



**Raymond Zoning Board of Appeals
Minutes*
Monday, May 20, 2013**

PUBLIC HEARING

Present: Chairman Matthew Schaefer, Vice Chair Peter Leavitt, Elden Lingwood, Larry Murch, and Mary Picavet.

Absent: None.

Staff: Chris Hanson, Code Officer.

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) January 7, 2013

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

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

3. Applications:

**a) Map 053, Lot 009
1284 Roosevelt Trail
C Zone
Tom Hartley**

Chairman Schaefer opened the application and asked Tom Hartley if he wanted to add anything. Mr. Hartley explained his intent with his application, and how he was trying to relocate his business that was consistent with Raymond's appeal. Chairman Schaefer was concerned that the Planning Board may need to be involved, and Mr. Hartley explained that he was told that the Planning Board involvement was dependent of square footage and he had been careful to remain below the threshold.

Chairman Schaefer opened the public hearing for comment that was in favor of the

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application.

Kevin Gagnon, Trinity Properties, explained that he was an abutter to the property and had bought 1288 Roosevelt Trail where Mr. Hartley had been previously located. Mr. Gagnon continued that he agreed that the sale of docks was consistent with Raymond's recreational appeal but was concerned with the sale of other products. He was also concerned that the outdoor sales would not be consistent with the recent renovations made along the commercial corridor and that it was not consistent with the design standards. He was also concerned with impervious surface and the stream that ran behind the property.

Mr. Hartley explained that he was not looking to put in additional impervious surface, and he was going to work with all regulating authorities to meet any and all standards.

Mr. Lingwood asked if the applicant was going to be providing mechanical services, and Mr. Hartley responded that he was not. There would be no changes to the site; he was not going to be opening the gas pumps; and any mechanical work would be done off site. He welcomed conditions to be part of his approval.

Mr. Gagnon was concerned with the lot being used for consignment sales.

Chairman Schaefer explained that the Board was going to go through the standards that govern their decision. He continued that a Conditional Use approval did include outdoor sales and he then read the description for the Commercial District; Article 6 of the Land Use Ordinance, which concerned that powers of the Board; Article 9, which were the minimum standards for the Conditional Uses; and Article 12 concerning definitions. Mr. Schaefer wanted to know how much of the Conditional Use process was related to the Planning Board, and Mr. Hanson responded that there was a threshold of 2400 square feet of combined impervious surface, per Article 10.

Mr. Hanson then stated his concerns per his discussions with Mr. Hartley. He explained that the desired use for the site was grass, which would become impervious with use as well as the crushed stone area. He was also concerned with the number of parking spots because of the storage of items in the area. Chairman Schaefer asked how many parking spots the location was approved for, and Mr. Hanson responded that he did not know. Chairman Schaefer then asked if the parking numbers increased, if the application would require Planning Board approval. Mr. Hanson responded that parking was dependent of the usage of the building.

Chairman Schaefer then clarified that there would be no building permit issued until the plans were approved. His primary concern was that the Board would granting approvals that were outside the scope of their authority.

Mr. Hartley explained that he could not think of a time where there were more than 2-3 cars parked at his location at a time. He added that he was not going to be doing consignment because he would purchase any equipment that he intended to sell.

Mr. Gagnon reiterated that he was concerned with design standards. Chairman Schaefer stated that he was concerned with looking at plans that involved development and explained

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that the Zoning Board did not look at the Design Standards. Mr. Hartley explained that his primary concern was getting his dock sale operational, which the Code Officer had said would not be a problem. He added that he would go to the Planning Board with the remaining items, if he needed to, and offered to work with Mr. Gagnon to improve aesthetics. Mr. Hanson responded that the scope of the project was going to be much smaller, and Mr. Hartley responded that the plans were much smaller than he had originally proposed in April before applying.

Chairman Schaefer asked if Mr. Hartley had a display area at the old location, and Mr. Hartley responded that he had but it had been poorly placed behind the building and would like to take advantage of the roadside appeal of the new location.

Chairman Schaefer explained that the Conditional Use Approval would run with the land. Chairman Schaefer then opened the discussion for the Board consideration.

Mr. Leavitt wanted to know if there was water behind the property, and Mr. Hanson responded that there was a drainage ditch between the buildings and that behind the property may be considered a wetland, which would mean that the applicant would need to remain 100 feet back from that area.

Mr. Leavitt suggested placing conditions on the approval that would include restrictions to parking and limit the approval to a smaller project because larger would need to go before the Planning Board. Mr. Lingwood added that he was concerned with the approval running with the land because he did not want to see the sale of use equipment in that location in the future. Mr. Hartley explained that he was hoping to make the location prosperous because he would then consider purchasing.

Mr. Leavitt reiterated that the abutter who spoke was not opposed to the project but was concerned with the aesthetics.

