

**Town of Raymond, Maine
Zoning Board of Appeals (ZBA)**

Findings and Decision

January 28, 2025, Meeting:

- In Attendance: Pete Lockwood, Thomas Hennessey, David Murch, Greg Dean, and Fred Miller
- Absent: None

Application:

- Appeal Request: Administrative Appeal – Notice of Violation dated October 29, 2024
- Appellant: Todd Roma
- Property Owner: The Roma Farm, LLC (owned by Todd Roma and Jessica Dobson)
- Property Address: 141 Raymond Hill Road, Raymond
- Map/Lot: 13/29
- District: Rural Residential District

Background:

Todd Roma filed an administrative appeal of the Raymond Code Enforcement Officer's Notice of Violation ("NOV") dated October 29, 2024, regarding use of the property located at 141 Raymond Hill Road, Raymond (the "Property"). The NOV charges that the owners have been advertising and using the Property as a wedding venue, complete with a tent, portable toilets, and parking on the adjacent lot that is also owned by Mr. Roma and Ms. Dobson. The NOV indicates that this use of the Property is not permitted or conditionally permitted in the Rural Residential District and therefore it violates § 300-4.3 of the Raymond Land Use ordinance. The Appellant challenged the NOV by arguing that the use is primarily residential with an accessory use of a short term rental: when the Property is rented, people are allowed to use the house, barn, and grounds and they are free to hold an event if they so choose, with or without use of Appellant's services. Appellant did not contend that the use fit into any other permitted or conditional use classification in the Rural Residential District.

The Town of Raymond ZBA held a *de novo* public hearing on the administrative appeal on Tuesday, January 28, 2025. John Hamer, Esq., appeared as counsel to the Board. Mr. Roma and Ms. Dobson appeared with their attorney, Michael Skolnick, Esq. Chris Hanson, Code Enforcement Officer ("CEO"), and Jason Williamson, Assistant CEO, appeared with their attorney, Grady Burns, Esq. In addition to the parties, various members of the public appeared and participated in the public hearing.

In anticipation of the hearing, a site walk took place on January 18, 2025. It was attended by Pete Lockwood (ZBA), David Murch (ZBA), Greg Dean (ZBA), Fred Miller (ZBA), Jason Williamson (Assistant CEO), and Todd Roma.

The record before the ZBA in this matter is comprised of the testimony/deliberations¹ at the January 28, 2025, hearing, and the following records:

1. Exhibits from CEO Chris Hanson:
 - a. LLC License – The Roma Farm
 - b. Notice of Violation with photographs, dated October 29, 2024
 - c. Website screenshot
 - d. Warning letter and copy of ZBA decision denying Conditional Use Permit dated May 26, 2023
 - e. August 13, 2022, wedding event
 - f. January 8, 2020, warning letter
 - g. June 20, 2019, letter from Wayne Jones, Fire Inspector regarding inspection results
 - h. Denied business license application, dated February 25, 2019
2. Site Walk Report, dated January 18, 2025
3. Abutter notices regarding site walk and January 28, 2025, hearing
4. Attorney Skolnick request to ZBA to rescind NOV, dated December 16, 2024
5. Town of Raymond ZBA application, dated November 26, 2024
6. ZBA Decision, dated September 20, 2019
7. Town of Raymond ZBA application, dated May 22, 2019
8. Letter from Mr. Roma and Ms. Dobson to the ZBA, dated May 20, 2019
9. ZBA meeting recording of July 29, 2019

Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Property is currently owned by The Roma Farm, LLC, which is in turn owned by Mr. Roma and Ms. Dobson.

¹ The recording of the January 28, 2025, hearing is accessible online through the Town of Raymond's website or by DVD from the Raymond Town Office.

