



**Raymond Zoning Board of Appeals**  
 423 Webbs Mills Road  
 Raymond Broadcast Studio  
**Minutes**  
**Tuesday, October 25, 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.

Dean moved to approve the September 26 & 27, 2022 Minutes.

Hennessey seconded.

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

The Board addressed the acceptance of the Finding of Facts for Management Controls LLC Appeal for 28 Whitetail.

Dean moved to remove from the table.

Hennessey seconded.

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

Wagner reviewed the Finding of Facts with the Board will now enter into Deliberation of the NOV issued to Management Controls LLC regarding 28 Whitetail Lane. He asked if the Board had any substantive changes to the draft provided. There were none.

Rachin asked for clarification on Page 8 that Violation 9 should be upheld. Wagner provided an explanation.

Dean moved to uphold Violation 8 because it was not raised on Appeal.

Murch seconded.

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

Dean moved to grant the appeal in part and deny the appeal in part.

Murch seconded.

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

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

Dean moved to remove the Durant/Big Lake Marine appeal from the table.  
 Hennessey seconded.  
 All in favor? 5 yes – 0 no – 0 abstain

Wycoff stated the Town moves to dismiss Big Lake Marine's appeal for not complying with §16 3 (a)(2)(i) which states "Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes: (i) A concise written statement indicating what relief is requested and why it should be granted." He continued that the appeal only denied allegations 1, 3, 4, 5, 8 & 9 and should be dismissed for Big Lake Marine's failure to provide requested relief for the appeal.

Murch moved to grant the Town's motion to dismiss the appeal on the basis it did not provide relief requested.  
 Dean seconded.  
 All in favor? 0 yes – 5 no – 0 abstain

Wycoff stated the Town withdraws Violation 5 of the Notice of Violation issued March 10, 2022.

Braun questioned Sirois regarding Shoreland Zoning and site4s in the NOV. Also asked what evidence he had of erosion. Sirois answered the questions and reviewed the photographs with the Board. Sirois further stated he was not aware of specific erosion or sedimentation issues.

Braun addressed Violation 4 regarding definition of Structure or Use; spoke of shoreline expansion without permit. Sirois stated the shoreline constituted a structure or use and that it is in the Table of Used 17 (a) and (b), temporary & permanent structures. Braun inquired if it has been trees and not rip rap if it would have been considered a structure. Sirois stated he did not believe trees could be considered a structure or use.

Wycoff stated the Town objected to the photos submitted as many referred to the Fernwood property. Wagner advised the Board they should admit the photos and consider them.

Murch moved to allow the admission of the photographs submitted by Greg Braun today.  
 Dean seconded.  
 All in favor? 5 yes – 0 no – 0 abstain

Braun raised issue with no NOV being issued to Q-Team regarding Violations 10, 11 & 12, Unpermitted Tree Removal because the CEO was told that Q-Team did not remove them. The Board viewed the emails between Buteau and Durant which Braun wished to have entered into the record. Wycoff and Rachin objected to the admission of the emails.

Murch moved to include the emails as submitted by Greg Braun.  
 Dean seconded.

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

The Board discussed the emails and interpretations at length.

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Rachin asked a few questions of Sirois regarding rip rap and fill.

Wycoff asked the Board if they had enough recollection of the violations or if they wished Sirois to go through the presentation again. The Board asked for Sirois to review it with them. Sirois reviewed the slide presentation and Wycoff presented his power point for this NOV.

There was discussion regarding admissibility of case notes provided by the Town.

Murch moved to include the notes in the record.

Dean seconded.

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

Braun objected to redaction in the notes. Sirois stated he can speak to the validity as it is his employee.

Wycoff questioned Sirois on a few items including if the emails submitted by Braun in any way changed his mind about who performed the work. Sirois stated it did not. Braun questioned Sirois regarding Exhibits D & F and if he can show where #6 & #7 were violated. Sirois explained the differences between “leaf litter,” “forest dust” and “duff layer” and showed some examples of them in the photos.

Braun is given an opportunity to readdress Sirois regarding Q-Team and their procedures and case notes. He also questioned if any other documents existed regarding the measurements. Rachin stated she would like to readdress the issue of duplication of #6, #7 & #12.

Murch moved to Open Public Hearing at 8:55

Dean seconded.

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

There being no one wishing to speak, the Board closed the Public Hearing.

Rachin readdressed the Board and requested they uphold Violations #6 & #7 as they did for Management Controls and stated Violation #12 is duplicative.

Wycoff stated that the only testimony taken was from Sirois; appellant did not provide any witnesses other than Sirois. He continued that the Board should uphold the NOV as they have in the other matters. He further addressed Violations #6, #7 & #12 stating #6 & #7 are very different and #12 is different from them because they rely on separate facts.

Murch moved to close the record.

Hennessey seconded.

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

The Board took a ten-minute break from 9:10 p.m. to 9:20 p.m.

The Board resumed the meeting at 9:20 p.m.

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## Violation #1

Dean moved to uphold Violation 1 based on the findings.

Murch seconded.

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

## Violation #2

Dean moved to deny the appeal and uphold Violation 2.

Murch seconded.

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

## Violation #3

Murch moved that based on findings to deny the appeal and uphold Violation 3.

Hennessey seconded.

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

## Violation #4

Dean moved that based on the findings the Board deny the appeal and uphold Violation 4.

Hennessey seconded.

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

Violation #5 has been withdrawn by the Town.

Dean moved to vacate Violation 5.

Miller seconded.

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

## Violation #6

Murch moved to consolidate Violation 6 & 7 into one violation.

Lockwood seconded.

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

## Violation #6

Murch moved to uphold Violation 6 based on the findings.

Hennessey seconded.

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

## Violation #7

Murch moved to deny the appeal in part and uphold Violation 7 based on the findings.

Miller seconded.

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

## Violation #8

Murch moved to deny the appeal in part and uphold Violation 8.

Miller seconded.

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

**Violation #9**

Murch moved to deny the appeal in part and uphold Violation 9.

Dean seconded.

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

**Violation #10**

Dean moved to deny the appeal in part and uphold Violation 10.

Miller seconded.

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

**Violation #11**

Dean moved to deny the appeal in part and uphold Violation 11.

Miller seconded.

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

**Violation #12**

Miller moved to uphold Violation 12.

Murch seconded.

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

Big Lake Marine stated that the work met the DEP PBR guidelines.

Murch moved that the appeal is denied on the grounds that Big Lake Marine's activities did not meet the DEP PBR guidelines.

Dean seconded.

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

Wycoff stated he will file a Motion for Reconsideration of Decision on Management Controls LLC regarding 28 Whitetail.

Dean moved to adjourn.

Miller seconded.

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

Adjourned 10:45 p.m.