

TOWN OF RAYMOND
401 Webbs Mills Road
Raymond, Maine 04071

**ZONING BOARD OF APPEALS
Public Hearing**

MINUTES

Monday, April 24, 2000

ATTENDANCE: Peter Leavitt, Chairman; Aurel Gagne; Michael Higgins; and Jack Cooper, Code Enforcement Officer.

PUBLIC ATTENDANCE: Beverly & Taylor Smith-Petersen; John Salterio; Robert Fritsch; John Carver; Shirley Fielder; and Linda Allen.

1. Call to order. Peter Leavitt called the meeting to order at 7:00 p.m. at the Town Hall.
2. Consideration of previous Minutes dated February 28, 2000.

MOTION: Aurel Gagne motioned to accept the minutes of February 28, 2000 as written. Seconded by Michael Higgins.

VOTE: Unanimous.

3. Fritsch, Robert J. Map 28 Lots 1 & 2 130 Conesca Road

Seeking a variance to construct a new residence and retain the present residence as an in-law guesthouse.

DISCUSSION: Mr. Fritsch described the proposed construction and reason for his request. Mr. Leavitt established that there was no one present in favor of the request and no one present opposed to the request. Mr. Leavitt stated that Mr. Fritsch is primarily asking to put two primary structures on the same lot. Mr. Cooper confirmed that the square footage is within the 40% expansion allowed for in-law use. Mr. Higgins asked if Mr. Fritsch would be removing the existing shed. Mr. Fritsch responded that the shed would remain for now but that he plans to build a garage in the future and remove the shed at that time.

MOTION: Michael Higgins motioned to deny the request for variance based on the fact that the ordinance clearly allows only one primary residence per lot. Seconded by Aurel Gagne.

VOTE: Unanimous.

DISCUSSION: Mr. Fritsch asked if he could add a new structure on to the existing cottage and then use the cottage as an in-law apartment. Mr. Leavitt responded that Mr. Fritsch could draw up new plans and submit a new application to the Board.

4. Smith-Petersen, Beverly & Taylor Map 66 Lot 25 17 Blueberry Point Road

Seeking a variance to enclose an existing 16' x 20' deck.

DISCUSSION: Mr. Smith-Petersen addressed the Board referring to a physician's letter regarding his wife's allergic reaction to bug bites. Mr. Salterio spoke in favor of the request. Mr. Smith-Petersen stated that the house was originally designed with a screened in porch and that they have not removed trees to prevent bugs as they are trying to keep a natural setting. Mr. Leavitt asked if a portable screened area had been considered. Mr. Smith-Petersen responded that that would be tacky and not conducive to the surroundings. Mr. Leavitt stated that this is an aesthetics issue and not hardship and again suggested a portable sunspace.

MOTION: Michael Higgins motioned to deny the request for variance based on the deck being clearly within the 100' setback and the Shoreland Zoning Ordinance doesn't permit construction within the setback. Seconded by Aurel Gagne.

DISCUSSION: Shirley Fielder, neighbor spoke in favor of the request.

VOTE: Unanimous.

5. Salterio, John & Mary Map 67 Lot 14 66 Whittemore Cove Road

Seeking a variance for sideline setbacks.

DISCUSSION: Mr. Salterio explained that the request is to renew the variance granted in 1998. Mr. Salterio stated that everything remains the same and that there are no changes. There was no one present to speak in opposition to the request. Shirley Fielder spoke in favor of the request.

MOTION: Michael Higgins motioned to grant the variance for setbacks. Seconded by Aurel Gagne.

VOTE: Unanimous.

6. Millay, David L. Map 69 Lot 70 100 Wild Acres Road

Seeking a variance for setback from the high water mark.

DISCUSSION: John Carver, builder representing the applicant, addressed the Board. Mr. Carver explained that there is a 20 x 20' deck at the water's edge and Mr. Millay wants to remove part of it and attach it to the house as a deck area. Mr. Carver went on to say that it was being done this way so as not to add any more deck to the shoreland zone but rather to relocate a portion of the deck away from the water to make it more conforming and that the square footage would remain the same. Mr. Cooper indicated that there would now be two decks instead of one and that adding a deck to the house would make it more non-conforming and would make the shoreline less non-conforming. Mr. & Mrs. Ernie Todd spoke in favor of the request. Mr. Leavitt stated for the record that three letters had been received in favor of the variance.

MOTION: Michael Higgins motioned to deny the request for lack of hardship. Seconded by Peter Leavitt.

VOTE: Two in favor. One abstain (Aurel Gagne).

7. Allen, Linda M. Map 29 Lot 14 86 Myron Hall Road

Seeking a variance for setback from high water mark.

DISCUSSION: Mr. Cooper clarified that Ms. Allen is not seeking a set back from the high water mark but volume and square footage in out buildings to be applied to a new structure. Ken Bartow of Bartow Construction described to the Board that they would be tearing down the existing cottage and removing a shed and pump house to be less non-conforming. Mr. Bartow explained that they would like to increase the new structure by almost 30% over the size of the cottage. Mr. Bartow would build the new structure and then remove the existing cottage so the Ms. Allen can use the cottage during construction and eliminate the square footage exposed. There was no one present in favor or opposed to the request.

MOTION: Peter Leavitt motioned to grant the request for a variance to allow the volume of the outbuildings and square footage to be incorporated into the new structure with a 30% expansion conditional upon the crawl space remaining crawl space as indicated on the building plans. Seconded by Aurel Gagne.

VOTE: Unanimous.

AMENDED MOTION: Peter Leavitt amended the motion to include the condition that the crawl space not exceed 4' in height. Seconded by Michael Higgins.

VOTE: Unanimous.

Other business.

Findings of Fact – Mr. Cooper suggested the Board use some type of findings of fact format. Mr. Cooper also suggested contacting Bob Faunce, Town Planner to get assistance in establishing a checklist to use as a findings of fact format.

Next Appeals Board Meeting May 22, 2000.

Site-walk May 14, 2000.

Adjourn.

MOTION: Michael Higgins motioned to adjourn the meeting. Seconded by Aurel Gagne.

VOTE: Unanimous.

ADJOURNMENT: Peter Leavitt adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Elisa A. Trepanier
Recording Secretary