Welcome to the three 31, 2021 Sony board of appeals meeting at the town of Raymond zoning board of appeals will come to order. The board does have a quorum. I'm now going to do a roll call. Would members please state their name and position? Why don't we start with you? David David Marsh, a member of the board of appeals, Pat member, board of zoning, board of appeals, Joanne vice-chair and I'm one Sorelli cheer person just joined us, who has, I'm sorry, 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. First, we're going to have an election of vice chair person. Then we'll have a consideration for application of membership from Mr. Tom Hennessy. We move on to new business with a public hearing for Jeffrey Clark and Bethany Clark requesting a variance to divide lot, creating one conforming and one nonconforming not. Then we will move into code enforcement, officer communications and then adjourn. In each instance, the burden is upon the applicant to demonstrate compliance with the provisions of the applicant, 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 judge to a specific application, not leave until the board has completed its discussion. Generally speaking appeals from adverse decisions must be filed with the superior court as otherwise provided by law within 45 days of the board's decision. Also to be certain that you preserve your individual rights to file any such appeal. You must be certain that the board's record evidence as your appearance this evening in opposition and the basis for your opposition, all persons speaking, including Oh boy, receptives somebody say that word for me. Representatives of the applicant and member of the public are asked to stand at the microphone. Well, we don't have a microphone tonight, so please state your name and affiliation with the application for a opposed, neutral, all persons speaking, shall address all remarks or questions to the chairman. The meeting is not over until the board has formally adjourned any discussion, not included on the meeting agenda or accepted by the board is to be held until after a German or conducted outside of the meeting room. Well, I guess we'll get right into it. And, um, because as it, as we've
said, tonight is Joanne's last meeting and that will leave us without a vice chair and with one person. And we'll still be one person should actually, um, I know from speaking to the members that, um, Patricia's schedule, doesn't allow her to, uh, take this position at this time. Um, Joanne's gone that only leaves David. Um, in, in my opinion, I think David would be a very good candidate. He's very familiar with the, uh, with the rules and, um, she's not afraid to speak up. So if does anyone oppose that I'll nominate David, thank you, Kat.

David. Uh, I believe the next step will be, I'm not sure what it is, but you have to see, um, I can't think of her name in the town office or what happens now. I think we just vote on it when, and if we approve it, we're done and then he needs to accept nominations. Okay. Let's vote everybody in favor of David. Please raise your hand. There's no one opposed. Congratulations, David.

I will officially accept.

Okay. Now the next item on our agenda is a consideration of application for board membership from Mr. Thomas Hennessy. Um, is he, is he here? Tom we've, uh, I believe we've all seen and your, um, application and my right board members. Everybody's seen it. Would you just take a little time to tell us a little bit about yourself and why you want to be on the board? Go ahead.

Uh, I've been in Maine as a resident for almost 40 years. Um, lived in Raymond part-time for about nine and then initial three full-time here, um, and, uh, love the town and I'm retired. So I am looking for a volunteer position to try and help make things go smoother and better in the town of rain.

Do you have any acquaintances on the board professional or farther away?

I, uh, I do not have any acquaintances on the board. Um, I have a background in, uh, both in the Navy and a bath iron works for 30, 40 years, depending on, uh, between active and reserve duty. And, and then full-time at bath iron works. So I'm familiar with technical details.

And I see you checked off on your application that your schedule does allow you to tent attend the regular meetings with sure. Normally on the last Tuesday of the month and sidewalks a couple of weeks before the meeting.
Yep. I'm good with all that.

Okay. Um, does any other board members have any questions for questions for Mr. Hennessy.

