

Approved Minutes
Town of Raymond Zoning Board of Appeals
401 Webbs Mills Road
May 24, 2004

Members present: Chairman Aurel Gagne, Peter Leavitt, Lawrence Murch, and Matthew Schaefer. Michael Higgins was absent.

Staff present: Code Officer Jack Cooper and Karen Strout, Recording Secretary.

Call to order: Chairman Gagne called the meeting to order at 7:13 pm. There was a quorum present.

Consideration of minutes dated April 26, 2004:

Motion: With a motion by Peter Leavitt and a second by Larry Murch, the minutes were unanimously approved as submitted.

Public Hearings:

Map 77, Lot 33 & 34, LRR1/Part Flood A

Marcia M. and Patricia F. Halloran

Jacqueline and Max Goldstein

136 Thomas Pond Terrace

Setback reduction for rear from 30' to 15' and southerly sideline from 20' to 10'

Mr. Robert J. Piampiano of Troubh, Heisler & Piampiano, P.A. represented the applicants who were requesting two setback reductions in order to build a new storage building on their property at 136 Thomas Pond Property. They stated in their application that they feel that the granting of the variance will not alter the essential character of the locality or interfere with the privacy interests of the abutting owners. "Many similar structures already exist in the immediate vicinity. No privacy interference since proposed structure will not block any driveways, roads, or rights-of-ways and is at least 70' from the nearest abutter's structure. The lot dates back to 1927.

Comments from the public:

Walter Lunt of 134 Thomas Pond Terrace was supportive of the appeal and was in complete agreement with the applicants.

Jack Quirk of 79 Thomas Pond Terrace spoke of his concern regarding the seasonal stream that runs along the property. His concern centered on the closeness of the proposed structure and how the structure would affect the runoff.

Mr. Piampiano, who is also a registered surveyor, addressed the comment regarding runoff by stating that the applicant has proposed to site the building at the best elevation and slope to take the seasonal stream into consideration.

Code Enforcement Officer Cooper confirmed that it was a seasonal stream.

Chairman Aurel Gagne read a letter from direct abutters Edward and Joanne Dooley of 140 Thomas Pond Terrace dated May 22, 2004. They expressed concerns about the size of the shed being proposed and "a flowing creek that abuts the northerly sideline of the property"...

Comments from the Board of Appeals:

Board members commented that the shed be used for storage only and not be turned into a bunkhouse for sleeping, and the old shed should be removed.

Jack Cooper stated that with the recent addition and the proposed shed, the applicant would not be exceeding the lot coverage requirement and should be able to comply with the ordinances with this project.

A **Motion** was made by Matt Schaefer and seconded by Lawrence Murch to grant approval for a setback reduction for the rear setback from 30' to 15' and a setback reduction for the southerly side back from 20' to 10' as expressed in the application with the following conditions of approval:

1. The existing shed will be removed from the property
2. The building shall comply with all state and local ordinances, codes, rules, and regulations.
3. The building will be completed within one year of this approval.

Vote 4/0. Motion carried.

Map 31, Lot 30, LRR1
Robert & Bernadette Cole
15 Haskell Ave.

Setback reduction on road from 30' to 15' and from 20' to 10' on both sides

The Coles requested three set back reductions in order to build a garage- setback reduction on road from 30' to 15' and from 20' to 10' on both sides. Referencing their application the Coles stated: ' We are putting the garage in the most non-invasive place as possible keeping our septic system, home and other property lines in mind. We are building a small basic garage...'

Comments from the public:

There was no public comment.

Code Enforcement Officer Cooper stated that this was another example of a lot that predated the ordinance. It had been there since the 50's. The proposed structure would not create lot coverage that would exceed the amount allowed.

Comments from the Board of Appeals:

Board felt that the applicant met the standards for the appeal.

