

Approved Minutes
Town of Raymond Zoning Board Of Appeals
401 Webbs Mills Road
Raymond, Maine
September 29, 2003

Attendance: Aurel Gagne, Chairman; Peter Leavitt; Michael Higgins; Matthew Schaefer; Jack Cooper, Code Enforcement Officer; Karen Strout, Secretary.

1. Chairman Gagne called meeting to order at 7:10 PM.

2. Approval of minutes:

MOTION was made by Peter Leavitt, and seconded by Michael Higgins to approve the minutes of the August 12, 2003 meeting as amended. A correction was in the adjournment time. Meeting was adjourned at 12:13 AM, not PM. The vote was unanimous with 4 in favor.

MOTION was made by Michael Higgins, and seconded by Peter Leavitt to approve the minutes of the August 25, 2003 meeting. The vote was unanimous with 4 in favor.

3. Public Hearings:

- a. Map 46, Lot 8 VR2
71 Main Street
Marcie Kent and Gina Power
Request for conditional use- Childcare Center

MOTION was made by Peter Leavitt, and seconded by Matthew Schaefer to move agenda item 3. a. Out of order because the applicants were not yet present to be heard. The vote was 4 in favor, 0 opposed.

- b. Map 59, Lot 5 LRR2
99 Deep Cove Road
John Bellino & Robert Grosso
Set back reduction –10 foot sideline & 15 foot frontline

Bob Grosso spoke to the board requesting this reduction in order to build a garage. He had made this request because of the location of his septic field.

Steve Dipetro and Kerry Glew spoke in opposition to the location of the proposed garage. They felt their view and privacy would be adversely affected by the proposed location. Mr. Dipetro felt the applicant had not explored all of his options and that the garage could be relocated elsewhere on the property by the relocation the septic system.

When questioned by the board about the location of the proposed garage, Code Officer Jack Cooper did agree that the septic system's present location could cause a problem with relocating the garage, and that there might be some design issues. CEO Cooper commented that the garage could probably be positioned closer to the house than proposed on the application.

Mr. Gagne commented since the building had not been staked out before the site walk, it had made it somewhat difficult to visualize where the garage would be.

There was discussion about what the differences were between the set- back reduction provision and variance provision, and why this proposal had requested setback reduction rather than a variance. The board asked for clarification from the Code Officer. CEO Cooper explained that the set- back reduction provision was added as an option after looking at a number of appeals requested, and the reason that they had been requested. They also looked at what other towns had been doing with the same issues. They found that most variances were basically for a 20% reduction (Most of them were for less than ½ of the set

back). The setback reduction provision came from what other towns were doing with these types of requests.

Mr. Schaefer from the Appeals Board asked how this project interfered with privacy interests? Mr. Dipetro stated that it interfered with his bay window view. He would be looking right at the garage.

When asked by the board, "How is view privacy interest?" Jack Cooper responded that neighbors should be placing their buildings as far away from neighboring buildings as possible.

Mr. Leavitt asked if there was an alternative to the proposed location. What prevents attaching the garage? The applicant responded that the septic field prevented the garage from being attached.

A MOTION was made by Mr. Higgins and seconded by Mr. Leavitt to deny the request for a set back reduction referencing Section G. f.iii. Which states: "The Board of Appeals may grant a set back reduction, if the board finds that granting the set back reduction will not result in unreasonable interference with the privacy interests of the abutting land owners." Motion approved with 4 in favor, 0 opposed.

Public Hearings:

- a. Map 46, Lot 8 VR2
71 Main Street
Marcie Kent and Gina Power
Request for conditional use- Childcare Center

Marcie Kent and Gina Power put forth their proposal for a childcare center to be run out of the Christ Church at 71 Main Street. The building the daycare is presently renting is being sold. They would like the Main Street site as their new location. Jim Caldwell from Fairpoint spoke generally in favor of the project, but had some concern about the fencing and access issues. Ms. Kent and Ms. Power replied that the State Licensing required fencing as part of their licensing process and that they were very strict. Mr. Caldwell stated that he was confident that the State of Maine licensing requirements would address the safety issues that he was concerned about.

Discussion revealed that the daycare would have between 35-40 children on the roster. The center now typically serves 18-25 children a day, many part-time. They anticipate that busiest hours will be between 6:30-8 and 3:30-5 when children are dropped off and picked up. The new use will be compatible to the area, as schools are allowed in this zone. Although the property has an artesian well, the childcare center plans to connect to the Portland Water District. The church exceeds the number of parking spaces needed. All parking would be off street with the appropriate lighting. The back entrance would be used for access, and there would be a fence. Given the new location, the response time for rescue would be very short. There would be review by the Fire Marshall and State Licensing before taking occupancy. There would be State Inspections each year.

A MOTION was made by Mr. Schaefer, seconded by Mr. Leavitt, to approve the Conditional Use for a daycare center as expressed in the application with the condition that the center meet and comply with all local and state laws, regulations, rules, and ordinances. Vote was unanimous.

4. Adjournment:

Mr. Leavitt, seconded by Mr. Higgins to adjourn at 8:35 PM, made a MOTION. Motion carried unanimously.

Karen G. Strout
Recording Secretary