Tom? I just think I was going to say thank you so much for applying. Um, it's always good to see more volunteers coming out and I assume, um, you don't have any concerns about you'll make decisions that could be popular that might be unpopular and you don't mind taking the time to actually review the ordinances for the town, you know, help educate yourself as to what people are trying to do or requesting to do. Uh, I have no problem with any of that. I'm familiar with the previous code enforcement officers. I haven't directly met Alex, um, and, um, welcoming any training or assistance to get familiar with more rules and ordinances. If I need to very, there is a course that is put out at least annually, isn't it? Yes. It's being held by. I sent it out, but I'll send you out again. Oh, okay. I don't remember receiving any course, but I welcome to either. I drive by your office all the time. Mary, I can stop in and get it. If you don't have any other ones, email it to you, it will give you all the information in the log-in for zoom. And so on how to register is I've instructed. If you're registering for it, just have them build a town. You don't have to pay anything. We'll, we'll pick up the tab on that. Okay. Thank you. I'll get that out. Alrighty. And John, I just want to recognize your voice and I know you've called in a few times and you've always been polite and right to the point. And I thank you for that. We have to vote if we would like to have Tom's application move on.

I moved to, to, um, approve the application of calm Hennessy.

Okay. Let's vote to approve the application. Everybody in favor, raise your hand. And you were worrying this with your recommendation, this board approved and appointed as a member, correct? Correct. Mary, um, do you have any other applicants in the, in the queue or not a presence? Um, okay. I want to start the new business portion and the public hearing of the meeting on March 20th, we did a site walk of the property with Mr. Clark. Um, Joanne was not in attendance, but the rest of us were Joanne. I wasn't did I say to him? He said, I thought I said, Patricia, wasn't there.

Um, now you may be losing my train of thought. Joanne, can you read the notes from the sidewalk please?

Sure. Yeah. Um, as one said, it was a sidewalk at 9:00 AM on three 20 up at three orchard state. Um, the ZBA members present were Len Joanne and David and Tom Hennessy joined us to see what the process was like. And Jeff Clark, um,
walked us basically around the property. He showed us, um, the, uh, you know, what he's applying for. Basically he has a little over five acres as I understand it. Um, there's a trailer on the front of the property. He'd like to divide the property so that he would then have a three acre, uh, conforming lot. And a two, I think 0.05 acre. Non-conforming lots where he can build another principal structure on the back of the property, on the new law that he would create.

Um, so basically he walked us around and showed us where the current boundaries are, where the proposed boundaries are. And, um, just talked about that. He wanted to continue renting out the trailer that's on the property and build himself a new, thank you, Joanne. Yep. Let's move on to the application from Jeffrey Clark and Bethany Clark. Um, your application, as Joanne said, you would like to construct a new home and to create one nonconforming 2.05 acre lot, which will encompass existing structures, which are there, could you take us through your application please? And would you please include what's going to happen with the right away and, um, with the present structures that are there not necessarily the trailer, but that barn that's behind the trailer. So we're all clear on that. So, uh, when you're done Mr. Mrs. Clark, then the board will ask you any questions they have. So go right ahead. Um, I'm a little confused on that. Can you hear me? I can hear you. Okay. I've never done this before. Um, the trailer would still be a rental property, um, and the grit garage I use for storage for a specific vehicles, um, and basically the, uh, personal property that we actually are going to be moving out of our house here because we will be selling to build a new house if possible. Um, and basically what we would like to do is separate, uh, the property into a three acre buildable lot and a 2.5, I guess, acre lot with existing structures on it.

Okay. Um, Alex, save a question for you, Ken, is that what Mr. Clash proposing? Is that something we can legally do? Yeah. So if you, um, take a look at, um, the land use ordinance, article six, you look at articles, six B uh, one B, which says, uh, subject to the provisions of this ordinance to hear and grant or deny applications for variances from the terms of the land use ordinance, a variance may be granted for block areas, block coverage, by structure and setbacks. So, uh, the ordinance does allow you to grant a variance for lot area. Thank you. When you sell your existing home, Mr. Clark, will that in any way affect the right of way? No, sir. Okay. Woodman, what other questions do you have? I know you have some Joanne. I do, um, under, um, what Alex, just read the powers and duties under the request for a variance, um, Jeffrey and
Bethany. You need to, to meet the criteria for undue hardship, as I understand it. And, um, you filled out your application and put a few things in there. Some we're going to ask you some questions about those, cause you have to meet all four criteria. The first one is being, could you explain? It says the land in question can not yield a reasonable return unless this variance was granted. Um, can you explain to us how that land can not yield a reasonable return? If it doesn't get split off into the two parcels?

