use from a commercial use to a residential use. There was nothing else was ever requested with that. So my personal opinion is, is it's an error to think that the board passed. Um, unfortunately it's an error to pass along to you folks that the board past anything to do with the duplex. I know it was in the drawings, but nothing, no variance or anything was ever requested for that.
- 00;38;05;17 This is not in the drawings, it's in the town tax rec and the assessor's car. And that's that's right. It's like family duplex
- 00;38;16;07 Also in the record is the variance that was expired. Right.
- 00;38;26;08 They, we didn't find that anywhere. Not until I spoke to Alex, um, you know, several weeks ago, did he give me the dates on when that stuff expired? The seller did say that the change of use expired, but he's the, he made it sound like that, that the duplex was all part of, you know, a part of that change of use. So if you get the change of use approved and

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- 00;38;54;16 the duplex goes with it, that was our understanding.
- 00;38;59;14 You just said, you were aware that the change of use had expired. That would mean that everything that happened prior to that had expired
- 00;39;14;22 One other card. We bought the pot, we bought the property with due diligence, time records, showing what it's allowed. And we called the township to ask. And, you know, during that time, you guys were in the process of hiring a new code enforcement officer backlogs because of the pandemic pandemic and because of the changing CO's officer. So they were
- 00;39;46;25 not able to get the answers.
- 00;39;52;13 Well, I, I think, I think, you know, that still brings us to where we are today is obviously if, if you meet the criteria for the variance, then we, we could approve this. So I'd love to give you the opportunity just to finish speaking to those four. So we feel like we've gathered as much information as possible from you. So the board can then see how they feel about each of the criteria and, and each one would have to be approved. Um, so if Mr. Farmer, if you want to speak either of you to
- 00;40;26;00 the need, the second one is the need for the variance is circumstances of the property and not to the general conditions of the neighborhood. Um, can you speak to that?
- 00;40;37;25 Yeah. And again, I think all of these, if I, Richard, if I recall correctly, it's been a few weeks since I addressed these, but, but they're in the, they're in the letter, um, to each one of you that it really, it is a unique circumstance. Like I said, at the beginning, we're not, we're not setting a precedent here. We're not coming in and asking to do another unit on a under size, a lot. It's, uh, you know, they just, it's, it's a unique, unique circumstance, which I can imagine could, as our
- 00;41;10;16 will, would happen anywhere else in town where the tax rate, the tax card shows it as a, as a two family duplex. Um, and the, the official zoning map shows it as residential. So they thought,
- 00;41;27;03 Can you speak more specifically to the unique circumstances on the property itself? And so why there
- 00;41;34;04 Would be need for a duplex again, versus a single family home on that property?
- 00;41;40;00 Uh, the structure, the footprint of the structure is large enough to support in the mic. When I also spoke to, um, the manager at the DP that's that, that wrote the letter, uh, he said it, his grandfather for, you know, the non vegetated surface or the impervious surface. So the, the roof of the structure, any staircase outs, outdoor patios or stairs, um,

