



August 20, 2021  
14265

Alex Sirois, Code Enforcement Officer  
Town of Raymond  
401 Webs Mills Road  
Raymond, ME 04071

Re: **Zoning Board of Appeals – Conditional Use Application**  
**Port Harbor Marine, Tax Map 51, Lot 2, Raymond, Maine**

Dear Mr. Sirois:

On behalf Port Harbor Marine, we are submitting the attached application for a conditional use of the property as shown on Tax Map 51, Lot 2 of the Town of Raymond and has the address of 1328 Roosevelt Trail. The portion of the property that fronts Roosevelt Trail (SR 3020 is zoned Commercial District (C). The site was until recently utilized as a single-family residence. Our client, Port Harbor Marine, has recently purchased this property and intends to use as an expansion of the existing adjacent marina. Initially, they intend to locate some of the inventory of watercraft for sale to the front portion of the property. It is intended to develop the property in phases and apply for the necessary Town and Maine Department of Environmental Protection approvals as improvements are proposed. As discussed with you, the Town will consider this use as outdoor sales and services which is a conditional use for the Commercial District.

#### **Conditional Use Criteria and Standards**

The proposed use complies with Article 9. Minimum Standards, A. Conditional Uses, as follows:

1. Will not depart from the general purpose and intent of the Ordinance, nor from the Town's Comprehensive Plan; **the proposed use will provide commercial redevelopment in the appropriate zoning district and keep growth in an intended growth area as stated in the Comprehensive Plan.**
2. Will be compatible with permitted uses within the zone as determined by population; density; design; scale and bulk of any proposed new structures; and intensity of use; **the use is compatible with retail uses of the business of the adjacent Port Harbor Marine. The low intensity of the use will be in harmony with the other adjacent commercial uses in the district.**
3. Will not generate noise, vibrations, fumes, odors, dust, or glare which are detectable at the lot boundaries, and all aspects of the conditional use will be carried on within the structure; **per the nature of the conditional use, its activities will be outside within the property. The low intensity and proposed nature of the use will eliminate, reduce or**

**not generate outside of property boundaries: noise, vibrations, fumes, odors, dust, or glare from the property.**

4. Will not cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result; **the project will be designed so that the site does not co cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water. More specifically, as the site is developed, it will be designed to treat any runoff from additional impervious and developed areas.**
5. Will not adversely impact any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places; **recent applications for the marina has not indicated any deer wintering or other important habitat within the vicinity of the property. There are no public places adjacent to the property other than Roosevelt Trail; only a partial view of the lake is seen through the adjacent marina site.**
6. Will not deny light and air to surrounding properties; **the proposed use will not deny light and air to surrounding properties.**
7. Will not depreciate the economic value of surrounding properties; **the property will be maintained by a well-established business of the community and will not depreciate the economic value of surrounding properties.**
8. Will have sufficient potable water available for its needs; **the proposed use will require minimum potable water.**
9. Will not create a hazard to either pedestrian or vehicular traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and also vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles; **the only sidewalk within this area is on the opposite side of Roosevelt Trail there are no sidewalks adjacent to the site. Initially, access to the site will be by way of the existing driveway for relocation of boats; all access to the site by customers will be by way of the adjacent site. Future design will review site access and cross access of the parcels.**
10. Will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community; **the proposed use will not provide burden to police, fire and rescue services. Response time will be the same for the existing use, accessibility of the site will be provided in the site design and no additional equipment will be necessary based upon the proposed use.**

## Submission

Included in this submission are the following items.

1. Eight (8) copies of the cover letter with the conditional use request.
2. Eight (8) copies of the fully executed and signed application and checklist of the Town of Raymond application to the Board of Appeals.
3. Eight (8) copies of a Sketch Plan of the proposed use.
4. One (1) application fee, check in the amount of \$863.00 (Application Fee: \$235.00, abutter notices, 41 at \$8.00 each: \$328.00, Legal Notices: \$300.00.

Please review the attached package and schedule this project for the earliest possible Zoning Board of Appeals hearing. If you have any questions relative to this package, do not hesitate to contact me. Thank you for your time and consideration of this application.

Sincerely,

SEBAGO TECHNICS, INC.



Robert A. McSorley, P.E.  
Senior Project Manager

RAM/llg  
Att.

cc: Mike Soucy, Port Harbor Marine

**TOWN OF RAYMOND**  
**ZONING BOARD OF APPEALS APPLICATION INSTRUCTIONS**

Please read these instructions carefully before filling out the application.

