



**Raymond Zoning Board of Appeals
Minutes*
Monday, January 7, 2013**

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

Absent: Mary Picavet and Sheila Philpot.

1. Call to order: Chairman Schaefer called the meeting to order at 7:00pm

2. Approval of Minutes:

a) November 26, 2012

MOTION: Peter Leavitt motioned to accept the minutes as written; seconded by Elen Lingwood.

DISCUSSION: Chairman Schaefer reminded the public that the DVD record served as the official minutes.

VOTE: UNANIMOUS APPROVAL (4/0)

3. Applications:

**a) Map 030, Lot 057
51 Haskell Ave
LRR1 zone
Beth Cormier & Joanne Stinson**

Chairman Schaefer summarized the application and asked if the applicant had anything to add. Beth Cormier explained that she and Joanne Stinson would like to create a new garage but the most conforming location would require a setback reduction. There was an existing building within 100' of the water but the new garage will be smaller and setback as far as possible within the 100' zone. Mr. Leavitt asked if the building was the same use, and Ms. Cormier responded that it was not because the existing building was a cottage.

Mr. Hanson gave the history of the property and explained that the application would be a

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change of use as well as setback reduction. He explained that the new building could have been 100% conforming but would have involved cutting down 2 large pine trees. Mr. Lingwood as what happened to the vegetative buffer after the building was removed, and Mr. Hanson responded that a restoration plan would be created as a combined effort between him and the Department of Environmental Protection (DEP)

Mr. Leavitt as that because they were proposing an attached garage if it was going to be considered as part of the principle structure. Mr. Hanson responded that it would be, and he felt that it was the best answer to the problem. Mr. Leavitt followed up by asking if the new building would be within the 30% expansion rule, and Mr. Hanson explained that the existing dwelling unit was outside of the 100' buffer and it did not apply, but because the proposed was much smaller than the existing cottage, he believed it to be well below the 30% either way but did not know for sure.

Mr. :Leavitt clarified that the reason why they were considering the cottage was because the project was a considered a relocation of an existing building within the greatest practical extent, whereas they could not just build a freestanding garage because it would be considered encroaching on the lake, and Mr. Hanson confirmed.

Chairman Schaefer asked what the considered use was, and Mr. Hanson answered that it would become part of the primary structure and the overall lot would be a single family residence with an attached garage.

The Board discussed the conditions of the lot and the notion of changing the use of the existing structure. Mr. Leavitt expressed his hesitation with the quid pro quo style of approval and wanted to know if there was any way to put the building beyond the 100' setback, and Mr. Hanson said that the limiting factor was the septic system along the front of the home.

Chairman Schaefer stated that he was concerned with considering the building a replacement structure, and Mr. Hanson said that they had to utilize the “greatest practical extent” condition of the ordinance because it was still going to be within the 100' setback but within the same footprint of the existing cottage. He continued to explained that moving the building would also reduce the “walling in” effect on the lakefront because the structure would be away from abutting properties.

Mr. Leavitt stated that he agreed that this was a replacement structure and thought that it made the lot less nonconforming. He asked the applicants if they were planning on adding living space, and Ms. Cormier stated that they had not done the volume calculations, but the building was going to be a story and a half for storage to allow for storage above the garage. Mr. Leavitt then asked Mr. Hanson if the Board did not grant the change of use, if the building could be considered a dwelling unit, and Mr. Hanson responded that setback reductions could not be granted for dwelling space. He suggested that he could state on the permit that it “could not be used for living space” or the Board could include it in their motion.

Mr. Lingwood asked about erosion control and suggested Pat Marass as a resource due to the

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current grant application for Raymond Waterways Protective Association (RWPA).

Chairman Schaefer clarified that the building needed to be attached because of the use. Ms. Cormier wanted clarification on the change of use issue, and Chairman Schaefer stated that if the building was attached then it was not a change of use because it was considered part of the existing residential building.

MOTION: Peter Leavitt motioned to grant the sideline reduction setback from 20' to 10' with the condition that the CEO include in the permitting the element that there be no dwelling units contained within in the garage; seconded by Larry Murch

VOTE: UNANIMOUS APPROVAL (4/0)

MOTION: Matt Schaefer motioned that the setback reduction is in respect to construction of an attachment or a building that is incidental to the existing structure; seconded by Peter Leavitt

VOTE: UNANIMOUS APPROVAL (4/0)

DISCUSSION: Mr. Hanson reminded the Board about the vegetation issue.

MOTION: Elden Lingwood motioned that the area where the cottage is be vegetated per CEO approval; seconded by Peter Leavitt

VOTE: UNANIMOUS APPROVAL (4/0)

4. Board Communications

a) Review of Draft Bylaws

Chairman Schaefer summarized the agenda item. Mr Lingwood stated that he was concerned with training and lack of attendance by members and alternates. He handed out bylaws that he drafted and read them into the record.

Mr. Leavitt presented an outline of articles that he felt would meet their needs and read them into record.

The Board discussed the draft documents that were provided and the importance of having bylaws. The concern was whether the Board had the authority to dismiss a member, but rather create conditions in which a member would be recommended to the Selectmen for dismissal.

MOTION: Peter Leavitt moved that due to lack of attendance, after contact from the Chair with the alternate and then absence from subsequent meeting following that discussion without a reason, that the Selectmen contact the member to request the resignation of the

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alternate and post that position to be filled; seconded by Elden Lingwood.

DISCUSSION: Peter Leavitt felt that the guidelines would also define the chain of communication in the event that a member was not going to make a meeting. Mr. Murch liked the idea of contacting the member to give them the option of resigning versus just letting them go and felt that the Board should increase the number of alternates to two within the ordinance.

Chairman Schaefer stated that he agreed with the direction they were taking and explained that he had never met the alternate.

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Schaefer wanted the Board's direction on creating bylaws, and Mr. Leavitt stated that he could pool together examples from other bylaws to workshop at the next meeting.

5. Code Enforcement Officer Comments

Mr. Hanson summarized current violations and work being completed.

Mr. Leavitt asked about the status of warrant article that they had recommend and Mrs. Loring stated that it was pending the Planning Board Public Hearing.

6. Adjournment.

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

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Schaefer adjourned the meeting at 8:09pm.

Danielle Loring
Recording Secretary

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