

ZONING BOARD OF ADJUSTMENT MEETING OF 5-10-06 Approved 06-14-06

The meeting was called to order at 7:30 p.m. on Wednesday, May 10, 2006 at the Raymond High School, Room 101 by Chairman McCoy. Members present: Norman Weldy, Jr., Sharon Weldy, Joyce Wood, Nick Moccia, Alternate sitting. Alternates present: John Page. Also present: Code Enforcement Officer Richard Mailhot. Absent: Charles White (Mr. White arrived at 7:40 p.m.)

Chairman McCoy led the Board in a salute to the flag.

Ethics Training

Frank Bourque, a member of the Ethics Committee was in attendance to present the annual ethics training to the Zoning Board of Adjustment.

Minutes

Norm Weldy made a Motion to approve the Minutes of January 11, 2006 as drafted, seconded by Sharon Weldy.

Discussion: Some changes were suggested by Joyce Wood.

Norm Weldy withdrew his Motion and Sharon Weldy withdrew her second.

The minutes of January 11, 2006 will be brought back to the June 14th meeting.

Joyce Wood made a Motion to remove the approval of minutes of 3-9-06; 4-13-06; 5-11-06; 7-13-06; 8-10-06; 9-14-06 and 10-12-06 from the February 8, 2006 minutes as these minutes were already approved in the January 11, 2006 minutes, seconded by Norm Weldy. The Motion passed unanimously.

Joyce Wood made a Motion to approve the minutes of February 8, 2006 as amended, seconded by Norm Weldy. The Motion was passed unanimously.

Norm Weldy made a Motion to approve the minutes of April 12, 2006, seconded by Sharon Weldy.

Discussion: The changes will be made and brought back to the June 14th meeting.

Norm Weldy withdrew his Motion and Sharon Weldy withdrew her second.

Joyce Wood made a Motion to approve the Site Walk Minutes of April 23, 2006, seconded by Sharon Weldy. The Motion passed unanimously.

Payette

Chairman McCoy stated that the Payettes have had a family crisis and are not here tonight.

Joyce Wood made a Motion to continue this hearing until the June 14, 2006 meeting, seconded by Chuck White. The Motion passed unanimously.

Gregoire

Request for a formal determination on the current status of a previously granted Special Exception of January 14, 2004, as it applies to a proposed amended plan for Tax Map 23, Lot 4 (formerly Map 6, Lot 43), Batchelder Road.

Eric Saari of Jones & Beach Engineering, Inc. and James Gregoire came forward for this case.

They explained that though their plans have changed for the number of houses being put in, that town water will now also be in and that they are asking for a conservation subdivision now and that their previously granted special exception is still valid for this new project.

Joyce Wood made a Motion to go into deliberative, seconded by Chuck White. The Motion passed unanimously.

The Board had several discussions and came to the consensus that this matter would need to be brought back before the Zoning Board of Adjustment with a completely new application.

Norm Weldy suggested that they refile and start fresh. Joyce Wood agreed because the information is different and also because there are no minutes from their last meeting and no notice of decision to go by. Paul McCoy stated that being conservation land they would need to go before the conservation commission. Chuck White stated that they already did go before the conservation commission.

Norm Weldy made a Motion to come out of deliberative, seconded by Chuck White. The Motion passed unanimously.

Mr. Gregoire stated it was his goal to express the need to gravel in order to construct the road.

Joyce Wood made an advisory Motion that the special exception granted in 2004 is not applicable to the current plan and that the Board finds that there are substantial differences between this plan and the 2004 application, seconded by Norm Weldy. The Motion passed unanimously.

Mr. Gregoire will need to file a new application with the Zoning Board of Adjustment.

Witham

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Continued hearing from April 12, 2006. An application for an Area and a Use Variance from Albert Witham requesting permission to complete the Paradise Ridge Manufactured Home Park extension of ten units on property shown on Map 18-3, Lot 19 on the Raymond Tax Map, Old Shirkin Road.

Albert Witham and Dick Fisher were in attendance for this case. Carol Woodward, of 92 Prescott Road was in attendance as an abutter.

Ms. Woodward came forward and stated her concerns over the amounts and types of debris left while the construction is going on. The last construction left a huge mess and she does not want that to happen again.

Norm Weldy stated that this board can place conditions that they keep the construction site cleaned up and not leave any debris behind.

Joyce Wood asked about where the septic systems would be placed. Mr. Witham stated that it is going to be in the backyards of some on the tenants in the existing park. Joyce then asked Mr. Witham if those tenants have been notified as abutters. Mr. Fisher stated that they have been digging around and the tenants come out and ask questions about it and all they are concerned with is whether or not the yard will be re-loomed and reseeded when they are done.