1. EIGHT (8) copies must be submitted of **all** materials, including the application form, sketch plan of the property showing dimensions and shape of the lot, the size, set backs and location of all existing buildings, plans, location and dimensions of proposed buildings or alterations, the location of any buildings within 100 feet of the lot, and any natural or topographic peculiarities of the lot in question.
2. Explain, in detail, the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.
3. All materials and the correct fee must be submitted to the Code Enforcement Officer no later than 3:00 pm on the Friday at least **30 days** prior to the next scheduled meeting of the Appeals Board. If all information is not submitted by the deadline, the appeal **will not** be considered. **THERE WILL BE NO EXCEPTIONS.** The final decision of the completeness of an application rests with the Board.
4. All materials submitted must be typed or printed. Illegible applications (including signatures) will not be accepted.
5. If the applicant is not the appellant (property owner), the appellant must submit a signed and notarized statement that the applicant has the authority to represent the appellant at the meeting.
6. If the Appeals Board requests additional information at the meeting, or schedules a site walk, you will be continued to a later meeting at the discretion of the Board.
7. Any variance or setback reduction granted shall expire if the work or change permitted under the variance is not begun within six (6) months and substantially completed within one (1) year of the date of the vote by the Board. Any extension of this time must be requested at the time of the application.
8. A Certificate of Variance or Setback Reduction must be recorded at the expense of the applicant in the Cumberland County Registry of Deeds within 90 days of the Boards decision or the variance shall be null and void. A building permit must be obtained after the variance is properly recorded and before work is started. If work is started without the variance being recorded and a building permit issued, a penalty of \$100.00 per day may be imposed.

Alex Sirois, CEO  
655-4742 ext. 161



**TOWN OF RAYMOND  
APPLICATION TO THE  
ZONING BOARD OF APPEALS**

Staff Use Only:		Received Date
Application Fee	\$ 75.00	
Notice Fee \$8.00/abutter	\$	
Publishing Fee	\$ 300.00	
Escrow-if required		
<b>TOTAL</b>		

**Name of Applicant** Port Harbor Marine, Inc.

**Mailing Address** 1 Spring Point Drive South Portland, ME 04106

**Primary Phone** 207-767-3254 **C** ☒ **H** ☐ **W** ☐ **email** mikesoucy@portharbormarine.com

**Date property acquired: (month and year)** December 20th, 2001

**Name of Owner (if different than applicant)** Port Harbor Marine, Inc.

**Mailing Address** 1 Spring Point Drive

**Town:** South Portland **State** Maine **Zip Code** 04106

**Primary Phone** 207-767-3254 **C** ☒ **H** ☐ **W** ☐ **email** mikesoucy@portharbormarine.com

**Property Address (street number and name):** 1326 Roosevelt Trail Raymond, ME

**Town of Raymond** **Map** 51 **Lot** 2 **Zone** Commercial

**Deed Reference** CCRD **Book** 37597 **Page** 223

**The undersigned applies for the following:**

- ☐ 1. ADMINISTRATIVE APPEAL. Applicant requests relief from the decision, or lack of decision, of the Code Enforcement Officer. The undersigned believes that (check one)
- \_\_\_\_\_ An error was made in the denial of the permit
- \_\_\_\_\_ Denial of the permit was based on the misinterpretation of the ordinance
- \_\_\_\_\_ The permit was not approved or denied within a reasonable period of time
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ 2. VARIANCE (the information listed on page 3 must be submitted)
- ☒ 3. CONDITIONAL USE PERMIT For Outdoor storage (use) in Commercial Zone
- ☐ 4. VARIANCE PROVISION(S) FOR NON-CONFORMING Lot ☐ Structure ☐ Use ☐
- ☐ 5. SETBACK REDUCTION (do not complete Page 3)

I have read, understand and agree to the above instructions and conditions. I also authorize any Board Member or other Town Officials to enter onto the site. I certify that the information contained in this application and its supplement is true and correct.

**Date:** 8/25/21 **Appellant:** [Signature]

**Date:** \_\_\_\_\_ **Property Owner:** \_\_\_\_\_

**VARIANCE CRITERIA**  
**(DO NOT COMPLETE THIS PAGE FOR SETBACK REDUCTIONS)**

- a. Nature of variance: Describe the nature of the variance.

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**NOTE:** Eight (8) copies of a sketch plan of the property **must** accompany this application showing the dimensions and shape of the lot, the size, setbacks and location of **existing** buildings, the location and dimensions of proposed buildings or alterations, the location of any buildings within 100 feet of the lot, and any natural or topographic peculiarities of the lot in question.