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- 00;42;12;21 would be non vegetated. So it is unique in that sense that it's got, it has all of that grandfathered ability. And the, and the plan in front of you, uh, is 300 square feet, less than what currently exists, doing a duplex and doing a driveway on each side with the ability to park a couple of cars off the street still is, you know, with a patio in the back and a walkway in the front is still smaller in footprint than what currently exists. If it w
- 00;42;46;08 if that, if that church structure were only half the size, then they probably wouldn't be able to do it duplex structure. So it's unique. The property is as a unique circumstance there.
- 00;43;01;06 And how about the granting of the variance will not alter the essential character of the locality? Can you speak to that?
- 00;43;11;08 Well, we're, we feel it's more conforming, you know, it's going to be a much smaller structure, um, or informing with the surrounding residential neighborhood, um, more in scale and same materials, um, as the surrounding same similar footprint, the overall, the overall size of the building is, is larger than what's around there. But as, um, for each unit
- 00;43;39;07 that's very similar in size to the surrounding neighborhood.
- 00;43;45;14 And then just finally, then you feel that the hardship is not a result of action taken by the appellant or the prior owner,
- 00;43;53;16 Correct? Yeah, this is, yeah, this is not an action taken by them. This is, this is what they thought when they bought the property. And, and the prior owner actually went through the process of getting the variance, uh, for, you know, for the residential duplex structure.
- 00;44;12;20 I don't believe he did. I believe he got the, the change of use. Um, he did not request a variance, uh, for a duplex.
- 00;44;25;29 Somehow it got into the tax records. That way though. I don't know. Unfortunately sounds like it
- 00;44;32;01 Was an error, but, um,
- 00;44;34;13 Yeah, that would have been the previous codes enforcement and the previous zoning board, but he, he had it all, you know, he showed us some sketches that he had done, um, and he was in it with another partner, financial partner, and that just fell apart. But, uh, he was moving forward with a duplex structure. I, you know, I don't know how it would have, I don't know how else it would have gotten into the tax card as a family
- 00;45;06;12 duplex, if it wasn't somehow approved that way.

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- 00;45;12;18 Well, we can check our history. I think Joanne is correct. It was only a change of use. We never get nothing had ever come to the zoning board of appeals for anything else regarding that, uh, structure. I remember we had to go out there, it was involved, it was a change of use and that was it. That's all we handled. And so really that's all we could handle with this there's this is be completely new. It wouldn't be like re
- 00;45;46;12 uh, reinstating anything. Oh, it was, was a change of use anything else? Uh, I believe the conversation was certain things aren't even part of, uh, our responsibility that goes to code enforcement, correct. As far as the type of buildings and such.
- 00;46;06;00 Yeah. I wouldn't back you up Patricia. At the time we felt that that was out of our purview because nothing was brought to us,
- 00;46;15;11 But we can come up with, you know, actual history of meeting notes, correct. Mary, we should be able to, I believe I was still able to get those things done at that time. I think I have all my old records, if you don't, I can find it
- 00;46;37;04 Well, if it helps, I haven't gone back and re and, uh, I viewed the, the tape on us. Um, and there was nothing but a change of use requested, so,
- 00;46;47;20 Okay. Maybe we can send them the link to that.
- 00;46;52;20 I think it's on the website, the town website, too,
- 00;46;56;10 As far as the date that they can find it,
- 00;47;02;01 Was it 2018? Is that what we said when that was June 25th, 2018? Thanks David. But I still think either way, and just for the board to think about is where here, she's here requesting a variance. So what we need to focus on are those four criteria. And if we feel that these folks have met the burden, um, of what they needed to have, what presented to us
- 00;47;30;07 Of those four criteria, and I'm not sure at some point, Len probably, uh, you want to let the callers, you know, before we move this to the, uh, board discussion and close the public discussion, um, you know, maybe let the callers in and hear what they have to say. I agree with you. We should do that, Mary
- 00;47;59;10 And call her. Please. Remember she turned down the ball when you were speaking, call her at (617) 823-7029. Please unmute her at (617) 823-7029, please. Unmute. That's an eight. Here we are. Caller, are
- 00;48;34;24 you there?
- 00;48;38;03 Yes. Hi. Can you hear me? Yes. Hi, it's Abby Spicer and I am one of the above. Um, my cottage is directly behind the church, um, and I'm calling up, um, um, actually opposed to having two units on that property. I would prefer to have a

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single family. Um, and I think with all the discussion at this point, um, I know we called multiple times to the code enforcement to find out if any permits had been pulled. Um, because we

00;49;08;09 know, you know, once we, um, those were pulled, we would get notice and be able to see what the plans were. And we know at this point, nothing had ever happened until this point. Um, and you know, from our perspective, you know, the church there, the church only used the church July and August for one to two hours a week. It was extremely quiet. You know, the concern is that by putting a duplex in, um, from, you know, what I've heard is that

00;49;39;26 the duplex is, were not being used by the owners would actually be rented. So weekly rentals, you know, going from a church that was used one to two hours a week to,

00;49;53;09 It's not going to be rented,

00;49;55;29 It's gotta be used by us.

