

**Minutes**  
**Town of Raymond Zoning Board of Appeals**  
**401 Webbs Mills Road**  
October 25, 2004

**Members present:** Chairman Matthew Schaefer, Peter Leavitt, Lawrence Murch, and Michael Higgins. Mary Picavet was absent.

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

**Call to order:** Chairman Schaefer called the meeting to order at 7:08 pm.

**Consideration of minutes dated August 30, 2004:**

**Motion:** With a motion by Michael Higgins and a second by Lawrence Murch, the minutes were approved as submitted. **Vote 4/0.**

**Application:**

Public Hearings:

Map 11, Lot 122- RR2  
Timothy R. Pomerleau  
Egypt Road  
Variance- Requesting a Lot Size Reduction.

Tim Pomerleau represented himself and stated that in 2003 he had purchased a two-acre lot, as well as a house on a seven-acre lot that had been divided in 1996. Dr. Charles Brown separated off the two-acre lot because he did not want a house built directly across the street from his residence. Mr. Pomerleau is seeking a variance so that he can build a house on the two-acre lot.

**Comments from the board:**

Questions from board members to the applicant revealed the following information:  
The property was purchased from Charles Brown and has two separate deeds. The zone requirement is three acres in this zone for a buildable lot. A previous assessor recorded this lot. Neither the routine title search, nor the appraiser noticed this illegal lot at the time of the sale of the property.  
An inquiry from the board to Code Officer Cooper revealed that when this situation had happened in the past, it was remedied by the purchase of land from an abutter.

**Comments from the public:**

Troy Peavey, an abutter spoke against the approval. He had concerns about the processing, advertising, and the completeness of the application that had been accepted. He also had not received his abutter notice.  
Mr. Peavey submitted a packet of information, which has been put in the file. It references information that was missing from the accepted application and a typo on the advertisement to the Suburban Lake Region Weekly.

Peavey submitted photos to the board, which were cross-referenced to a map to show areas of concern on the property.

David MacIntyre, another abutter, stated that the request for a lot size reduction did not bother him.

**Discussion by the board:**

The board questioned the Code Enforcement, Officer Jack Cooper, about the application process. He stated that Code Enforcement Officer reviews the applications to determine whether or not they will go on the agenda. Assistant Code Officer, Paul White, had accepted this particular application. The application serves as a tool to be sure board has all the information needed to review a request. It has been common practice to assist in the preparation and completion of the applications, as well as making copies when necessary. The applications themselves are used for the CEO and BOA files and are not formally required.

The CEO Secretary, Karen Strout, confirmed that all of the abutters had been noticed and a legal ad had been placed in the Suburban Lake Region Weekly. The agenda had been posted on the website and on the bulletin board at Town Hall. Renoticing off all abutters was done when Mr. Peavey reported his had not

been received. Past practice has been to advertise once in a weekly newspaper, at least a week prior to the meeting date. This was done and a confirmation had been received from the paper. According to CEO Cooper the State Regulations require only one advertisement in a paper. He also added that we have been charging the applicant for only one ad.

Board member Larry Murch stated that the Suburban Lake Region Weekly is a paper that people hang on to over the weekend and look at more than once, unlike a daily publication.

Board member Michael Higgins commented that our by-laws should coincide and be brought into conformity. Chairman Schaefer suggested that we continue this discussion under old business. CEO Cooper stated that any by-law changes would need to go through the process.

**MOTION:** was made by Chairman Schaefer and seconded by Michael Higgins that notice to the abutters was adequate and that we should go forward with the application.

Vote 4/0.

**MOTION:** was made by Chairman Matt Schaefer and seconded by Peter Leavitt that any incomplete portions from the application did not prevent the board from hearing this application. Vote carried 4/0.

**MOTION:** was made by Chairman Matt Schaefer and seconded by Peter Leavitt to include in the record the following documents provided by Troy Peavey: application (with omissions highlighted), legal ad, abutter notice, and transfer tax form. Vote carried 4/0.

Discussion:

After a general discussion the board agreed that the applicant failed to meet any of the four criteria needed for the variance, and that they would vote on each of the criteria individually.

**MOTION:** was made by Chairman Matt Schaefer, with a second by Michael Higgins that

1. The land in question cannot yield a reasonable return unless a variance is granted; 0/4.

**MOTION:** was made by Chairman Matt Schaefer, with a second by Peter Leavitt that

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; 1/3.

**MOTION:** was made by Chairman Matt Schaefer, with a second by Peter Leavitt that

3. The granting of a variance will not alter the essential character of the locality; 1/3.

**MOTION:** was made by Chairman Matt Schaefer, with a second by Peter Leavitt that

4. The hardship is not the result of action taken by the applicant or a prior owner. 1/3.

**MOTION:** was made by Chairman Matt Schaefer, with a second by Lawrence Murch to deny the request for a variance for a lot size reduction from three acres to two acres because the applicant could not meet the four criteria. Vote to deny was unanimous 4/0.

Map 9, Lot 50-LRR1  
Lucy Zorich  
Crescent Lake Cottages # 10  
11 Odilon Lane  
Variance-Requesting a Seasonal Conversion.

Lucy Zorich was present, but had nothing more to add to her application.

Cindy and Bob Murphy, owners of the property were present and expressed their desire to have another person living year round on the property. They want to sell all of the properties. Right now the main house and unit 2 are year round dwellings. They own 8.5 acres with the 12 units. The density is  $\frac{3}{4}$  acre per unit.

Member Larry Murch asked whether or not the water and septic had been approved. The response was that it had been approved.

Code Officer Cooper stated that this property had been previously denied, but the criteria had changed and it now met the criteria. It needs to be 100' from the water and it does conform. This application is before the board now only because it was denied before. Presently the ordinance allows the CEO to grant seasonal conversion if the property is 100' from the water.

**MOTION:** was made by Chairman Schaefer and seconded by Lawrence Murch to approve action of the Town of Raymond citizens in amending the Land Use Ordinance to allow the CEO to permit seasonal conversions, and overrule BOA ruling that affected the unit. Vote 4/0.

**MOTION:** was made by Michael Higgins and seconded by Peter Leavitt to dismiss the appeal as moot. Vote 4/0.

**Other Business:**

The board members agreed that the legal advertisements should be placed in both the Lake Region Suburban Weekly and the Bridgton News until the by-laws of our board mirror the state requirements. Applicants would need to be charged for the additional advertisement.

**Adjournment:**

**A Motion** was made by Michael Higgins and seconded by Peter Leavitt to adjourn at 9:15 p.m. Motion carried 4/0.

Karen Strout  
Recording Secretary

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