Well, we'll, we'll, I'm having a problem with my headset. Um, we won't be able to move forward in our plans to, uh, build a smaller house, um, for us to live in. Um, because this house that we have now is just way too big for our son to take care of anymore. Our kids are all gone. Um, we just want to build something small to retire in, but you, let me ask you a quick question. If, if the trailer wasn't there, you could build a house on the property. Another, um, what you're proposing is having two principal structures, two primary residence was on Tom, right? That's why you're trying to divide it, but if the trailer wasn't there, you could have a prop, you know, you could build somewhere else on that piece of property. That's correct. Um, the second, uh, the second, uh, requirement is that the need for the variance is because of the unique circumstances of the property, such as location of existing structures, typography, topographical features, and not to the general conditions of the neighborhoods. So the need, um, would you say that the need is due to the unique circumstances of this property? Is there something that makes it unique? Uh, we've lived here for 22 years. We loved the land. It's a beautiful spot. Um, it's, it's a very unique, it's an old Apple orchard, which we'd like to try to maintain to some extent, um, hasn't been taken care of for years. Um, but we would like to, uh, maintain the, the beauty of the property.

Okay. I'm just going to keep these and for other board members, if you do have a question on any of these, please jump in. I think Joanne, when the questions are finished, I think the board should go over each one and vote on it, but continue. Um, I think there's actually five, three that granting of the variance will not change the essential character of the locality. Would you, uh, Jeffrey and Bethany, would you agree that, um, if you start, if you divide this parcel that it won't change the character? I agree it won't yes. Okay. For that, the hardship is not the result of action taken by the applicant or the prior owner. Um, the fact that this is, um, not six acres. So you could have two legally conforming lot. Is that due to something other than your actions or the previous owners? Not that I'm aware of. Wait, you are the one that's requesting the correct. Um, and the last one,
five, um, permitted variance was run with the land and thus pass from one owner of the property to the next. That's just a comment. That's nothing that you have to address. So those, those are the four, um, criteria of variants that the board members need to consider. Um, and just other comments that I have one or that my understanding is I know with

00;19;22;19 non-conforming lots, you can't, we can't make changes to make the non-conforming lots more non-conforming, but this is where I'm struggling is we're taking a conforming less than six acres, five little over five acre, lot in creating one conforming lot and a non-conforming lot, which I don't believe we can do. Um, or I, I would like to discuss that. I'm not sure how we can do that. And two, I know if it wasn't divided, we can't have more than one principal structure on a lot. So I understand that's why he's trying to do it. So it was just my comment. So, Patricia, do you have any questions about you, David?

00;19;51;05 Phew. Um, thank you, Lynn. So we were there for the sidewalk. There was a, um, a property Outback with a house on it. Is, does that property belong to you or is that belong to someone else? That is a separate house.

00;20;25;15 Donna Hill dress.

Okay. And when we first came onto the property there, the, uh, the mobile home was on the right-hand side. If we're looking from the road, there was another property with the house to the left. That is, that is your house correct? That is correct. Okay. And, um, what's the acreage on that property? 2.5. Okay. And do you have any other properties that abut the parcel that you'd like to split? Um, I believe, uh, Donna Hildreth, abuts the property and a what's his name Flanagan about on the opposite side. Okay. But you yourselves, um, don't have any other properties

00;21;01;26 abutting? No. No. Okay. Um, I think that's it for the moment. Well,

00;21;30;01 Thanks, David. You still all set Patricia?

00;21;37;11 Yeah. My concern is that we're creating the non-conforming and, uh, as far as in the future, somebody building something like moving the mobile home office, the site and looking to build a, uh, uh, you know, stick, stick, built home.