Mr. Hartley added that 4-5 parking spaces would be enough for his use.

Chairman Schaefer explained that he was concerned with a sweeping approval for the application and Mr. Hartley what his primary concerns were. Mr. Hartley responded that wanted approval for the dock sales; sale of canoes and kayaks that were not on trailers; and the sale of lawn furniture. He wanted to use the front lawn for a display area and did not need a lot of area, about 40'x80'x30', but he was willing to compromise. Chairman Schaefer asked Mr. Hartley was going to have a storage building, and Mr. Hartley responded that he was not.

Mr. Hanson explained that the display needed to be under 2400 square feet of impervious surface, which would be 40'x60', and lighting as well as signage would need to be confined to that area. Chairman Schaefer asked why the area was considered impervious, and Mr. Hanson explained that the use would cause the area to become impervious, but the parking area was existing.

Mr. Lingwood reiterated that this could be a two step process where the Zoning Board was approving the Conditional Use to keep Mr. Hartley in business, but he would have to go to the

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Planning Board for additional approvals and further develop the site. The Board then discussed the areas that the Planning Board would review during a Site Plan Review. Chairman Schaefer added that this would be one of the conditions for approval. Mr. Leavitt stated that he did not feel that it needed to be a condition because any other approvals would need to go to the Planning Board automatically. He suggested that the Board give approvals for the uses within the 2400 square feet, because this approval was allowing for the Planning Board to expand the development of the site.

Mr. Gagnon encouraged the Board to approve a condition that would not allow for the storage of construction vehicles on the site. He also requested that Mr. Hartley be required to install a visible barrier and preferred that it be trees. He was also concerned that the other abutters were not aware of the expansion of the business. Mr. Hanson listed the abutters that he had spoken with prior to the meeting. Chairman Schaefer explained that it was up to the abutters to do their due diligence. Mr. Hartley explained that there were two pieces of equipment that were specific to his operations but agreed with not storing other vehicles there.

Mr. Lingwood wanted to know what Mr. Hartley's current product line was, and Mr. Hartley explained that he sold swim floats, docks, mooring setups, and jet-ski and boat lifts. Mr. Lingwood wanted to know if it had included furniture, and Mr. Hartley explained that he had just started that product line before he moved. Mr. Lingwood then asked if he had sole canoes and kayaks, and Mr. Hartley responded that occasionally would. Mr. Lingwood then wanted to know if he had had a display of these new items, and Mr. Hartley explained that he had not but he was not looking to store a lot of inventory.

MOTION: Peter Leavitt motioned to approve the request for Conditional Use to allow outdoor sales and services with the following conditions:

1. Limited to the following items:
 - Display, sale and transport of docks, dock accessories, outdoor furniture, and non-motorized water crafts.
 2. Outdoor sales location not to exceed 40' (forty feet) by 60' (sixty feet) or 2400 (two thousand-four hundred) square feet.
 3. There shall be no development in the Route 302 right of way;
- seconded by Larry Murch.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

4. Board Communications

a) Review of Draft Bylaws

Mr. Leavitt explained the language that he had drafted based on the directions from the Board at the previous meeting while building upon the State Law and Article 6 that both outlines the duties of the Board. He explained that it established criteria for attendance, training as well as the process for dismissing members. He explained that there were descriptions outlined for

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conflict of interest and recourse described for inappropriate behavior. There was also language pertaining to the election of the officers on an annual basis, which was recommended for the first meeting of the year, but it did not have a defined term. The draft document also outlined the duties of the chair, which included *Robert's Rules of Order*. Mr. Leavitt also explained that the document included the definition for a quorum, the rights of the public and explained that he felt that it was appropriate to forward this document to the Board of Selectmen.

Chairman Schaefer felt that Mr. Leavitt's document was helpful and suggested that the other Board members review the language to discuss at the next meeting. His only concern was that public comment should be limited to items that were on the agenda.

Mrs. Picavet felt that attendance would be hard to track due to the sporadic meeting schedule. Chairman Schaefer responded that it would be sequential absences and the chair would rely on the secretary to alert them if there was an issue. Mr. Leavitt explained that he did not want to set the bar too high that the bylaws deterred volunteers. Chairman Schaefer explained that he would like to refer to *Robert's Rules* but did not want to be too restrictive. Mr. Leavitt explained that those were not the only standards used to run a meeting. The Board agreed to review the materials and prepare comments for the next meeting.

5. Code Enforcement Officer Comments

Mr. Hanson summarized the projects that were being addressed throughout the town.

6. Adjournment:

MOTION: Elden Lingwood motioned to adjourn; seconded by Peter Leavitt.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Schaefer adjourned the meeting at 8:44pm.

Danielle Loring
Recording Secretary