

TOWN OF RAYMOND
401 Webbs Mills Road
Raymond, Maine 04071

APPEALS BOARD
Public Hearing
MINUTES

Monday, January 25, 1999

ATTENDANCE: Peter Leavitt, Chairman; Lawrence Murch; Robert Fey; Stephen Swick; Mike Higgins; Jack Cooper, Code Enforcement Officer; Ursula Slavick; William Slavick; and George Pacillo.

1. Call to order: Peter Leavitt called the meeting to order at 7:05 p.m. at the Town Hall.

2. Minutes: October 26, 1998

MOTION: Michael Higgins motioned to accept the minutes as written. Seconded by Lawrence Murch.

VOTE: Unanimous.

3. Ursula L. Slavick Map 67, Lot 7A 32 Whittemore Cove Road

Seeking a Variance for sideline setback.

DISCUSSION: Peter Leavitt requested confirmation that the building was under construction. The Slavicks confirmed that construction had been started following approval for a building permit at the October 1998 Appeals Board Meeting.

Mrs. Slavick read a statement to the Board outlining the issues involved in the request for variance and the property dispute between the Slavicks and the Pacillos (i.e. the Pacillo's well being 65' from the Slavick leach bed, etc.).

George Pacillo spoke in opposition of the variance. Mr. Pacillo does not think the Slavicks should get what they want. Mr. Pacillo stated that according to the original subdivision plan, the Slavicks are on his property. Mr. Pacillo stated that his surveyor said the property marker was moved. Mr. Pacillo said he had measured 100' of his property and that the Slavicks are 12' on his property line. Mr. Pacillo offered the original subdivision plan to the Board.

Peter Leavitt asked the parties involved if they were in agreement at this time over the property line of Pacillo and Slavick. Both parties indicated that they were not in agreement. Mr. Leavitt stated that the Appeals Board had no jurisdiction over constitutional or title matters. Mr. Leavitt then restated the variance request that was before the Board. Mr. Leavitt then read the communication from John Silverio, Architect into the record.

Mike Higgins requested a review of the information from the last meeting, which he was unable to attend.

Mr. Slavick stated that a 3' 4" variance is being requested but that 3' would be sufficient.

Mike Higgins requested confirmation that the variance request would have no effect on the Pacillo property line.

Peter Leavitt reiterated that a 75' set back had been approved at the October 1998 Appeals Board Meeting. Slavick confirmed. Mr. Leavitt asked if there was an original request for 30% expansion or any area sideline setback requests. Jack Cooper said these were not previously

requested, as there has never been a structure on the lot

Mr. Leavitt stated that the Slavicks have created their own hardship and that the hardships in the letter appear to be architectural challenges. Mr. Leavitt said the Board would address the sideline set back and no other issues.

MOTION: Mike Higgins motioned to approve the request for area variance. Seconded by Stephen Swick.

DISCUSSION: Robert Fey confirmed that there was 45-sq. ft. involved. Mr. Fey stated that it was reasonable to believe that the neighbor has tried to deny the Slavicks reasonable use of their property. Mr. Fey also stated that he doesn't want to be a part of denying the Slavicks reasonable use of their property. Mr. Fey said that he had been to the location and felt it is a great big house on a small lot.

Peter Leavitt asked if there was any further discussion.

VOTE: Three (3) in favor; Two (2) opposed.

There will be no meeting in February as there is nothing currently before the Board.

NEXT MEETING: The next meeting will be held March 29, 1999 at 7:00 p.m. at the Town Hall.

MOTION: Mike Higgins motioned to adjourn. Seconded by Lawrence Murch.

VOTE: Unanimous.

ADJOURNMENT: Peter Leavitt adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Elisa A. Trepanier
Secretary