00;49;59;05 Okay. We had heard that it was also going to be rented based on, um, you know, folks that ask questions during the walk around, and that was noted. So I guess the concern was around, if it is rented, you know, an increase in noise and garbage and cars and it's, you know, a big change and a duplex, I don't even know where there is another duplex in the area. Um, so, um, uh, I'm not sure if it does look like it's tied to the surrounding units. Um, and you know, I, I think the biggest question is if, if a

00;50;33;17 variance is granted, because it's going to add value to your property, and I understand there was also comments made about fences being put up, you know, you, your property goes up in value considerably because you're building right there on the water. But if you put up a big fence, you know, ours goes down in value. Um, and you know, so I think the various whatever's given should go both ways and not improve your property, but

00;51;01;14 take away from mine.

00;51;04;14 Um,

00;51;05;02 So I guess those are my comments.

00;51;08;24 I hear you, but I think the church right now is blocking your view. Anyways,

00;51;17;03 If you put up a fence, it will, it will block our view. We can see the water

00;51;33;00 When we can't hear you. So,

00;51;36;06 Oh, I'm sorry. I'm just saying that we currently can see the water from our property. And the concern is if you put up a big fence, that was a lose all that.

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- 00;51;47;26 There's never been any discussion of a fence fence,
- 00;51;52;18 I guess, during the walk around, there was a mention of offense.
- 00;51;57;27 Well, we would do whatever that, that town allow any property to do. So we wouldn't do anything. That's going to be outside unique or different than what other properties are allowed to do. So
- 00;52;15;04 W w I understand that and the town would probably allow a fence, but I guess what I'm saying is you're asking for a variance to improve your property, but by getting that variance on a non-conforming lot for a non-conforming building, and then putting up a fence, you get all the value and then take away from my property.
- 00;52;39;27 Yeah. I can see your concern is inside nonconforming fence. Yes. I can see that you're concerned about it. Okay.
- 00;52;47;12 Yep. Okay. That's all I have to say.
- 00;52;51;25 Thank you, caller Mary. Yes. I have three more polar on two zero seven four +1 516-172-0741 five. Thank you. We hear you. Hello. We can hear
- 00;53;19;27 you hear you. Thank you. Thank you. My
- 00;53;26;00 Name is Peggy Jensen, and I'm speaking as the president of the Raymond waterways protective association. So I'm coming here with, um, I guess I would have to say I'm opposed to this proposal. We have very deep concerns about water quality issues for all of the waterways and Raymond. This is very close to Crescent Lake. It has been our understanding that there has never been a septic system
- 00;53;59;00 with this particular piece of property. And so now you're putting a dwelling one or two units on this. It will have at least one septic system that's very close to Crescent Lake. We also are concerned about traffic and parking in that area. We have a public beach, we have a boat launch. We have a ti of highways there, roads, each STEM of that T is on a slope and
- 00;54;28;02 there was also a curve on one side. So we're just extremely lucky that we have not had a terrible tragedy in that little piece of roadway that goes in front of this property. Primarily we're concerned about water quality and the effects that a residence so close to Crescent Lake would have on
- 00;54;58;02 the water. But we're also concerned about the safety for all the water recreation users in that area. People who go to the beach, people launch their boat. It's already a very dangerous situation and having more people with more cars going in and out would just enhance that.
- 00;55;24;05 Thank you



