



**Raymond Zoning Board of Appeals**  
 423 Webbs Mills Road  
 Raymond Broadcast Studio  
**DRAFT Minutes**  
**Tuesday, September 27, 2022**  
**VIA ZOOM**  
**6:00 pm**

**Call to order:** David Murch called the meeting to order at 6:00 pm

Roll was called and a quorum was declared

**Present:** David Murch, Chair; Greg Dean, Vice Chair; Tom Hennessey\*, Fred Miller and Pete Lockwood

**Staff:** Alex Sirois, CEO and Sandy Fredricks, Administrative Assistant PB & ZBA

**Attorneys Present:** Stephen Wagner for ZBA; Eric Wycoff for CEO; Leah Rachin for Management Controls LLC & Q-Team; Gregory Braun for Durant Excavating LLC and Big Lake Marine LLC

Murch read the Opening Statement into the Record as well as the Agenda.

Murch moved to approve the August 30, 2022 Minutes.

Miller seconded.

All in favor? 4 yes – 0 no – 0 abstain

Dean moved to remove both appeals from the table.

Miller seconded.

All in favor? 5 yes – 0 no – 0 abstain

The Board and all parties received three (3) additional emails. First from Eric Wycoff who explained this was in response to Murch's request for where to find specific information in Rachin's 249-page submittal which is part of the record. No need for motion by the Board.

Second email from Greg Braun attaching emails from his client regarding tree removal.

Murch moved to admit the documents to the record.

Miller seconded.

All in favor? 0 yes – 5 no – 0 abstain

Third email from Greg Braun with two (2) attachments pertaining to the accuracy of iPhone measurements and horizontal position accuracy of Google Earth.

Dean moved to open the record and admit these documents.

Lockwood seconded.

The Board discussed these documents and called a vote.

All in favor? 4 yes (Murch/Hennessey/Miller/Lockwood) – 1 no (Dean) – 0 abstain

Attorney Wycoff called Alex to testify regarding Google Earth.

FOR DETAILS, PLEASE SEE VIDEO, THE OFFICIAL RECORD OF THE MEETING

Murch moved to reopen the Public Hearing.  
Dean seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Dean moved to close the record.  
Hennessey seconded.  
All in favor? 5 yes – 0 no – 0 abstain

The Board took a 5-minute break 7:27 – 7:32

Stephen Wagner stated the Board will now enter into Deliberation of the NOV issued to Management Controls LLC regarding 28 Whitetail Lane.

Appellant argued that all violations should be vacated because Management Controls LLC reasonably relied on its contractor. Wagner asked the Board if they believe the same finding as in the 18 Fernwood Appeal that they are not relieved of responsibility because the contractor did not fulfill obligation. The Board concurred.

Dean moved to deny appeal that all violations should be vacated.  
Miller seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Violation 1.  
Dean moved to deny appeal as to this argument and Violation 1 is upheld.  
Miller seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Violation 2.  
Dean moved to deny appeal of Violation 2.  
Miller seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Hennessey moved to deny appeal of the Violation and Violation 3 is upheld.  
Dean seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Dean moved to deny the appeal of Violation 4 and Violation 4 is upheld.  
Hennessey seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Violation 5 is discussed at length.

Dean moved to grant the appeal in part and vacate Violation 5.  
Murch seconded.  
All in favor? 3 yes (Murch/Dean/Hennessey) – 2 no (Miller/Lockwood) – 0 abstain

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Murch moved to grant the appeal in part and consolidate Violations 6 & 7 into a single Violation.

Dean seconded.

All in favor? 3 yes (Murch/Dean/Lockwood) – 2 no (Hennessey/Miller) – 0 abstain

Hennessey moved to deny the appeal as to this argument and to uphold the consolidated Violation 6/7.

Dean seconded.

All in favor? 5 yes – 0 no – 0 abstain

Violation 8 is discussed as not having been appealed. The Board took no additional action.

Dean moved to deny appeal in part and uphold Violation 9.

Hennessey seconded.

All in favor? 5 yes – 0 no – 0 abstain

Dean moved to consolidate Violations 8 & 9.

Murch seconded.

All in favor? 0 yes – 5 no – 0 abstain

Hennessey moved to consolidate 10, 11 & 12.

Murch seconded.

After much discussion, Hennessey withdrew the motion.

Murch moved to vacate Violation 12 as it is duplicative of Violation 7.

Hennessey seconded.

All in favor? 2 yes (Murch/Dean) – 3 no (Hennessey/Miller/Lockwood) – 0 abstain

Dean moved to uphold Violation 10.

Miller seconded.

All in favor? 5 yes – 0 no – 0 abstain

Dean moved to uphold Violation 11.

Lockwood seconded.

All in favor? 5 yes – 0 no – 0 abstain

Dean moved to uphold Violation 12.

Murch seconded.

All in favor? 3 yes (Hennessey/Miller/Lockwood) – 2 no (Murch/Dean) – 0 abstain

Rachin addressed the Board regarding Violations 10, 11 & 12 and presented argument that they would have been consumed into Violation 8.

Dean moved that Violations 1, 2, 4, 5, 6, 7, 9, 10, 11 & 12 are duplicative of Violation 8.

Hennessey seconded.

All in favor? 0 yes – 5 no - 0 abstain

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Murch moved to instruct Stephen Wagner to prepare Findings of Fact in this matter.  
Lockwood seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Murch moved to table Administrative Appeal filed by Gregory P. Braun on behalf of Big Lake Marine LLC/Robert Durant Member and Manager regarding 28 Whitetail Lane.  
Hennessey seconded.  
All in favor? 5 yes – 0 no – 0 abstain

Murch moved to adjourn.  
Dean seconded.  
All in favor? 5 yes – 0 no – 0 abstain