

Approved
ZONING BOARD OF APPEALS
Public Hearing
MINUTES
Monday, October 28, 2002

Attendance: Michael Higgins, Peter Leavitt, Aurel Gagne, and Jack Cooper, Code Enforcement Officer.

1. Call to order. Michael Higgins called the meeting to order at 7:35 pm at the Town Office.

2. Approval of Minutes – September 30, 2002

MOTION: Peter Leavitt motioned to approve the Minutes of September 30, 2002 as written. Seconded by Aurel Gagne.

VOTE: Unanimous.

3. Hearings: A. Map 68, Lot 18 – LRR2

32 Papoose Island Road

Alan & Sylvia Grabinsky

Setback reduction for side boundary from 20' to 13' on first floor and 12'

on second floor

DISCUSSION: Mr. Grabinsky said that he and his wife would like to move to Raymond for year round residency but they need to have more storage space. Their home is on a slab and there is no attic room. He would like to build a two-car garage and have space above it for storage and a workshop area. Mert Round, a neighbor, stated that this would be acceptable to him and recommended the variance. He said that his home overlooks Mr. Grabinsky's property. There were no speakers against the proposal. Mr. Cooper said the location would be 105 feet from the water and this setback to the sideline was needed because of the location of the septic system. Mr. Higgins asked if the Morey's (abutters) knew about this proposal. Mr. Cooper said that they would have received a notice of the meeting.

MOTION: Aurel Gagne motioned to approve the variance for setback from 20 feet to 12 feet. Seconded by Peter Leavitt.

AMENDMENT: Mr. Higgins amended the motion to say that this space may never be used as living space. Seconded by Peter Leavitt.

VOTE ON AMENDMENT: Unanimous.

VOTE ON MOTION: Unanimous.

B. Map 16, Lot 52 – R

16 Dyer Road

Aimee L. Perry

Variance to construct a garage
with an in-law apartment above.

DISCUSSION: Ms. Perry explained that she would like to build a garage 28 feet by 40 feet and put a second floor in for an apartment for her disabled father. She said it would be built by a contractor and they would have a septic system with separate tanks. The garage area would be finished with fire-proof wall board. Mr. Perry said that eventually as his disability proceeds they would be installing a stairwell lift to the second

floor for him. There were no speakers for or against this proposal. Mr. Higgins asked if they had considered attaching this structure to the house which would not necessitate a variance. Ms. Perry replied that they had but had no good way to do so because of the type and angle of her present home. She said the well and leach bed were in the way. There was discussion of the ordinance. Mr. Higgins said he was not in favor at this juncture but would like to postpone their vote until the Board could receive the opinion of the town attorney on the ordinance interpretation. Mr. Leavitt agreed. Mr. Gagne didn't feel they should deny this request.

MOTION: Peter Leavitt motioned to postpone this item until the next meeting and get the attorney's opinion on the ordinance pertaining to this variance. Seconded by Michael Higgins.

VOTE: 2 in favor (Higgins, Leavitt) 1 opposed (Gagne)

Map 72, Lot 8 – LRR2 40 Lombard Road
Kenneth R. Thompson
Administrative Appeal of Notice of Violation and
Stop Work Order.

DISCUSSION: Steven Hayes, attorney for Mr. Thompson, opened by saying that this boathouse has been in existence since before 1938 when it was the "cabana beach club" and may have housed a casino. After that time it burned but was rebuilt. There are two large boat bays of concrete. Mr. Thompson started repairs to the building but found that the entire structure was not square and he then rebuilt the foundation, sills etc to make the building square (46 feet on front and rear walls). He said that both bays had been covered one having a second floor and the other a shed roof. He submitted an analysis of the original structure which shows the footprint and makes the expansion less than 30%. He submitted affidavits from the previous owner and a neighbor saying that both the boat bays were covered. Mr. Cooper said that the building permit was given for a \$2,000 repair. He said that his inspection indicated that the building was now larger. The assessor's card indicates the boat house to be 16' by 44' and it is now 26'5" by 46' 6". The walls were 10 feet and are now much higher. Mr. Higgins asked if there were any pictures of the original boat house. Mr. Hayes said they haven't found any but that the original boat house was high enough so that a boat could be carried on slings to the rear of the structure. He continued that the new plan will not have much of the upstairs used. The knee walls are only 2.5' high. Mr. Leavitt asked if the Department of Environmental Protection was notified. Mr. Cooper said the DEP won't allow any coverage of the water and that they can't make the structure any more non-conforming. Mr. Leavitt asked if we have received a letter from the DEP. Mr. Cooper replied not yet. Mr. Hayes said there was no change in the roofline height. Eleanor Lombard felt that the new roofline was more environmentally friendly by carrying off the rainwater to the ground and not the lake. She said the only change is that there is one roof line now instead of two. There was discussion of the last date that the entire boathouse had a complete roof structure and how long ago both boat bays had entire roofs. Mr. Thompson said that once he had started at the sill and plate he then sought to continue the repairs. Next he had to rebuild the west wall to square up on the foundation. Mr. Cooper explained that the State says that in order for something to be grandfathered the repairs must be made within one year and the question is when the second bay actually had a solid roof. Mr. Hayes felt their argument was that the second bay had a roof even though it was in poor condition. Mr. Gagne asked if they had any pictures of the building prior to

renovation. Mr. Hayes replied no but that Mrs. Lombard verifies that it is the same just new. Mr. Leavitt commented that they didn't have photos or basis for the original footprint. Mr. Hayes reiterated the only thing new was the rear wall or east side away from the water. Mr. Leavitt felt that having a site walk would be beneficial and he would like to see the DEP letter. Mr. Cooper said that the DEP was interested in the footprint and not the volume. Mr. Gagne felt that they were required to have a DEP Permit By Rule and should have applied for one at the onset of the planning for this work. That application for a Permit By Rule would have required pre-work pictures. Mr. Hayes said he was aware that they had some building permit requirements to take care of and that the building has ceased since they were notified.

MOTION: Mr. Leavitt motioned to table this until they have a site walk on Sunday, November 17, 2002 at approximately 10:30 am. Seconded by Aurel Gagne.

VOTE: Unanimous.

NOTE: Public Hearing adjourned at 9:35 pm.

4. Other business.

a. Review of Rules of Procedures regarding election of officers.

There was discussion of when the Board elected its chairman. Mrs. Lester said that traditionally the chairman is elected the first meeting after the Annual Town Meeting however there was no written policy. The fact that the entire Board has not been in attendance in months prompted the members present to decide to have an election for chairman. Mrs. Lester was asked to inquire whether Stephen Mairs is still interested in being a member and if not arrange for advertising to have a replacement member as soon as possible.

b. Election of Officers if full Board present.

NOMINATION: Michael Higgins nominated Peter Leavitt as chairman. Seconded by Aurel Gagne.

NOMINATIONS CEASE: There were no other nominations.

VOTE: 2 in favor (Higgins, Gagne) 1 abstention (Leavitt)

5. Adjourn.

MOTION: Michael Higgins motioned to adjourn. Seconded by Peter Leavitt.

VOTE: Unanimous.

ADJOURNMENT: Michael Higgins adjourned
the meeting at 8:50 pm.

Louise H. Lester
Town Clerk