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- 00;55;24;12 For your time.
- 00;55;27;00 Yeah. Can I call her, can I ask you a question
- 00;55;30;19 Certainly. Um,
- 00;55;32;01 Would you be more comfortable with that property remaining a commercial lot, um, and thus, you know, using all the parking space along the waterfront with
- 00;55;51;08 No,.
- 00;55;55;10 I just wanted to be clear on that.
- 00;55;57;27 No, that's not. That's not an improvement of the situation.
- 00;56;06;27 Scholar Mary
- 00;56;09;01 Next caller caller at (207) 831-1421, please unmute
- 00;56;22;16 (207) 831-1421, please unmute. Hi, welcome.
- 00;56;33;25 Um, I live at two cottage lane, so I'm not behind the church. Um, my concern, I guess, is that the duplex proposed is a two-story building and I'd wanted to, I would like to know what that building elevations would be compared to the church,
- 00;56;55;20 I believe in the maximum highest. And that the residential zone is 35. Is that correct? Alex, 45 feet to the peak of the roof. So, um, they were, they would not be able to exceed that. And that's typically a two-story structure with a, with a peach roof. That's usually where that comes from anywhere from 30 to 35 feet. I don't know what the existing building is right now. It's probably probably 20th. It's probably at least
- 00;57;32;08 twenty-five feet. It's a big, it's a big structure. So it has to have a pretty steep roof. I don't know. That would be my only concern. We have one more caller caller (207) 841-6752. Please call her (207) 841-6752, please.
- 00;58;26;28 Are you there? Hello?
- 00;58;34;12 I'm on mute,
- 00;58;36;28 Please proceed.
- 00;58;39;16 Okay. Uh, I dialed into the last meeting and I was present at the site visit.
- 00;58;48;27 Who is this? Did they identify?
- 00;58;52;09 Yep. My name is Tom. I live live on Crescent Lake.

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- 00;59;00;18 Please, please mute the device on what you're viewing this meeting.
- 00;59;04;13 Yeah, it's it's muted now. Um, and I live nearby, I'm familiar with the church and its operation from years ago. Um, and I'd like to just, uh, ask a few questions. Um, uh, I agree with most of the commentary from the callers that called in, um, it appears that this is requesting a lot more variances than just the change of use from what I can see. Um, it's
- 00;59;35;13 requesting, uh, a duplex, a two-story building, um, that the normal houses in that area are generally small cottages and ranches. Um, was the, uh, setbacks seemed to be, I think, um, another variance with septic fields within five feet of the budding properties. Um, the impervious surface, um,
- 01;00;05;28 at the moment is it's a very large building, but all the water drains off the roof and under the building, because it's essentially a pole bar, there's no pavement, there's no concrete foundations to prevent the water from seeping into the ground. Um, the driveway now on the latest plan is looking like, um, multiple, uh, two driveways with parking for probably six or eight cars, which adds to
- 01;00;40;10 the traffic and the parking and cuts down on the ability for anyone to park a, a normal vehicle anywhere on that side of the road within that, um, you know, properties, um, don't know about tree cutting. Um, the well location seems to be in the very far corner next to the road, which probably doesn't
- 01;01;08;08 sound like a great idea. Um, and I don't know about the fence rules, but I know at the site visit, there was mention of the fence to keep dogs in place. Um, and there were questions about, uh, rental property by, um, the other cottages in the area and all the commentary was no we're, full-time
- 01;01;35;10 people do not rent property. So it's owner occupied. Some of them may be, some are use only, but, um, they are not used for, for rental, um, profit. So, um, the height limitation, I is 35 feet from what I know, and Alex can confirm that and that's, uh, at least 10 feet taller than the current structure. Um, and Abby's worried about a view, well, add 10 more feet to
- 01;02;06;22 the roof line. So, um, and there's, doesn't seem to be any limit on the number of bathrooms inside of this duplex. Uh, it's already has two kitchens and four bedrooms.
- 01;02;20;20 Oh, uh, that sewage system is going to take up a large load, especially if it's rented to people who want to crowd in there. So, um, those are some of my comments and I guess Alex could confirm how many different variants is actually buried in this request. That's my commentary
- 01;02;54;10 set, Alex.
- 01;02;56;16 Yeah, I can, uh, I'll take a few of these all at one time. Um, the variances that they're asking for our change of use, um, since the ordinance requires the ZBA to