- b. Justification of variance: In order to be granted, the Appellant **MUST DEMONSTRATE** to the Board of Appeals that the strict application of the zoning ordinance would cause **UNDUE HARDSHIP**. **MAINE STATE LAW REQUIRES FOUR CRITERIA, WHICH MUST BE MET** before the Board of Appeals can find that the hardship exists. Please explain how your situation meets **EACH** of these criteria listed below: (If these are not answered, the appeal will not be scheduled.)

1. The land in question cannot yield a reasonable return unless the variance is granted.

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2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

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3. The granting of the variance will not alter the essential character of the locality.

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4. The hardship is not the result of action taken by the appellant or a prior owner.

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**Town of Raymond**  
**Zoning Board of Appeals Fee Schedule**  
*Amended June 2020*

<b>RESIDENTIAL APPLICATION</b>		
Application Fee	75.00	
Escrow	1,500.00	If needed
Abutter Notice		\$8.00 per abutter within 300 feet of property as determined by staff
Legal Notice	300.00	Per Public Hearing (Each public hearing must be noticed)
<b>NON-RESIDENTIAL APPLICATION (COMMERCIAL/INDUSTRIAL)</b>		
Application Fee	235.00	
Escrow	1,500.00	If needed
Abutter Notice		\$8.00 per abutter within 300 feet of property as determined by staff
Legal Notice	300.00	Per Public Hearing (Each public hearing must be noticed)

**Escrow Account Requirements**

If the Appeals Board or the Code Enforcement Officer requests professional review or advice, the Applicant shall establish an escrow account in the amount of \$1,500.00 before the advice is requested. The Town shall provide the Applicant with an account of how the funds are spent. Those monies deposited by the Applicant and not spent by the Town in the course of the Towns review shall be returned to the Applicant within 45 days following the decision on the application is final.

If the escrow account established for Appeals Board review drops below 50% of the amount deposited, the Board will not take any action, including any meetings on the project, until the account has been brought back up to the original balance. The applicant shall pay any amount outstanding within 45 days of the billing date by the Town.

