



Raymond Zoning Board of Appeals
 423 Webbs Mills Road
 Raymond Broadcast Studio
Minutes
Tuesday, September 24, 2024
7:00 pm

Call to order: David Murch called the meeting to order at 7:00

Roll was called and a quorum declared

Present: David Murch, Chair; Tom Hennessey, Fred Miller and Pete Lockwood

Absent: Greg Dean, Vice Chair

Staff: Chris Hanson, CEO; Jason Williamson, Assistant CEO and Sandy Fredricks, Administrative Assistant PB & ZBA

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

Minutes of August 27th, 2024

Hennessey moved to accept the Minutes as written.

Miller seconded.

Any discussion? None

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

Old Business

Administrative Appeal Re 36 Murch Landing Road

APPLICANT	Karen & Bill Burke
LOCATION	36 Murch Landing Road (Owner O'Connor)
DESCRIPTION	Administrative Appeal of Permitted Second Dock- Permit #2024146

Hennessey moved to remove the matter from the table.

Miller seconded.

Any discussion? None.

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

Attorney McDonald and Attorney Howe were both present via Zoom on behalf of their respective clients. McDonald provided an update stating they are still working toward resolution of the matter and hope to have same resolved and able to be withdrawn prior to the October 29th, 2024 meeting.

Both attorneys were advised that the Board will schedule the Site Walk for October 19th, 2024 as they wish to view the properties prior to the October meeting should it not be resolved. McDonald and Howe acknowledged their clients agree to conduct the Site Walk on the 19th of October.

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Hennessey moved to table the Burke Administrative Appeal to October 29th, 2024 at the request of the parties.

Lockwood seconded.

Any discussion? None.

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

New Business

Administrative Appeal 32 Shore Road

APPLICANT	Sheena Jo Randall
LOCATION	32 Shore Road
DESCRIPTION	Administrative Appeal of NOV issued August 7, 2024 for installation of a Dock and Shed without Permit

Murch stated they did conduct a Site Walk. Hennessey read the Report into the record (see attached).

Hennessey moved to include the Report in the official record.

Lockwood seconded.

Any discussion? None.

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

Murch addressed the appellant stating the Board will address the shed issue and dock issue individually. Ryan Martin stated he is present on Zoom to address the Right-of-Way. Murch explained how the process will go; who will speak when and when the Board will take public comment.

Appellant stated Notices were issued that she put in a dock without a permit and shed was put in without a permit. She continued that she went over paperwork and stated the shed was on the plot plan as 10 x 17 but when she bought it, it was 10 x 20 and she believed that if it was on skids, it did not need a permit. She continued that she hasn't heard back on any of the permit applications she submitted.

Murch stated he reviewed all the information submitted with the permit. There is some back and forth between Appellant and Board about the plot plan. Murch asked if there was any indication on the actual permit application about the shed. Appellant stated she didn't see it. Miller questioned Page 3 of the Permit information regarding the shed and the square for the RV. Hanson stated it wasn't part of the original permit. Lockwood stated shed went from 10 x 17 to 10 x 20 and asked if that needed to be corrected. Hanson will respond when it is his turn to address the Board.

Appellant believed the Ordinance stated if a shed is on skids or wheels, it didn't need a permit. Lockwood stated he could not find this information in the Ordinance. Miller asked for clarification if what he had was actual permit application. Hanson stated if it is what he sent to the Board in his reply package, it would be. Hanson looked at what Miller was referring to and confirmed it was the actual permit application.

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Hennessey stated the Appellant believed her setbacks were correct; they are not as side setbacks are 20' and front setbacks are 30'. He continued that according to what was submitted, the garage is only 6' from the setback.

Appellant stated she has spoken with CMP and DOT. Murch asked Hanson to address this. Hanson stated the NOV is for a shed that didn't have a permit. He explained about needing a plot plan with the permit application showing the setbacks. He continued that expansions in Shoreland is a 15% of lot coverage by impervious. He further stated he did not receive any information on the 200 sq. ft. shed. Hanson also stated that as far as DOT, they have no jurisdiction on private streets as well as public streets in a municipality; they only have jurisdiction on State roads. Further, CMP has no jurisdiction on the Right-of-Way. Addressing Hennessey's comment about other violations on the property, we are not here to discuss that tonight.

Miller stated that looking at the permit, there was no mention of a shed. Hanson stated at the time NOV went out, there was no permit.

There is some discussion between Appellant and Murch regarding the appeal. Appellant read all of her square footage measurements of her original application to put an addition on the house.

Hennessey asked Hanson about building permit for expansion, if he had done any inspections of the property. Hanson stated he had done several inspections at various times in the process with the last one done being the insulation inspection.

Murch stated the Board will now address the dock issue.

Appellant stated there are two new owners and she was told that she needed signatures from all the owners with an interest in Lot 62A. She continued to explain what she found in the title searches. There are two homeowners who live there year-round; she was told by new owners of 31 Shore Road that she had no rights to 62A. She spoke about dead trees left by Susan Mosher and discussion she had with Alex. Appellant continued and stated the waterfront lots do not have deeded rights to the Right-of-Way but they aren't allowing her to access the water and the water is owned by the State. Further, she stated that she didn't believe the Town had any jurisdiction over the water; the Town can only control up to the high water mark and she didn't feel her structure was violating anything. She continued she didn't know why she needed a permit for putting something in the water owned by the State and the Town did not have jurisdiction.

