



**Raymond Zoning Board of Appeals
Minutes*
Monday, June 25, 2012**

Present: Chairman Matthew Schaefer, Peter Leavitt, Elden Lingwood, and Larry Murch.

Absent: Mary Picavet and Sheila Philpot

Staff: Chris Hanson, Code Enforcement Officer, and Danielle Loring, Recording Secretary.

Other: Ray Grant (Applicant), Michelle Carver (Applicant) and Ingo Hartig.

1. Call to order: Chairman Matthew Schaefer called the meeting to order at 7:05pm and a quorum was declared.

2. Approval of Minutes:

a) November 28, 2011

MOTION: Peter Leavitt motioned to accepted the minutes as written; seconded by Elden Lingwood.

DISCUSSION: None.

VOTE: MOTION CARRIED (3/0/1 ab [MS])

3. Applications:

**a) Map 055, Lot 021
1261 Roosevelt Trail
C zone
Ray Grant DBA The Scottish Trader**

Mr. Schaefer reviewed the application materials and asked the applicant confirm the materials, which Mr. Grant did. Mr. Schaefer asked if Mr. Grant had anything to add and Mr. Grant stated that he would remove outside sales from one side of the parking lot (barber shop side) for safety purposes. This would give a 27' buffer for traffic and the flea market sales. He continued by adding that that he would put cones up to increase safety and keep cars away from pedestrians. Mr. Leavitt asked if he would require additional signage and Mr. Grant

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stated that it would just be a sandwich board during hours of operation. Mr. Schaefer asked for his proposed hours and Mr. Grant stated that they would be 8:00am to 4:00pm on Saturdays and Sundays.

Mr. Schaefer asked the Code Enforcement Officer if there were any licenses required, in addition to the Conditional Use Permit, and Mr. Hanson responded that there was not. He explained that this was because Mr. Grant's request was an extension of his existing business, but that there were two parts to Mr. Grant's request because he was asking for approval of outdoor antique sales and to run an outdoor flea market as well.

Mr. Schaefer explained what the process for the Board was and that the permit would go with the property and that they may issue conditions. He wanted to know if there were any setbacks and Mr. Hanson responded that there were not because the business was located within the commercial zone.

Mr. Lingwood wanted to know how many vendors Mr. Grant was expecting, and he responded that he was setting aside 150 square feet for the operation. Mr. Leavitt clarified that that could mean the potential for 15 vendors if they were each given a 10'x10' space and Mr. Grant confirmed adding that there would be additional space for 3 vendors up front as well as 7 behind the business. Mr. Leavitt wanted to know how much space would be available for parking, and Mr. Grant responded that there was roughly an acre.

Chairman Matthew Schaefer opened the public hearing for comments in support of the application and there were none. He then asked for comments in opposition to the application, and there were none. He closed the public hearing for public comment and opened the hearing for Board discussion.

Mr. Schaefer started by stating that it was an allowable conditional use within the commercial zone, but he wanted to be sure that the request met any criteria, under Article 6, Section B.1d and Article 9, Section A: Conditional Uses, and wanted to discuss any conditions that may be added.

Mr. Leavitt stated that he was concerned with the proposed use creating a hazard to motorists or pedestrians, and Mr. Hanson responded that he thought that there was enough room to park all the cars vending and visiting the site, but the question was whether or not motorists would have issues getting in and out. Mr. Grant stated that he would be willing to hire someone to direct traffic. Mr. Leavitt added that he was primarily concerned with summer traffic, but saw the benefit to this use because it could reduce the number of scattered flea markets/yard sales which led to people stopping along side the road. Mr. Lingwood wanted to know if Mr. Grant's proposed traffic control would require permission from the Sheriff's Office and Mr. Hanson stated that he did not know.

Mr. Schaefer clarified that Mr. Hanson felt there there was sufficient parking at the site, and Mr. Hanson confirmed but added that the exit and entry point are the same lane of travel. Mr. Grant did not see how a flea market would cause any more traffic than the 7 businesses that

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are already there, especially since all those businesses are closed on Sunday when this would be going on. He added that he would not hire someone to direct traffic but would hire someone to direct parking.