2. The Property is situated in the Rural Residential District.
3. Permitted uses in the Rural Residential District include single family dwellings and accessory uses.
4. The Property consists of a house, large barn, and grounds.
5. Mr. Roma and Ms. Dobson reside on the Property.
6. The neighboring lot (lot 30) is either owned by Mr. Roma and Ms. Dobson or by their LLC.
7. The Property was transferred by Mr. Roma and Ms. Dobson to The Roma Farm, LLC, a “few” years ago.
8. The Maine Secretary 2023 Annual Report Electronic Filing Acknowledgment for The Roma Farm, LLC, indicates that the purpose of the business is: “Event space rentals, with decorating, consultation and vendor coordinating.”
9. The State of Maine 2024 Annual Report identifies the purpose of the business as “Event space rentals, with decorating, consultation and vendor coordinating.”
10. The Property has been rented as an events venue (for a variety of events, including weddings) since approximately 2008.
11. In 2019, Mr. Roma and Ms. Dobson sought a conditional use permit to hold seasonal events (such as bridal showers, weddings, wedding renewals, birthday parties) on the Property from July to early October. The application was denied because the use was found not to qualify as a conditional use.
12. The Property has been marketed on social media as seasonal rental property for hosting private functions such as weddings available from mid-July to September, and has advertised offering package deals and parking attendants.
13. Rentals include use of the house, barn, grounds, and parking on lot 30.
14. Events have accommodated crowds of 150 people, perhaps more.
15. The service of alcohol is allowed at events.
16. The Property is not rented unless there is an event planned.

17. On August 29 and 30, 2024, the CEO observed activities consistent with the organizing and holding a large wedding event on the Property which did occur as a result of that rental.
18. This event included a large tent, one or more portable toilet facilities, and signs directing people to park on lot 30.
19. The CEO issued Appellants a NOV dated October 29, 2024, regarding this event.

Conclusions of Law

1. The appeal was filed in a timely manner.
2. The Board has jurisdiction over the appeal.
3. No Board member has any conflicts of interest.
4. The Board unanimously voted that the use of the Property is a single family dwelling and event space rentals with decorating, consulting, and vendor coordinating.
5. The Board unanimously voted that the use of the Property for event space rentals with decorating, consulting, and vendor coordinating, does not qualify as an accessory use or a home occupation.
 - a. The term “accessory use” is defined by §300-12.2 of the Land Use Ordinance as “a use which is incidental and subordinate to the principle use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.”
 - b. Appellant’s submission further indicated that under caselaw, an accessory use must have a reasonable relationship with the primary use and be customarily associated with it. Factors to consider include, but are not limited to, the size of the land area involved, the nature of the primary use, and the economic structure of the area.
 - c. The use of the Property for event space rentals with decorating, consulting, and vendor coordinating use is not subordinate to the primary residential use. The event rental includes the house, barn, grounds, and requires parking on lot 30.
 - d. The size and scope of the rental are of such magnitude that it subsumes the residential use of the property rather than being accessory to the residential use.
6. The Board unanimously voted to deny the appeal.

Adoption of Findings and Decision:

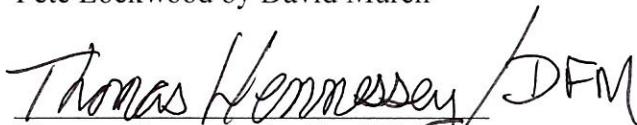
The Board met again on Monday, February 3, 2025, to consider adoption of these Findings & Conclusions. The Board had a quorum of five members (Thomas Hennessey, David Murch, Greg Dean, Pete Lockwood and Fred Miller). These Findings & Conclusions, as may have been amended, were adopted a by a vote of 5 to 0 .

An appeal of this decision may be made to Superior Court within forty-five (45) days of the vote on the original decision in accordance with 30-A M.R.S.A. § 2691(3)(G) and Rule 80B of the Maine Rules of Civil Procedure.

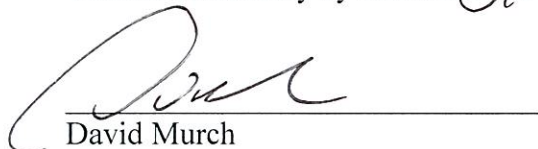
Signatures:

 /DFM

Pete Lockwood by David Murch

 /DFM

Thomas Hennessey by David Murch



David Murch

 /DFM

Greg Dean by David Murch



Fred Miller