00;22;05;07 I think, I think we have to discuss that at this point. You want to ward, let's go through the, uh, the criteria and talk about the vote on each one. How's that?

00;22;20;04 Why not assuming, I'm sorry. I'm assuming we don't have anyone calling in for,

00;22;26;10 Well, no, I think Mary would have said something, but if there's anyone opposed, have
We opened the public hearing yet?

Yes, we have. Yeah. I have nobody calling in. Okay. All right. Okay. The first, the first criteria is the land in question cannot yield a reasonable return unless the variance is granted. Um, and their response to that is by limiting, decreasing square footage on the mobile home in order to build a new house, thus having two houses on the existing lot for the mobile home would be less rentable and less income yielding, decreasing the income derived currently. I'm not sure that that shows that that land can not, uh, be used for something else. Um, any thoughts, Ord members?

I, I concur with what, what Lynn's comment is that that's, um, one of the problems that I have that, um, the land, it is the Geoffrey point. It's a beautiful piece of property. Uh, the birds back there were wonderful everything and it's, um, I guess, you know, it's, it's, it sounds like more of a wish to keep the rental income coming in and have another home there. And I understand that. Um, but it doesn't sound, I don't, I don't see any reason why the property couldn't yield. For example, if he sold the property as is, you know, the property obviously would, um, would not have any problems selling like that. So, uh, just because it's not divided into two different parcels, I don't believe that, um, that would not, by not doing it, it would not, not allow for a reasonable return, if that makes sense.

I agree with you, Jillian, how about other board members? Do you have any comments on this criteria, David or Pat? Um, yeah, I would have to agree with, with both, uh, Ulan and Joanne that, uh, you know, looking at this, especially when it says a reasonable return, um, that I think that's kind of the key word in this for me is as a reasonable turn. So the, I believe the law in itself, it is, it is a beautiful lot. And I do think that sold as a, a five acre lot or used as a five acre lot. It will certainly result in a reasonable return, uh, without having to, to split it. So, uh, yeah, I have to agree again with what Joanna's like. It would be, it would be, I understand for the Clarks that it would be nice to have the, the two, the two properties and be able to take in the income for the, for the mobile home, uh, as a rental, but, uh, a need the need to split the lot in order to yield the reasonable return. Um, I'm not sure that, uh, the, the reasons provided by the Clark's, uh, meet the, meet the need. Yes. Anyone else?

I do agree with everybody on them because, um, as far as building another dwelling on the five acres, that's still possible renting the mobile home is still possible. And it sounds like there's another building, also a garage that's able to be rented it so they can be rented. No, no, no, no. I thought you said something, but I,
I stand corrected. I thought you indicated there was another type of dwelling. It is for storage purposes only. Okay. All right. But it sounds like the mobile home, regardless of a, uh, a home being built on the five acres that, that could still be rented.

I think, just to clarify that point, you know, an Alex, you can jump in if I don't have this correct, but you can't have more than one principal structure on one lot. So in this particular zone, and it probably will clear up what he was talking about in that description. You can have an assessor residential apartment with a single family dwelling, but it is limited to a certain size. So that's why he's talking about reducing the size of the mobile home, because it's currently too large to be an accessory apartment. So the only way you could do that, how the house in the back and have the rental in the front would be to reduce the size of it. Okay. Thank you. Okay.

Clarification, Let's take, let's take a vote with the board, just to be clear, all those in favor of granting the variance, uh, under a rule, number one, please raise your hand. All those opposed.

The next point we, we should talk about is the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood, their responses. The lot size is currently not large enough to have two full sized dwellings without decreasing the overall square footage on the mobile home. Anyone want to comment on that?