Murch asked if Jonathan Stickney was a co-owner of the dock. Appellant stated he was. Murch continued that he noticed there was a "Private Property" sign across the dock and inquired who could use the dock. Appellant stated she put the sign up so no one could use it and get hurt. Murch asked if people who had access to the Right-of-Way could use the dock or only Mr. Stickney and appellant. She replied only 32 & 34 Shore Road. There is further discussion between Appellant and the Board.

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Murch asked Ryan Martin if he had any comments about the dock. Mr. Martin stated he had never met the Appellant, but he was present to hear comments that they were blocking the Right-of-Way; multiple people have rights to this Right-of-Way, and he didn't believe Appellant went through the proper process. Appellant stated that Ryan was right, they have never met. She stated she tried to reach owners of 27 Shore Road LLC, the Realli Family, and she sent letters to them. Appellant continued that Lisa Martin stated her kids fished off the rock and she (appellant) had no problem with them being on the dock. She further stated she also had no problem with anyone adding a section to the dock.

Hanson stated he would like to first address the fact that Appellant was told by the Warden Service that Thomas Pond is owned by the State; however, there are overlapping jurisdictions and Appellant should see Article 5, Key to Table of Uses in LRR1, Page 2 of §350, which he read into the official record (the video of the meeting) which stated a dock is allowed with a Permit issued by the CEO. He continued, anyone putting a dock in is required to obtain a permit and anything attached to their dock is permitted by the CEO. Appellant was advised by Alex (previous CEO) that she would need permission from those having access to the lake. Hanson further stated permits have been required for docks since around 1986 and it is for common dock, not private dock.

Appellant stated she did a title search and there is a letter from a title attorney stating that other people have right to the Right-of-Way, but if you put anything in that Right-of-Way, you need permission from all who have rights to the Right-of-Way. Appellant admitted she did not have a dock permit. Hanson stated if the Town didn't permit docks, we would be in trouble with the DEP. Appellant stated that one person wasn't going to prevent her from accessing the Right-of-Way. She further admitted that she couldn't get permission from all the owners. Hanson stated Appellant needs a permit and he is not opposed to issuing one provided she has the permission of everyone with rights to the Right-of-Way and a letter from a title attorney that she has the permissions. Appellant has another access that is inconvenient for her. Murch inquired is there an Ordinance or a Statute that states they need permission from all with rights to it. Hanson stated no, just Court cases and State law.

Murch read from the Ordinance of Shoreland Zone for high/low water regarding docks and piers. Hanson stated a dock is a structure because it is attached to land (the bottom of the lake). Appellant stated the rock is always in the water, you can see the high and low water marks. Further, she stated she disagreed with it being part of the shoreland.

Murch asked Appellant if she had any examples of State law showing anything supporting her arguments. Hanson inquired of the Board if when they did their Site Walk if they had to go through water to get to the rock. The Board members all agreed that they did not. Hanson explained that it is about owners with interest in the Right-of-Way would need permission from everyone with an interest.

Murch asked Ryan Martin if he had anything else in light of what he had heard. Ryan stated he did not.

Appellant readdressed the statement Hanson made. She asked where the Town has
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jurisdiction and where they don't.

Murch opened the Public Hearing. There being no one present or via Zoom wishing to speak, the Public Hearing was closed.

The Board went into Deliberations on the matters before them. Shed: Murch stated the Notice of Violation regarding the shed, from what he had heard here, we have to consider whether the shed was part of the permit issued. What he has seen in what was presented and reviewed, he didn't see anything addressing the shed as part of the 2022 permit. Miller agreed with Murch's statements. Hennessey also didn't believe it was on the plot plan. The Board agrees on there is no shed on the plot plan and was not part of the 2022 permit that was issued.

Hennessey moved to deny the appeal concerning the shed as it was not part of the application for the permit issued in 2022.

Miller seconded.

Any discussion? None.

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

Murch informed the Appellant that this part of her appeal is denied, and she should work with Hanson for the After-the-Fact Permit.

Dock: Murch stated that considering the information heard, he doesn't believe there is enough burden of proof that a permit was not required for the dock. He continued that he didn't see anything in our Ordinances or any State law that indicated installing something attached to land should be considered separate from requiring permits. He continued that he did not see anything by the State of Maine that allows putting anything in the water without permit. Miller stated, as Hanson stated, the rock is not underwater and clarified that a swimming dock floating out in the water does not require a permit. The Board agrees that the dock required a permit and is temporary and must be removed.

Murch moved to deny the appeal regarding the Notice of Violation for the dock.

Hennessey seconded.

Any discussion? None.

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

Murch advised Hanson that the Board has denied both appeals of the Notice of Violation. Hanson stated he will work with the Appellant about any After-the-Fact permits and plot plan. He further stated the dock must be removed until such time as she has a permit.

Murch moved to adjourn.

Hennessey seconded.

Any discussion? None.

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

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