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approve a change use from a non-conforming use, um, a minimum lot size, uh, and minimum road, front end requirements. So there's three variants, really three variances that they're asking for. Um, they're the maximum height beyond a hundred feet is 35 feet tall. It's two and a half stories generally. Um, their offenses a is basically an

- 01;03;32;20 exempt structure in our ordinance. So it's not reviewed by the town at all. So offenses can kind of go up and we have nothing to say about it. Um, as long as they're not over a certain height, um, and, uh, the, the town does not have a rental ordinance in place. So unless they're a part of a private association that, you know, has stipulations on owner occupying the
- 01;04;01;23 structure, not renting for, you know, weekly rentals, there's really nothing the town would do there. Um, about that. It's not considered a business, uh, even though that can be kind of confusing for some people, it would still be a residential structure. Um, as far as the septic system goes, it would be designed based on the number of bedrooms. Um, and you
- 01;04;27;13 know, the, the number of bathrooms doesn't necessarily factor in there. I think that was all of them
- 01;04;37;29 To have any questions for Mr. Hennessy. Was that the final color, Mary? Yes. That's the final color. Hold on. Let's close the, the collars at this point. Are you opening it up for board and discussion now? Yeah, I was just going to get to that now. Okay. Sorry. Sorry. It's okay.
- 01;05;12;01 Well, I know you're anxious. So you go first to when somebody else wants
- 01;05;18;04 To, um, I just want a question, I think, over to Alex's. So the first thing is the change of use and what they're requesting is a change of use from commercial to residential, which is obviously more conforming. That's not as difficult of a question. So my understanding is with a non-conforming lot of record of the date of the ordinances. These people
- 01;05;49;04 have a right to build something isn't that correct? This isn't going to be a lot where no structure can be on it.
- 01;05;56;26 Yeah. The general rule, the nonconforming structure, as it can be repaired and replaced situations, it might not be able to go on the same exact spot. Um, but if you have a structure and it's still in decent condition, um, then a continuously be replaced.
- 01;06;15;04 So if they were to instead propose a single family home, we would have to consider the change of use first, what would we still need the variance for the lot size of the frontage?
- 01;06;27;26 No, they wouldn't because it would be a single use. So, you know, similar to what they have now as single commercial, um, use. So we would really just be

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reviewing it under the density of one single family home, meaning it can stay, uh, a non-conforming lot of record with that one single family use,

01;06;46;17 Sorry.

01;06;47;23 Um, the ordinance requires twice the space standards for each dwelling unit. So that's where the issue is for them here in the short land zone. If you have a second. So if you have a duplex, so you need to basically have twice the bot area, twice the road funding required, um, and other zones away from the water, that's not necessarily the case, but here it is.

01;07;11;10 Okay. And I just wanted, cause I know the caller that called in and said, I guess she was concerned about it being this close to Crescent Lake, but the option here wasn't to tear down the structure and have nothing. It was, it could remain a commercial zone. You could have cars that fill up, um, the, uh, boat launch area and use it. They were lucky in the past. So that was never done. So I definitely I'm just weighing in on my feeling is it's, it's a great idea to make this a more conforming use by

01;07;48;21 switching it back to residential. Um, however, just my take on this. I'm not hearing that the four variants criteria are being met. I don't see a hardship in that this land can not produce any value without a duplex. I think there is value with a single family homes, especially right there on the waterfront. Um, I don't believe that there are unique of the property that require it

01;08;17;07 to be a duplex site. I am sorry that the tax record card was an accurate, um, my experience with realtors is they don't necessarily know the accuracies of what has happened for ordinances and zoning and this and that. I've run into that myself, unfortunately. Um, um, you know, as far as three, the granting of the variance will not alter the essential care

01;08;41;27 integral, the locality I'm comfortable with that one, but we would have to be comfortable with all. And the hardship is not the result of action taken by the appellant or the prior owner, as far as the duplex, I would say it is the prior owner who unfortunately kept passing along to you that they had approval for a duplex. Um, so that's just where I weigh in on all the issues that are, that have come before us, the board comments. I, I agree

01;09;14;10 with Julian on all of those points. I would agree as well say it. I have to agree also at this point, should we make a motion?