There was discussion of traffic volume and other areas that had a similar setup. It was clarified that there was only restrictions with traffic volume in the subdivision ordinance. It was decided that they would make a condition the Code Enforcement Officer could intervene if the operations were deemed to be a nuisance. They also discussed addition conditions to limit activities and hours of operations.

MOTION: Matthew Schaefer motioned to approve the application with findings to be defined subsequent to this motion, and by that to intend that make a positive finding in accordance with Article 9.A, subject to the conditions and findings; seconded by Peter Leavitt.

Discussion: Mr. Murch stated that he wanted to add conditions, and Mr. Lingwood said that he wanted to know what they were voting on. It was clarified that they were accepting the application and adding conditions in accordance with the findings for Article 9A.

MOTION: Peter Leavitt motioned to propose a condition that hours of operation be from 8:00am to 8:00pm and be from May through October; seconded by Matthew Schaefer.

DISCUSSION: Mr. Schaefer wanted to know if there was a way to distinguish between antique sales and flea market. Mr. Lingwood added that he was concerned that it gets dark earlier in October. Mr. Grant responded by stating that the outdoors sales portion of the antiques business would be year round and he did not want to limit the hours to 4:00pm because there were more daylight hours in the summer.

MOTION WITHDRAWN

MOTION: Peter Leavitt motioned for the condition of the flea market be from the month of May through October from 8:00am to 8:00pm; seconded by Matthew Schaefer.

DISCUSSION: None.

MOTION: Matthew Schaefer motioned to add a condition of the flea market that the operations did not “in the eyes of the CEO” create a nuisance via Article 9, Section A.9; seconded by Peter Leavitt.

MOTION: Matthew Schaefer motioned that the Board approve the application for the flea market in the manner in which Mr. Grant describe tonight in regards to the number of tables and the space for the tables; seconded by Elden Lingwood.

DISCUSSION: There was concern raised by Mr. Leavitt that the Board should limit the number of vendors as a means of indirect traffic control and that Mr. Grant could come back to amend the number of tables if it was not sufficient.

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MOTION: Peter Leavitt motioned to limit the flea market to 25 vendors, rather than tables; seconded by Matthew Schaefer.

Mr. Grant confirmed that, at that time, he owned all the buildings. Mr. Lingwood was concerned that the usage of the buildings may change in the future.

MOTION: Matthew Schaefer motioned to add the condition that the antique portion be permitted year round between hours of 8:00am to 8:00pm; seconded by Peter Leavitt.

MOTION: Matthew Schaefer motioned that the conditions of the outdoor antique sales, in the view of the CEO, be conforming with the conditions of Article 9, Section A.9; seconded by Peter Leavitt.

MOTION: Matthew Schaefer motioned that the outdoor antiques portion be operated in a manner that is consistent with what Mr. Grant just described; seconded by Peter Leavitt.

DISCUSSION: Matthew Schaefer motioned that the following vote will apply to the approval and all the conditions. If any member has a problem with any portion, vote against it and they will discuss it.

VOTE: UNANIMOUS APPROVAL (4/0)

- b) Map 046, Lot 008
71 Main Street
VR2 Zone
Michelle Carver DBA Jordan Bay Properties, Inc**

Mr. Schaefer confirmed with applicant all the materials in her application and she agreed. He asked her to present anything that she would like to add to the application. Ms. Carver stated that she would like to open a 24 hour pet boarding facility. The building was 2400 square feet and had plenty of entry. She added that dogs would be inside when there was not one present. Mr. Schaefer wanted to know how many dogs she would board and she responded that the building could support 40-50. Mr. Schaefer that asked the Code Enforcement Officer if there were any additional permits required, and he stated that there were none.

Mr. Schaefer asked if there would be outdoor runs for the dogs, and Ms. Carver responded that there was a 30'x50' section that would be fenced off and divided and that dogs would be grouped in them. Mr. Schaefer then asked about Ms. Carver's qualifications. She explained that she had CPR training and that she would be working with Julia, the owner of Dog Gone Grooming. Mr. Lingwood wanted to know if there would be an overnight associate, and Ms. Carver responded that there would be when it was necessary, but, in general, the dogs would be brought in and left for the night, as was the case with other kennels, because the building was alarmed.

