

Approved
Town of Raymond
ZONING BOARD OF APPEALS
MINUTES
Monday, April 28, 2003

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Members Present: Peter Leavitt, Chairman; Lawrence Murch; and Aurel Gagne. **Staff Present:** Jack Cooper, Code Enforcement Officer and Amanda Simpson, Secretary

1. Call to order. Peter Leavitt called the meeting to order at 7:10 pm.
2. Approval of Minutes – March 31, 2003

MOTION: Lawrence Murch moved to approve the Minutes of November 25, 2002 as written. Seconded by Aurel Gagne. VOTE: Unanimous.

3. Hearings:

- A. Continued from February 24, 2003
Map 1, Lot 25 – LRR2 District
24 Windward Shore Road
Mark Galos
Variance to retain a non-conforming deck

P. Leavitt indicated that the application had been heard at the initial hearing in February and the board performed a site walk on Sunday. He asked if the applicant had anymore to add regarding their request.

M. Galos summarized that the deck had been there for 14 years, it is completely screened from any neighbors and it was assumed at the time it was constructed that it meet the setbacks. P. Leavitt indicated that during the site walk the deck (gazebo section) was measured at 93 feet from the normal high water mark as they were able to discern.

P. Leavitt asked for public input. No one was present that wished to speak in favor or against the petition.

P. Leavitt directed the discussion back to the board. He asked J. Cooper for a clarification under the Shoreland Zoning provisions regarding whether or not this was considered a residence under Section 16.G.2.d. J. Cooper responded that a variance under that section was for a new year-round primary residence and this property would not meet that definition.

P. Leavitt continued that there were four requirements to be met for a variance; the first is hardship which is the most difficult. It requires that without the variance the property could not produce a reasonable return. M. Galos responded that he had nothing to substantiate that criteria being met.

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A. Gagne asked about the other two decks on the property, one 14 x 16 and the second 12 x 20. M. Galos indicated that those decks had existed for quite some time and that they would not be willing to remove either of them.

P. Leavitt called for a motion.

MOTION: P. Leavitt moved to deny the variance request based on a finding that the petitioner does not meet the first point, hardship. A. Gagne seconded the motion for discussion.

DISCUSSION: L. Murch indicated that he felt sympathetic toward the applicant. P. Leavitt stated that the two older decks were grandfathered and only that portion of the octagonal which falls within the 100 foot setback would need to be removed (a total of seven feet of depth) The Board discussed with the applicant any pre March 1981 photos they might have to verify that the current deck configuration is the same as the previous deck. It was suggested that there might be aerial photos that would show the old deck. J. Cooper produced the old assessment card where it seems clear that the portion of the deck in violation was not part of the original deck.

The Board continued the discussion with the applicant, explaining the process and confines under which the Board makes decisions. P. Leavitt moved the question. The vote was UNANIMOUS in favor.

MOTION: A. Gagne moved to set the time frame for removal to 90 days. Motion seconded by L. Murch and was passed unanimously.

4. Other Business:

a. Pat Cayer asked to address the Board concerning an application he had filed and the fact that it was not noticed for a hearing. He asked that the Board address their rules and procedures. P. Leavitt explained that the Board had just received a copy of the letter that night and no one has had a chance to review it. He further explained that the Board must rely on the CEO to interpret the ordinance initially. It is a result of that action that an application appears before the Board. P. Cayer proceeded that he was concerned about the timeframe and needed some clarification on what avenue to take to apply for a conditional use. P. Leavitt responded that the interpretation has been made by the Code Officer and further addressed by Town Attorney. Due to the nature of this situation P. Leavitt agreed to contact the Town Attorney as soon as possible and review the situation with him. If a hearing is in order, then the Board will hold a special meeting if possible.

b. Vacant Seats – The Board reviewed the applicants currently interested in serving on the Board.

P. Leavitt moved to submit Matthew Schafer and Robert O'Neil to the Selectmen as meeting the requirements for alternate. A. Gagne seconded the motion and it passed unanimously.

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- c. A. Gagne indicated that he would contact Robert Fey and determine what his intentions are for staying on the board.
5. Adjournment – The Board unanimously voted to adjourn the meeting at 8:20 p.m.

Submitted by Amanda Simpson
Assessing/CEO Assistant