01;09;33;05 Um, can I just say one thing before you guys make a motion? Um, there is a requirement in the ordinance. If you guys make a decision on this application tonight, they can't bring back another application for a similar appeal request for a year. Um, so I don't know how, if you guys want to discuss that at all, because, um, if they want to come back for just to change a use to just a single family, I

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don't know if that's close enough or if it's far enough apart that you're saying it's not similar. Um,

01;10;04;29 because obviously if, if you were to vote to deny this, um, they wouldn't be able to bring something back that's similar for a year and if you approve it, then it doesn't really matter. But I just wanted to put that out there for you guys before you make any decisions.

01;10;23;12 So do we have an option Alex to break this down and vote on just the change of use, but give them the, and then get that on the record or, and then table the second half, as far as the various to give them an opportunity to consider if they would like to go forward with a single family home or, or should we not touch the change of use and less? So we have the answer to the second half.

01;10;50;15 That's a fantastic question. Um, I really think it can go either way. Um, obviously I think it would be much cleaner to do it all at one time, but I think you, you guys have the ability to approve with conditions so you could possibly approve just the change of use with the conditions that the requested lot size and road frontage variances are not approved. So I think that's kind of messy, but as long as it's clear in the findings,

01;11;20;29 you probably would be okay there, um, might save them a step.

01;11;30;14 Anything else? Anyone, what did it, how was it on the agenda? The agenda is for a lot size variance. Okay. So that's what we're addressing.

01;11;45;25 I thought the change of views as well, we would, we would be open to just the change of use tonight and, you know, with the conditions. So my question is if we were to be stopped with just one family, can it all

01;12;11;12 be approved tonight or it has to be a stop at night. Separate meeting

01;12;20;23 Will be, has to be a separate meeting or another meeting.

01;12;24;27 What are we waiting for, right, Alex? Well, I mean, I think if you guys just approve the change of use and you say you're approving the, um, change you use from a non-conforming structure to a conforming structure of justice, single family residential use, um, I think you could just do that. The problem is, um, those, you know, the second variance requests there, um, it makes things a little bit messy. And then, you know,

01;12;57;04 the plan that they submitted would not be necessarily what you guys are approving. Correct. I guess I do have some concerns about it. Um, so I don't know if it, if it makes more sense to table it and have them just come back with, um, you know, a revised plan and just request to change it use to a single family and then otherwise you'd have to deny and they can't come back for a year. So it's kind of, you guys are kind of in an awkward

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- 01;13;27;16 situation here where we don't want to make things terribly difficult if that's what you're leaning towards. You know,
- 01;13;32;19 I know, and I, I think, you know, my question about just doing the change of use first, I was trying to find a way to help you guys proceed. But what wouldn't, what wouldn't be fair is if we granted that, and then you walked away from this entirely and wanted to sell it, then you've lost your ability to sell it as it was as a commercial use, I guess. So, um, I don't want to tie your hands further. So I guess I am wondering if, um, you know, maybe the best thing is to table. If you guys to reach
- 01;14;03;28 are up your plans, potentially for a single family, youth,
- 01;14;09;29 I would prefer to it
- 01;14;12;15 Be file off us as somewhat tonight where our plan in the back would be similar, but not to family. It would be one family. I mean, it's just that, what do you call it? The interior design, what do you call it? The footprint would be change up used to one family. So the load off the
- 01;14;46;13 plan wouldn't change much, except we won't be able to do it as a two family unit.
- 01;14;53;27 I have a question, Alex, are you seeing that with going forward? If it, if we did with the, um, just the, uh, allowing for the, uh, conforming structure, there, there is still a variance attached to that.
- 01;15;14;11 You would just be approving the change of use.
- 01;15;16;18 That's it there's nothing. In addition to that, that would, I don't know. It just seems like there's a lot of changes
- 01;15;23;08 To,
- 01;15;25;23 What's been presented and there's a lot of information that we've received with all the callers,
- 01;15;36;24 Julian. Okay. So Patricia you're suggesting
- 01;15;41;28 You're not comfortable
- 01;15;44;14 To table it until we have a full package back again. Yes.
- 01;15;49;26 I personally feel that way.
- 01;15;58;24 We would prefer just a, an approval for the change of use from commercial to residential. And then at that point it would be a building permit or going, going through Alex's department. Um, the building would, you know, might change the site plan might change slightly because it's one family now, instead of two, um, it