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Chairman Matthew Schaefer opened the public hearing for those in favor of the application.

Julie Bechard, Dog Gone Grooming, explained that Ms. Carver has helped her own business grow and helped care for the animals. She added that her current clientele has a need for this type of service. Ms. Bechard added that Ms. Carver would be able to provide that personal touch that some owners wish for their pets and that she had an understanding of some animals needs and how to administer medication for various health needs.

Beth Godet, Centerstage, explained that she owned the dance studio in the building where the kennel was proposed and had gone over the plans to make sure that it will be safe for the children.

Mr. Schaefer opened the public hearing for those opposed to the project and there were none. He then opened the public hearing for those who had questions regarding the project.

Ingo Hartig explained that he concerns regarding the rules for barking dogs and the mechanisms for enforcing it. Mr. Schaefer wanted to know if Mr. Hartig was an abutter and he confirmed stating that he owned four apartment units near the proposed facility. Mr. Hanson confirmed that there was a Barking Dog Ordinance. Mr. Leavitt referred to the minimum standards of Article 9, Section A.3 that the use would not create “noise or odors” and would need to be contained withing the structure.

Chairman Matthew Schaefer asked is there were anymore public comments and there were none. He closed the public hearing to public comment and opened the hearing for discussion amongst the Board.

Mr. Lingwood was concerned that the Board did not have the authority to allow this because it was not within the ordinance. Mr. Schaefer responded that he felt that was the purpose of the Conditional Use Permit because there was no language regarding dance studios within the Village Residential area either, but felt that it was acceptable if it was within the perimeters of the permit.

Ms. Caver stated that there would not be dogs outside from approximately 7:00am to 7:00pm and that the facility was going to be a controlled environment. Mr. Schaefer asked about traffic during pick up and drop up, and Ms. Carver stated that there was an established one direction flow of traffic and there is enough room for parking for all three businesses. Mr. Schaefer asked if the business was going to be a Doggie day care as well as kennel, and Ms. Carver confirmed.

Mr. Leavitt wanted to know if this type of business occurred as a home occupation, and Mr. Hanson confirmed that there was one on Egypt Road. Mr. Schaefer wanted to know what the definition of a Board Home was and Mr. Hanson read the definition from the ordinance as applying to “three or more persons” in which compensation was given. Mr. Hanson wanted to know how animal waste was going to be handled, and Ms. Carver responded that it would be cleaned up immediately and disposed of.

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MOTION: Pete Leavitt moved to approve the application subject to conditions as follows:

1. No dogs allowed outside the building, unattended, between 7pm to 7am;
2. Not more than 25 overnight dogs; and, that under Article 9, Section A: Conditional Uses, specifically #3, that there be no noise complaints detectable at the lot lines and creating a nuisance enforceable via the CEO or other town officials;
3. That there be no dog outside of the building when there is no one supervising the building; seconded by Larry Murch.

VOTE: UNANIMOUS APPROVAL (4/0)

4. Board Communications

a) Review of Zoning Adjustments Title 30-A MRSA §4353

Peter Leavitt recommended this item because he had wanted to know what the standard was for setback reduction policies. He explained that it was currently 50% with four points of hardship, but setback is 20% if lot was created before 1986. Ms. Loring explained that she had researched when this ordinance was created but was unsuccessful. She explained that the date 1986 seemed to correspond with the creation of the creation of the Zoning Board.

Mr. Leavitt asked if staff could research this standard for other towns and check with the town attorney to see if could be removed.

b) Discussion of 1986 Requirement for Setback Reductions

5. Code Enforcement Officer Comments

Mr. Hanson reported that he was working on wrapping up some land use violations.

6. Adjournment.

MOTION: Elden Lingwood motioned to adjourn, seconded by Larry Murch.

Chairman Matthew Schaefer adjourned the meeting at 9:23pm.

Danielle Loring
Recording Secretary

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