

**Place:** Raymond High School Room 101  
**Call to Order:** 7:00 p.m.

**Members Present:** Chairman Paul McCoy, Sharon Weldy, Joyce Wood, Charles White and Alternates Nick Moccia and John Page

**Staff:** Code Enforcement Officer Mailhot and Bette Patterson Administrative Assistant

### **Pledge of Allegiance**

### **Public Hearings**

*Members serving on the following case: Paul McCoy, Sharon Weldy, Charles White, Joyce Wood and Alternate Nick Moccia.*

Continued from July 12, 2006 - CASE #3 – An application for a Use Variance from John Brewitt, Jr. requesting permission to expand the one family dwelling to a two family dwelling. Article 4, Uses and Standards, section 4.700 Dwelling 2 Family Unit, 01.b “by special permit of the Planning Board...”, allows a lot of over 3 acres to be used, after Planning Board approval, as a 2 family building. This particular pre-existing building is considered a pre-existing non-conforming use due to it being closer than the required 50 foot setback to a side lot line. This non-conformity disallows its expansion from a one family to a two family building. The property is shown on Map 31, Lot 1 on the Raymond Tax Map, Langford Road.

### **Deliberative Session**

**MOTION:** Nick Moccia made a motion to enter deliberative session. Joyce Wood seconded. Voted unanimously in the affirmative.

Nick Moccia stated that the applicant needs to be able not to have to back out of the driveway onto Langford Road.

Joyce Wood stated that this was discussed at the site walk the board participated in prior to the meeting.

Paul McCoy stated that there are three acres and rental units are around the property. Nothing will change on the house but the parking is a concern.

Sharon Weldy stated the left side of the garage would be the best area to have parking.

Joyce Wood stated that all cars could pull in parallel to the garage.

Paul McCoy stated that there is good site distance coming out of the driveway.

Joyce Wood stated that the driveway is wider than what is allowed. If it were narrowed it may be less confusing to drivers. She also stated that there should be landscaping in front of the rental unit.

MOTION: Nick Moccia made a motion to come out of deliberative session. Joyce Wood seconded. Voted unanimously in the affirmative.

**VOTE ON THE CRITERIA FOR A USE VARIANCE**

1. The proposed use (would – **would not**) diminish surrounding property values  
Nick Moccia Would not Sharon Weldy Would not  
Chuck White - Would not Joyce Wood - Would not

2. The granting of this variance (**would** – would not) be of benefit to the public interest

Nick Moccia Would Sharon Weldy - Would  
Chuck White - Would Joyce Wood - Would

3. Denial of this variance (**would** – would not) result in unnecessary hardship for the owner

Nick Moccia Would Sharon Weldy - Would  
Chuck White - Would Joyce Wood - Would

a. Zoning restriction as applied to this property interferes with its reasonable use. (**True** – False)

Nick Moccia True Sharon Weldy - True  
Chuck White – True Joyce Wood - True

b. No fair and substantial relationship exists between the purpose of this ordinance and the specific restriction on this property. (**True** – False)

Nick Moccia True Sharon Weldy - True  
Chuck White – True Joyce Wood- True

c. The variance will not injure the public or private rights of others. (**True** – False).

Nick Moccia True Sharon Weldy - True  
Chuck White – True Joyce Wood - True

4. Granting the variance (**would** – would not) do substantial justice.

Nick Moccia -Would Sharon Weldy - Would  
Chuck White - Would Joyce Wood - Would

5. The proposed use (would – **would not**) be contrary to the spirit of the ordinance.

Nick Moccia -Would not Sharon Weldy - Would not  
Chuck White - Would not Joyce Wood - Would not

MOTION: Joyce Wood made a motion to grant a Use Variance to John Brewitt, Jr. to expand the one family dwelling to a two family dwelling. Article 4, Uses and Standards, section 4.700 Dwelling 2 Family Unit, 01.b "by special permit of the Planning Board...", allows a lot of over 3 acres to be used, after Planning Board approval, as a 2 family building. This particular pre-existing building is considered a pre-existing non-conforming use due to it being closer than the required 50 foot setback to a side lot line. This non-conformity disallows its expansion from a one family to a two family building. The property is shown on Map 31, Lot 1 on the Raymond Tax Map, Langford Road. The following conditions shall apply:

- The Public Works director is to be consulted in order to establish a safe driveway entrance design
- A parking area shall be established to the left side (facing) of the property and the turnaround is to be expanded to accommodate a minimum of four vehicles.
- Landscaping shall be placed between the converted garage and the redesigned driveway.

Sharon Weldy seconded. Voted unanimously in the affirmative.

Continued from July 12, 2006 CASE #5 – An application for a Special Exception under Article IV, Section 4.100 Paragraph 22, from James Gregoire requesting permission to allow the excavation of gravel from the subject parcel in conjunction with buildings and roadway and fire pond construction. The property is shown on Map 6, Lot 43 on the Raymond Tax Map, Batchelder Road.