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would just be a building permanent it's that point. It would be just like, if it were currently they bought it and

01;16;32;11 it was already residential, they would, they wouldn't, we wouldn't need to be here. So we're just asking for the residential change of use. Right. So, so Alex, that would mean if we did just do the change of use, but denied the variance, then they wouldn't have to come back to us at all. Is that correct? That's correct. They don't need to come back again if it's just a residential, single family. Okay.

01;16;59;28 Are we just doing what we did back in 2018 and renewing it in effect?

01;17;09;21 I would

01;17;10;05 Say we're not renewing,

01;17;14;02 That's not what we're doing, but what it is is what we looked at, what we understand. We're just saying what we did in 2018. We're seeing that that can be done again.

01;17;25;21 My request would be, if you guys did go that route that you clearly say the change of use is from a commercial building to a residential single family

01;17;34;19 Structure. Should we also clarify that, um, or, or say anything about the variance side?

01;17;44;13 I think that you definitely need to make some findings stating your reasoning for not approving the variances that were also included in that.

01;17;53;02 Okay. Okay.

01;17;56;18 I mean, it's funky cause your, your, your sort of hearing a few different requests, um, and only approving some of it, which I it's messy, but I think, um, you know, the, the risk of appeal here is probably not very high. Um, they always could appeal your decision if they wanted to, um, they could take it to superior court, but I don't think they're going to do that. I think that they've, they've gone through the process enough

01;18;26;24 at this point that, um, they understand, you know, it is what it is.

01;18;33;21 What are the other board members think about that I'm comfortable with it? Um, what did you say, Lynn? I said I'm a little uncomfortable with it. Yeah. It feels like unfinished business was left on the table. It just seems messy. Okay. All right. Um, I will make a motion

01;19;08;05 to table the application from Laura for a lot size variance and a change of use and a frontage variance, um, to the next meeting, to give them an opportunity to reconsider their plan. I would second, can I just ask one

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- 01;19;38;07 more question, uh, for Alex, does this require any further followup with DEP?
- 01;19;46;19 Yeah, I would say we, once we have an updated plan from them, we can shoot it up to Jeff again. Um, he was very quick with turnaround last time around. Um, so I would expect, he'll probably get something back to us again. Um, but we would want, if they're revising the plan, we should send it to D
- 01;20;03;06 Yeah. Thank you. I just want to double check on
- 01;20;08;04 The motion. Is the variance included or not? This was a straight motion to table it, so they would come back. Are we tabling the variance as well? Or was that supposed to be taken out of it? We can address that if you guys want to. Right now we're going to table it. My feeling would be to
- 01;20;38;28 include the variance. Okay.
- 01;20;41;23 I would say you guys are probably want to table it as is because if you decide to kind of deny the variances at this point, but also table you're, you're essentially making a decision on their application, which kind of gets into the one year.
- 01;20;57;02 Okay. Just double checking. As far as the link, you know, the language
- 01;21;05;09 You're totally fine is table at all. And then let them just send in a new package with their updated requests.
- 01;21;12;13 Okay. So that motion was seconded all in. You're gonna vote on that, those in favor, please raise your hand, the motion passes. Okay. Thank you very much. Thank you everybody. Thank you. Next, um, businesses
- 01;21;46;27 code officer communications.
- 01;21;51;23 Um, I don't have a whole lot to, uh, communicate to you guys. Um, I think both, uh, your board and the planning board, um, have seen some applications come in from members. We might have possibly, um, uh, someone new for one of the boards. Um, but, um, you know, I think you guys are busier than the planning board right now, which is probably not, not a good thing, but, um, it always seems to ebb and flow. It'll go back to them at,
- 01;22;23;25 at some point here. Uh, one of the things they are working on right now is ordinance, um, amendments for 2021. Um, they do have a meeting coming up in February to, um, discuss Oregon's revisions. They met last month to go over some ordinance revisions. I believe there's going to be a public hearing in March on, on those. And, um, there really isn't anything, um, too
- 01;22;53;25 substantial. A lot of clerical changes. Um, some stuff that I had found in the last couple of months and then some ongoing stuff for the last couple of years, but it's, it's not really anything I think that you guys need to be aware of at this point, but if you're interested, um, feel free to, uh, you know, check out that public hearing



