

TOWN OF RAYMOND
401 Webbs Mills Road
Raymond, Maine 04071
ZONING BOARD OF APPEALS
Public Hearing
AGENDA

Monday, October 29, 2001
7:00 P.M. at the Town Office

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

OTHERS IN ATTENDANCE: Rolfe, Dave & Nola E.; Geoffrey Hole, Esq.; Shirley Fielder; Sandra Napolitano.

1. Call to order. Michael Higgins called the meeting to order at 7:02 p.m.
2. Consideration of previous minutes dated September 24, 2001.

MOTION: Aurel Gagne motioned to accept the minutes of September 24, 2001 as written. Seconded by Peter Leavitt.

VOTE: Unanimous.

3. Rolfe, Nola E. Map 67 Lot 8 66 Whittemore Cove Road

Requesting a 10' Set Back Reduction from the rear property line to construct a garage.

DISCUSSION: Dave Rolfe offered a brief description of the request for set back reduction explaining that they plan to construct a 24 x 24' garage.

Shirley Fielder spoke in favor of the request.

Mr. Cooper stated that with approval from the Appeals Board, the construction would meet code requirements.

Mr. Leavitt clarified that the request is for a set back reduction and, therefore, no fact-finding would be involved.

MOTION: Aurel Gagne motioned to approve the request for a 10' set back reduction. Seconded by Lawrence Murch.

VOTE: Unanimous.

4. Fielder, Ernest & Shirley Map 66 Lot 35 42 Whittemore Cove Road

Request for an Administrative Appeal to enclose an existing deck 37' from Sebago Lake as a result of court decision.

DISCUSSION: Mr. Higgins read a letter into the record from Town Manager, Don Willard dated October 19, 2001 requesting a recommendation from the Appeals Board in the Fielder matter.

Town Attorney Geoff Hole suggested the Board go into Executive Session to discuss this current litigation.

MOTION: Peter Leavitt motioned to adjourn to Executive Session. Seconded by Aurel Gagne.

VOTE: Unanimous.

MOTION: Peter Leavitt motioned to come out of Executive Session. Seconded by Stephen Mairs. (7:45 P.M.)

VOTE: Unanimous.

Mr. Higgins stated that the Appeals Board needs to make a recommendation to the Board of Selectmen in this matter.

Mr. Leavitt commented that his sense in this case hasn't changed. Mr. Leavitt then referenced Section 1 of the Shoreland Zoning Provisions.

MOTION: Peter Leavitt motioned to recommend the Selectmen go forward in the law court. Seconded by Aurel Gagne.

DISCUSSION: Mr. Mairs asked what the procedure would be if the Selectmen rule not to appeal the decision. Geoff Hole responded that if the Board of Appeals recommended not to appeal then time for an appeal would run making the Superior Court decision a final decision and the matter would come back to the Zoning Board to

instruct Mr. Cooper to issue a permit.

Mr. Higgins asked how new applications would be handled if the Selectmen vote to proceed in this matter. Mr. Hole responded that the Zoning Board should treat new requests the same way they have interpreted the ordinance for the last decade. Mr. Hole then indicated the time line of the court procedure as taking approximately six months.

Mr. Higgins asked how the Zoning Board would go about requesting a moratorium. Mr. Hole responded that a moratorium must be enacted by voters and a warrant would have to be prepared. Mr. Hole further explained that it would be up to the Selectmen to decide whether or not to do this and when.

VOTE: Two in favor (Michael Higgins and Peter Leavitt). Three opposed (Lawrence Murch, Aurel Gagne and Stephen Mairs).

Peter Leavitt noted that with no vote, the message to the Selectmen is not to proceed.

Mr. Gagne stated that he felt the matter should go before the voters at a town meeting.

Mr. Mairs agreed with Mr. Gagne

Mr. Higgins asked if the Appeals Board would then have to treat new applications in accordance with the Superior Court's decision. Mr. Hole responded "yes".

5. Other business.

There will be a site walk on November 19, 2001 at 10 a.m.

The next meeting of the Appeals Board will be on November 26, 2001.

The December meeting will be held on December 17, 2001;

The Board Secretary suggested Board members consider what ordinance changes they would like to put before the voters in May.

6. Adjourn.

MOTION: Lawrence Murch motioned to adjourn the meeting. Seconded by Stephen Mairs.

VOTE: Unanimous.

ADJOURNMENT: Michael Higgins adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Elisa A. Trepanier
Recording Secretary