A **Motion** was made by Peter Leavitt and seconded by Larry Murch to grant the following setback reductions: setback on road from 30' to 15' and from 20' to 10' on both sides as expressed in the application with the following conditions of approval:

1. The proposed construction will comply with all state and local ordinances, codes rules, and regulations.
2. The construction will be completed within one year of the granting of the variance.

Vote 4/0. Motion carried.

Map 77, Lot 50, LRR1
Shane Wills
178 Thomas Pond Terrace
Variance to allow a 30% expansion

Mr. Shane Wills is requesting a variance to allow a 30% expansion on his property at 178 Thomas Pond Terrace in order to build a bathroom and a small bedroom. Mr. Wills is requesting that his shed and outhouse to be included with his camp in the calculations for his 30% expansion project. He plans to take down his old house. Wills distributed to the board his plans for his project, which include a daylight basement.

Comments from the public:

There was no public comment.

Comments from the Board of Appeals:

Board member Leavitt asked about the structure's distance from the water. Wills commented that he would be moving more to the center of the lot about 20-25 feet from the water.

Board member Murch asked how long he had owned the property. The applicant's response was 9 years.

A **Motion** was made by Matt Schaefer and seconded by Larry Murch to grant the variance as expressed in the application with the following conditions of approval:

1. The existing outhouse/shed will be removed from the property.
2. The proposed structure will comply with all state and local ordinances, codes, rules, and regulations with particular attention to volume calculations and maximum water setback requirements.
3. The building shall be completed within one year of granting this appeal.

Vote 4/0. Motion carried.

Map 4, Lot 68, VR2
Claude Mains
Mains Pizza
1561 Roosevelt Trail
Conditional Use

The applicant is requesting a conditional use permit for Commercial use in VR II district for a new pizza shop and general store. His proposed structure is larger than the 1000 s.f. Allowed in that district. Mr. Mains commented that his has had one meeting the Planning Board who have given him a list of items to submit, but wanted to get approval from the Board of Appeals before going any further.

Comments from the public:

There was no public comment.

Comments from the Board of Appeals:

Peter Leavitt commented that he felt encouraging business development along 302 was consistent with the Comprehensive Plan. The board also liked the idea that there would be new jobs created.

A **Motion** was made by Matt Schaefer and seconded by Lawrence Murch to grant the conditional use permit for Commercial Use in VR II as expressed in the application with the following condition of approval:

The proposed project will comply with all state and local ordinances, codes, rules, and regulation.

Vote 4/0. Motion carried.

Map 8, Lot 85, LRR1
Robert & Virginia Fitzgibbons
Ye Olde House
104 Webbs Mills Rd.
Conditional Use

The Fitzgibbons have submitted an application for a conditional use permit for Residential and Office Use in LRR1 district for their property located at 104 Webbs Mill Road formerly known as The Olde House Restaurant. They “would like to use the first floor of the carriage house & the transitional/main dining room area for business offices.”

They propose to finish off the second floor of the carriage house/ transitional space into two rental apartments. The main building would also be used as a private residence for the owners.

Comments from the public:

There was no public comment.

Code Enforcement Officer Jack Cooper did hear from one abutter (house on the left) who had no problem with the proposal.

Comments from the Board of Appeals:

Larry Murch stated that he would like to see the 7 acre lot kept as one piece, if this conditional use were to be granted for a home occupation with a family residence and two apartments.

The board also stated that they would like one of the two apartments to be limited to business use. This would be for clients who were using their professional services.

A Motion was made by Lawrence Murch and seconded by Peter Leavitt to grant the conditional use permit for Residential & Office Use as expressed in the application with the following conditions of approval:

1. There will be no further subdivision of the property (7 acres).
2. One of the apartments will be restricted to occupational use.
3. The owners will comply with all state and local ordinances, rules, and regulations.

Other Business:

Mary Picavet and Robert O'Neil were recommended for the vacancy on Board of Appeals.

Adjournment:

A Motion was made by Murch and seconded by Leavitt to adjourn at 8:50 p.m.

Karen Strout
Recording Secretary

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