Erick Sarri of Jones & Beach distributed copies of the wetland permit. (for 12 lots) He also read a letter from the Conservation Commission that was submitted to DES. The letter was submitted too late.

James Gregoire stated that he talked to the Fire chief but did not get a letter from him. He stated the chief said it was a benefit to the community to have the fire pond.

Abutter comments:

Jim McKinnon - "The Code Enforcement Officer said last week that with the sprinkler system he did not need the fire pond for the 12 houses. James Gregoire says he wants to do the fire pond to be able to build the project. He also says he has a verbal agreement with the horse farm. What happens to me from my house if my well goes dry?"

Paul McCoy stated that the water table should not be effected.

Sharon Weldy stated that just like the last time the stipulated that it only be done during the low time of the year.

Mr. McKinnon – “If he runs a pipe for the hydrant doesn’t he have to pump water?”

Paul McCoy replied that it’s town water.

Deliberative session:

MOTION: Joyce Wood made a motion to enter deliberative session. Charles White seconded. Voted unanimously in the affirmative.

Joyce Wood stated you want a letter from the Fire chief but we do not have one. The DES permit says the fire pond is required but I am not sure that is the case. Should we continue the meeting and get a letter from the Chief?

Sharon Weldy stated that it does bring a benefit to the Town for fire protection.

Joyce Wood stated that we have to balance the benefit to the applicant and the abutters. Before, the fire pond was necessary because there was no Town water. The fire pond is nice to have but is it needed? There will be a substantial amount of trucking to get the gravel out.

Nick Moccia stated he needs to dig it out to build the road.

Joyce Wood stated he is doing this for money and it’s a money issue.

Paul McCoy stated that there are two questions; a letter from the Fire chief and does the Conservation Commission oppose it?

Joyce Wood stated the Conservation Commission does not oppose it. They just asked that it get reviewed with the new information.

Nick Moccia asked what happens if the abutter’s well goes dry?

Paul McCoy replied that the applicant would have to provide water.

Joyce Wood asked are we going to send a letter to Chief Pratt asking him if a fire pond is required?

Paul McCoy stated the pond is needed and is a benefit to the Town.

Joyce Wood stated the access to the pond is a good 1,000 feet from Batchelder Road. There are downsides and upsides to this proposal.

MOTION: Nick Moccia made a motion to come out of deliberative session. Charles White seconded. Voted unanimously in the affirmative.

Vote on the Special Exception Criteria

1. That the use is so designed located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

Nick Moccia, Sharon Weldy, Charles White and Paul McCoy - YES.  
Joyce Wood – NO

2. That the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.

Nick Moccia, Sharon Weldy, Charles White and Paul McCoy - YES.  
Joyce Wood – NO

3. That the use conforms with all applicable regulations governing the district where located.

Nick Moccia, Sharon Weldy, Charles White and Paul McCoy - YES.  
Joyce Wood – NO

4. Exception to obtain Planning Board approval of the site plan prior to applying for a building permit. In the event a Site Plan review is not required, the applicant shall submit a plan satisfactory to the board of Adjustment showing the affect, if any, of the special exception to the site.

Nick Moccia, Sharon Weldy, Charles White and Paul McCoy - YES.  
Joyce Wood – Not applicable.

MOTION: Nick Moccia made a motion to grant a Special Exception under Article IV, Section 4.100 Paragraph 22, to James Gregoire to allow the excavation of gravel from the subject parcel in conjunction with buildings and roadway and fire pond construction. The property is shown on Map 23, Lot 4 on the Raymond Tax Map, Batchelder Road. The following conditions shall apply:

- The excavation is to be done when the water is at the lowest level and as the pond is filled if the wells run down the applicant must provide those property owners with water.
- Transfer of off site material is limited to 30,000 yards of material. The amount not to exceed Planning Board and DES permits.

Sharon Weldy seconded. Joyce Wood voted against the motion. The remaining members voted in the affirmative. MOTION PASSED.

**Approval of Minutes**

MOTION: Joyce Wood made a motion to approve the minutes of 6-14-06 as amended. Sharon Weldy seconded. Voted unanimously in the affirmative.

MOTION: Joyce Wood made a motion to approve the site walk minutes of 06-21-06 as presented. Nick Moccia seconded. Voted unanimously in the affirmative.

MOTION: Sharon Weldy made a motion to approve the minutes of 07-12-06 as amended. Joyce Wood seconded. Voted unanimously in the affirmative.

**Other Business**

MOTION: Paul McCoy made a motion to refund the application fee to Robert Payette with a note. Joyce Wood seconded. Voted unanimously in the affirmative.

**Adjournment**

MOTION: Charles White made a motion to adjourn. Sharon weldy seconded. Voted unanimously in the affirmative. MEETING ADJOURNED AT 8:20 P.M.

Respectfully submitted,

Bette Patterson  
Administrative Assistant