There was a discussion held regarding the original plan brought forward back in 1987 and whether this was a part of it and does not have to follow the new ordinances passed in March of 2006. Code Enforcement Officer Mailhot stated that in order for that to be true Mr. Witham would have had to have a completed set of plans for the entire park, all phases into the Planning Board with an accepted application. This has not been done.

John Page stated that the only thing that came before the Planning Board was a conceptual plan. No formal plans have been presented.

There was a discussion held regarding the zoning changes that were passed in March and if Mr. Witham was notified. Joyce Wood stated that the zoning changes were publicly noticed.

Chairman McCoy then read into the record a letter from Robert and Donna Meade stating concerns about changing wetlands in their backyard (A copy of the letter is on file with the Town Clerk's Office).

Norm Weldy asked if all DES requirements have been met. Mr. Witham stated that they are on the end part of the permit process. They had a site walk and all setbacks have been agreed on with Arlene Allen of DES.

Joyce Wood made a Motion to go into deliberative, seconded by Sharon Weldy. The Motion passed unanimously.

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Chairman McCoy stated that this project was in play when the zoning ordinances changed. The intent for this project was already there.

Norm Weldy stated the original plan was submitted in 1988. Should Mr. Witham be punished now because the zoning changed?

Joyce Wood stated that Mr. Witham has been in business for many, many years and is a savvy businessman. He should be aware of zoning changes and what they could mean if passed.

Chairman McCoy asked if the Board had any further questions. Chairman McCoy stated that there is a hardship in his opinion.

Joyce Wood disagreed. Joyce Wood asked about the density and should it not be approved, what else could be offered?

Chairman McCoy stated that if something other than 10 lots, what would the ZBA be looking at?

Joyce Wood expressed concern that other homes were built on ½ acre lots approximately 20,000 square foot lots. The requirements for 10 would be 10 homes on 1.67 acres, approximately 1/3 of what the lots are out front. 4.5 acres would be 8 homes. If 7 were placed in back and the 8th placed up front on the lot that is being held out for a recreation hall, they would have a little bigger than ½ acre lots, which is approximately the same size as the existing park.

Norm Weldy made a Motion to come out of deliberative, seconded by Chuck White. The Motion passed unanimously.

Further discussions were held regarding the lot size and density issues.

Joyce Wood made a Motion to go back into deliberative, seconded by Sharon Weldy. The Motion passed unanimously.

The Board further discussed the above issues.

Joyce Wood made a Motion to come out of deliberative, seconded by Sharon Weldy. The Motion passed unanimously.

Norm Weldy made a Motion to grant the area variance, allowing 7 homes out back and moving the 8th home onto the existing vacant lot where the recreation hall was going on the original plan to gain more space between the homes and refer the road condition to the Planning Board with the recommendation that a 20 foot road be placed to match the existing road. The lot sizes now will be approximately ½ acre lots, subject to planning board approval. Further condition that the buildings are to be located to meet all setbacks and building space requirements and the 100 foot

buffer on the Fremont side is a no build/no cut buffer, seconded by Sharon Weldy. The Motion passed with a 3-2 vote, Joyce Wood and Chuck White against. Norm Weldy made a Motion to Grant the use variance for underground utilities with the following condition:

1. That the utilities will be put in, in a similar fashion as the original park.

The Motion was seconded by Sharon Weldy. The Motion passed with a 3-2 vote, with Joyce Wood and Chuck White against.

Motion by Norm Weldy to grant the use variance for the recreation hall and that the clubhouse lot be converted into the 8th lot where the prior clubhouse was on the original plan, subject to planning board approval. The Motion passed with a 3-2 vote, with Joyce Wood and Chuck White against.

Code Enforcement Officer Mailhot stated that a finding of fact on this should be made.

Finding of Fact:

The reason behind not having the clubhouse is that the 39 existing homes in the park currently do not utilize the area and by deducting homes for the site using 7 lots out back and the 8th out front. The size of the lots will have the same space, maybe even a little more, than the original park. It has been found that most of the parks in Raymond do not utilize clubhouse facilities; therefore there is no need for it.

Expiration of Term for ZBA Members

It has been brought to the attention of Chairman McCoy that somehow over the years the membership terms have gotten mixed up. Four of the five terms expire next year. It was decided that a letter would be drafted to the Board of Selectmen asking for a change in the length of term for two of the members. This would result in terms that would end on a staggered basis as other committees do.

Joyce Wood made a Motion to adjourn, seconded by Norm Weldy. The Motion passed unanimously.

The meeting adjourned at approximately 10:25 p.m.

Respectfully submitted,

Kathy L. Cramer
Recording Secretary