## Abutters within 300 ' of Property

Map	Lot	LOCATION	Owner_Full	Co_Owner_Full	Address_Line_1	Address_Line_2	City	State	Zip
51	12	1311 ROOSEVELT TRAIL	ALC LLC		ATTN DAN CRAFFEY	P.O. BOX 704	HARRISON	ME	04040
52	68	30 TOMMAHAWK TRAIL	ALLEN ALLISON		18 WOODSIDE DRIVE		CUMBERLAND CENTER	ME	04021
52	96	29 ALLENS WAY	BERNIER RICHARD S	BERNIER SONJA J	PO BOX 576		RAYMOND	ME	04071
52	98	19 ALLENS WAY	CARROLL JAMES E		42 MILK ST		METHEUN	MA	01844
52	67	32 ALLENS WAY	CONDON CARL R	CONDON ALICE	2 CLIFF AVENUE		FREEPORT	ME	04032-6134
52	92	5 BOATERS WAY	COOPERSMITH PAULA		62 ANGLERS RD		WINDHAM	ME	04062
52	90	13 BOATERS WAY	COURCHAINE STEPHEN R	COURCHAINE CHERLYNN L	33 POLO VIEW ROAD		SOMERS	CT	06071
52	104	41 INDIAN POINT RD	DIMITRY DANIEL P	DIMITRY DEBRA A	108 WORCESTER ST		NO GRAFTON	MA	01536
52	69	34 TOMMAHAWK TR	EGLODY MICHELE		79 CEDAR CREST LANE		AUBURN	NH	03032
52	105	29 TOMMAHAWK TR	FONTAINE ROBERT H	LUCEY DEBORAH F	55 LANGSFORD ST		GLOUCESTER	MA	01930-1039
52	103	47 INDIAN POINT RD	FONTAINE SEBAGO TRUST		12 FAIRWAY DRIVE		TEWKSBURY	MA	01876
52	110	37 TOMMAHAWK TR	FOWLER RICHARD J	FOWLER WENDY L	42 HIGHLAND AVE #A		SCARBOROUGH	ME	04074
52	97	25 ALLENS WAY	GARDNER BARBARA MARIE		18 ROCKY POINT ROAD		RAYMOND	ME	04071
52	82	25 INDIAN POINT RD	GERVAIS MARK L	GERVAIS LYN M	PO BOX 161		OLD ORCHARD BEACH	ME	04064
52	86	42 INDIAN POINT RD	GREENE RONALD W	GREENE CAROLINE J	56 NORTH STREET		NORFOLK	MA	02056
52	99	15 ALLENS WAY	GROVES WILLIAM M	GROVES RICHARD F JR & WARD AMY	55 WOODROW DRIVE		STANDISH	ME	04084
52	85	3 BOATERS WAY	HASKELL THOMAS F	HASKELL CAROL A	48 HASKELL ST APT 1		WESTBROOK	ME	04092
52	95	31 ALLENS WAY	HENDERSON CHARLOTTE G		PO BOX 33		RAYMOND	ME	04071
52	50	30 INDIAN POINT RD	INDIAN POINT ASSOCIATION	BOARD OF TRUSTEES	PO BOX 693				
52	74	0 FLYING HULLS WAY							
52	79	3 FLYING HULLS WAY							
52	91	54 INDIAN POINT RD							
51	1	0 INDIAN POINT ROAD							
52	93	34 INDIAN POINT RD	JOYCE WILLIAM	JOYCE MARIE	237 SOUTH STREET		NORTHBORO	MA	01532
52	81	29 INDIAN POINT RD	MACKAY BARRY E		PO BOX 231		RAYMOND	ME	04071
52	49	22 INDIAN POINT RD							
50	35	1333 ROOSEVELT TRAIL	MCCLELLAN OLSEN INC		P O BOX 406		RAYMOND	ME	04071
52	66	26 ALLENS WAY	MCCRILLIS ROBERT A	MCCRILLIS SUZANNE M	59 NEW BIDDEFORD ROAD		KENNEBUNKPORT	ME	04046
52	65	20 ALLENS WAY	MOORE KELLY E	MOORE ROXANNE G	8 GINN ROAD		SCARBOROUGH	ME	04074
52	52	6 BOATERS WAY	MURRAY MARTHA PIP		10 JONES RD		PEABODY	MA	01960
52	78	7 FLYING HULLS WAY	MYERS MARK	MYERS DENISE	508 MAIN ST		BIDDEFORD	ME	04005
52	102	55 INDIAN POINT RD	PAQUETTE MARCELLE J	KORDA JANICE A	12 ASHWOOD DRIVE		SACO	ME	04072
51	11	1317 ROOSEVELT TRAIL	PARTNERS INC		PO BOX 450		RAYMOND	ME	04071-0450
50	36	1329 ROOSEVELT TRAIL	PORT HARBOR HOLDINGS I		1 SPRING POINT DRIVE		SOUTH PORTLAND	ME	04106
50	43	1328 ROOSEVELT TRAIL							
52	53	10 BOATERS WAY	RISBARA MICHAEL C		33 CEDAR STREET		WESTBROOK	ME	04092
51	4	0 HARTLEY LN	RITA COTE TRUSTEE OF THE LESTER	FAMILY IRREVOCABLE TRUST	PO BOX 8		WATERBORO	ME	04061
52	94	10 TOMMAHAWK TR	RUCK LANCE		32 PROCTOR ROAD		BIDDEFORD	ME	04005
50	44	0 ST. EIBOHS COVE	SAINT EIBOHS COVE INC	C/O RALPH BARTHOLOMEW	17 FOX RUN		WINDHAM	ME	04062
52	76	13 FLYING HULLS WAY	SARNA RACHAEL J	SARNA ALLISON L	3 HICKORY COURT		HOOKSETT	NH	03106
52	106	12 FLYING HULLS WAY	SENER JAMES E	SENER CYNTHIA B	7 PINE HAVEN TERRACE		SOUTH PORTLAND	ME	04106
52	51	2 BOATERS WAY	SPINNER WALTER L	SPINNER ANOINETTE M	3 HERITAGE LANE		SCARBOROUGH	ME	04074
52	70	40 TOMMAHAWK TR	STILES KEITH L	STILES VALERIE	26 SCHOOL ROAD		WINDHAM	ME	04062
52	109	43 TOMMAHAWK TR	STULTZ PHILIP E	STULTZ JANICE J	13 HIGH BLUFFS RD		FALMOUTH	ME	04105
52	77	11 FLYING HULLS WAY	TATULIS WILLIAM & EDITH CO TRUSTEES	TATULIS FAMILY REV TRUST	PO BOX 152		AUBURN	NH	03032
52	107	24 FLYING HULLS WAY							
51	10	1 HARTLEY LANE	THE HUNOLD FAMILY REALTY TRUST		1 HARTLEY LANE		RAYMOND	ME	04071
52	80	17 TOMMAHAWK TR	WASHBURN GLEN P	WASHBURN YVETTE	1323 SOUTH WEST 3RD AVE		CAPE CORAL	FL	33991