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in March for anything, um, that might affect you. But other than that, that's pretty much all I got

01;23;22;24 With anything. I just had a question for Alex. Yeah, I did notice there was a bullet item for ZBA on that last month's planning board, but was that specifically,

01;23;34;27 Um, so that is just a small change to the ordinance to require the certificate of approval for variances, um, requiring them to be recorded in the registry of deeds. So it's typically done and we tell them it needs to be recorded within 90 days, but it's actually not in the ordinance. So we figured it probably should be. Um, so that's that change? So it's a very small one little line on that. Um, and there should be no

01;24;04;00 issues getting that approved. That's one of the clerical changes.

01;24;07;29 Thank you.

01;24;10;17 Oh, I did have one other thing for you guys at the last meeting we talked about, um, applying a condition to the error approval, um, that basically would expire if the business seized operations for, I think, a year or longer, or if they moved out of town, I did check with the attorney on that and it was his, um, decision that you guys could not apply that as a condition because it, the approval for conditional use runs with the

01;24;40;27 land. Um, and when they say it runs with the land, they are intentionally saying the ZBA is unable to apply a situation where it stops after someone moves or something like that. Um, so that it's not good for one person, but good for the other. Um, so that, uh, is something that we can't have on the decision for that appeal.

01;25;06;21 Does that impact the decision at all Alex or,

01;25;10;24 I mean, I think it was one part of it. Uh, but you know, it's, it's one of those that, um, you know, with the approval there, they are making some significant improvements and they could go through the site plan process to build a large structure back there. And then if they decided to do that and build the structure and then sell in two years, then there's a gigantic commercial building back there that is now just a

01;25;41;16 residential garage because of the conditional use expired or didn't run with the land, it ran with them. So those that's a situation where I could see that being a problem, because then the question comes up. Okay, well, if it's not a commercial contractor use anymore, but it was at one point in time, what does it now? And it would be just a assessor's garage. And if it's a 5,000 square assessor,

01;26;04;10 A garage, um, it's going to be very hard for them to sell that. Um, so I think it makes sense. Thank you.

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- 01;26;17;12 Anything else from anyone? I didn't question are any of those expiring? I think I am not expiring in April. Okay. I th I'm not sure very do we, do we have to do something in particular? I can get you that information. Um, there is a spreadsheet on the website that, well, it's not
- 01;26;48;00 on the website, but in our files and I can get you that information. I can let everybody know what your terms are when they expire. And if it is expiring, you would just basically be reappointed and take your, have Sue look, administer the oath and you'd be going again. So you'd have to go back before the select board or play any of that. Got it. All right. Thank you.
- 01;27;10;11 And welcome, David. Thank you for joining the group. Thank you, David. The Raymond zoning board of appeals is now adjourned. Thank you everybody. Thank you everybody. Thanks.