Okay. Yeah. I'm not sure the lot size itself is unique. Um, that's actually a bigger lot than a lot of, a lot of them. Um, but the existing is actually the size of the existing structure. Meaning the trailer mobile home that's there, um, is what's causing, causing, I guess the need to request the variance, just flip them off. Um, um, it's not the general conditions of the neighborhood. That's a tough one. Are there any other comments by the board and how they're reading that one? I mean, I don't know. I don't know if we say it's unique because it has an existing mobile home or trailer on it and at the size of it, and he wants to build another home on the property. I just not sure how unique that is, but,

Well, I, I read that, um, proper application of

This would require something actually unique about the property, for example, a lot with an odd shape than other area, lots and do not in, does not have maybe a good lot for a variance. I don't know if the slot is actually unique in my opinion. I don't think so. I think it's just not big
enough is the problem, right? Um,

Yeah, it seems like perhaps the uniqueness is the need or the desire to have two full-size dwellings on the property. See, Matt, I don't know that that's the uniqueness of the property. That's the uniqueness to the situation.

I would agree with that, David. Yep. Me too. Any other questions from the new kid on the block? Uh, when did it become a rule that have the three acre versus something smaller on that type of a lot? I really can't

answer that. I don't know. I believe under, um, this was a rural district, um, article four C makes it a rural district and the minimum lot area shall be three acres according to the ordinance. Um, I think Tom's asking, when did that come in? Yeah. Is it, is it before or after? Um, Jeff and Bethany bought this entire plot of land, I guess it'd

Be well before it looks like it might've been 1987,

But I'm not sure that didn't, um, the lodge five acres though. So, um, even if, even if lot sizes were smaller at the time that law was five acres. Correct. So it's not, it's not like the lot was already split, you know what I mean? So it wasn't already two and then went to three. So I guess my question just for clarity is if, if they bought it with the intention of someday splitting it, you know, was it two, two and a half back when they bought it? No, we're in this dilemma here don't believe that would matter what their inclination for it's what it actually was at the time the ordinance went into effect. Is that correct?

Yeah. I mean, if they had purchased this lot in the sixties, for example, um, unfortunately they have to play by the rules of today. Um, I think Jeff, you, you just purchased this not too long ago, correct? We inherited it. Yeah. How long ago did you inherit it? Two years ago. Okay. Yeah. So I'm just wondering, I guess I'm just wondering if there's some kind of grandfathering thing, not in this situation. Thanks for clarity. I

think, I think Tom. I don't know if it helps just, just for understanding going forward is if, if it were a non-conforming to wake a lot, um, you know, from several years ago, then that could be maintained and continued, but it, it never was a two acre lot. So that's why if that, if that help

you and just learning the rules. No, no good question. Good question.

Let's vote on the second criteria. The need for a variance is, is due to the unique circumstances of the property and not to the general conditions of the neighborhood. All those in favor of granting the variance based on this criteria, please raise your hand, All those opposed. Please raise your hand.
Okay.

The next point is the granting of the variance will not alter the essential character of the locality. Their response is the request or a variance would not alter the essential character of the locality. It would remain rural residential. Again, I don't know if that's the answer that we're looking for here. Uh, anybody else?

I, I don't believe that, um, dividing a lot would change the character of the locale there. So I don't, I don't personally see a problem with number three. I think they'll maintain, they would maintain the character if they were able to get the variance.

See, I, I look at this and thinking that it's essentially a split for the purpose of two primary residential. So essentially now we've got two properties. One of which is non conforming lot size now, which has a primary residence on it. So I look at that in the sense that the locality is intending to have three acre lots. Now we're allowing, you know, a two acre lot to, to,

For me reading this, it would be changing the essential character.

I agree with David on that one. I do too good point. Alright, no other questions let's vote on. Number three, the granting of the variance will not alter the essential character of the locality. All those that believe that is true. Please raise your hand. All those opposed. Please raise your hand. Okay. Number four, the hardship is stopped. The result of action taken by the appellate or a prior owner. The responses, this is the size of the lot in, it was never intended to be split by prior owners. I'm not really sure what the answer means. Uh, anybody else have thoughts on this one?

Well, the heart, I'm sorry. Go ahead. The clerks inherited it two years ago. Um, I don't know how long it was owned before that, but if it was going to be split, it would have been split by that.

If there was an intention to do so.

Yeah. And I, and to go along with, I agree with Patricia and that the hardship here is that again, he doesn't have enough, um, lots, five to create to conforming lot. And also that the trailer is too large, um, to have two, two, um, structures on one lot. So, um, that's where I just feel like the applicants are creating the hardship based on their needs. So

Any other comments before we vote on this number four, the hardship is not the result of actions taken by the appellant or prior owners. All those that feel that is
true. Please raise your hand, all those opposed. Please raise your hand. Well, it looks like that all the hardship clauses, uh, everyone is on the board is opposed, uh, four to zero on, on every one of them. I guess the only thing left to do is to make a motion to whether to proceed or approve this variance or not.

Then can I just get one confirmation? Sure. Go ahead. Up there. Um, I just want to make sure, um, we have the listing of the four hardships. Is it in order for us to even approve this? Is it a requirement that all four must be met or is it one, at least one of the four must be met? It's my understanding that all four needs to be met, but I want to continue understanding that all four. Yeah. So even if we approved one, two and three, and then we, we said, no number four, then that sounds like it would be same result as if you set off for note off or sorry. Okay. Thanks. They clarified. Thank you. That's okay. This, these four criteria,

Uh, very strict. We have to put extra thought and thinking into it. Can I get a second only motion or no?

and three. Board votes to not approve the variance for Mr and Mrs. Clark at this time, all those in favor, raise your hand. Variances is not approved. Thank you. Are there any other comments before we move on next

door on the agenda is code enforcement officer communications that you Alex.

Yeah. I don't really have a whole lot to communicate. I just want to say thank you to Joanne and good luck. And if you happen to come back to Raymond, we expect to be back on the ZBA. If there's an open position that's going to happen, but wishful thinking, but, uh, good luck. Thank you. Um, and, uh, that's all I got. Thank you very much, Alex. I appreciate that. That's been a pleasure to work with you. I mean, thank you.

Before we adjourn. Um, I'd send something out to the board members saying that, uh, you know, and we obviously knew that this is your last meeting, Joanne. And, uh, I asked, uh, if, if anybody had final words that no, it'd be the time I'll go first. If you want, Joanne, you're going to be very missed on the board. That's, that's a gimmick the community, whether they know it or not will be missing you also, because in my opinion, you have the most compassion for the community than most your ability to interpret the ordinances is outstanding and you are not afraid to ask provoking questions. And on a personal note, I'm very moved that I've gotten to know you, anybody else. Thank you very much. Welcome.
I want to definitely say that you will be missed. I you've, you've put your heart and soul into every thing you've done with the town. I can see your face. When you go to vote on the board, you challenge everybody and your insight to the, uh, to all of the, uh, the rules and regulations. And we really knocked around this whole variance. What is a very, what is a various, you know, challenged everyone on that one and, uh, making good changes to a process that needed it. So, but you're going to be missed and I enjoyed spending time with you on the board. Thank you.

Thank you very much.

And I will say that, uh, you know, certainly we haven't been on the board together for that long, but I have in the past been on the other side and I've always appreciated your professionalism on how that, uh, your fairness and how you looked at things. And so I appreciated that then I certainly appreciate it now as being a board member. And I also appreciate you just asking me, you know, number of months ago, while we're doing election stuff, uh, to consider, um, applying. So thank you for that,

David.

I just want, I do want to say thank you to all of you and everyone needs to know that these members of the board do work their hearts out to try to do the right thing. Every time someone comes to this board and makes a request it's not easy. Um, it's not easy to interpret any of that or thank you, Alex, for helping us know much and Mary behind the scenes. But I do. I applaud each and every one of you, you guys are awesome and you're going to do a great job in that line. You're doing a wonderful job taking, you know, the chairs so appreciated.

Well, let's give Joanne a hand.

That's

Okay. Um, I'll make a motion to adjourn the meeting and me get a second on that. Okay. The meeting is now adjourned.