

**Place:** Raymond High School Room 101  
**Call to Order:** 7:30 p.m.

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

**Staff:** Bette Patterson Administrative Assistant

### **Pledge of Allegiance**

Chairman McCoy announced that Joseph Povilaitis is still interested in becoming an alternate member of the Board and is attending his 3rd meeting.

### **Public Hearings**

Members serving on the following cases: Paul McCoy, Sharon Weldy, Joyce Wood and Alternates Nick Moccia and John Page.

CASE #1 – An application for a Use Variance from Albert and Gail Martin for permission to expand the use of an existing driveway serving two existing homes for use as an access way to a third home to be constructed on a proposed new lot (scheduled for subdivision review). This is in conjunction with a Variance Application (previously reviewed and continued to this meeting) seeking to create a 2.0498 acre building lot with less than the required frontage. The property is shown on Map 11, Lot 5 on the Raymond Tax Map, Chester Road.

CASE #2 (Continued from 09-13-06) – An application for an Area Variance from Albert and Gail Martin for permission to create a 2.0498 acre building lot with a 62 foot +/- access way from Route 102. The required frontage is 200 feet. The property is shown on Map 11, Lot 5 on the Raymond Tax Map, Chester Road.

Richard Ladd of RSL Layout & Design and Albert Martin, Applicant met the Board regarding the two variances that are being sought.

Joyce Wood stated that at the site walk, the board was given a revised plan showing that the entrance had been narrowed. She asked if the back lot has changed in size.

Mr. Ladd replied that the back lot was configured from when it was first presented in order to retain the approximate two acre lot size for each of the lots. Narrowing the entrance caused the line dividing the lots to shift somewhat closer to the street.

Nick Moccia stated that it doesn't appear to have recorded easements.

Mr. Ladd stated that it's always been a permissive use for the access. The Use Variance application is asking to allow a third access off the existing driveway.

Joyce Wood asked the applicant if he had talked to his neighbor about formalizing the agreement with recorded deed easements.

Mr. Martin replied that he has not discussed with his neighbor, however, he didn't feel it would be a problem.

Joyce Wood stated that as the board members were leaving the site walk, it was noted that the driveway on the north end has poor sight visibility.

Mr. Martin stated that he would be willing to cut back the banking to improve the sight distance.

#### Deliberative Session

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

Nick Moccia stated that in order to make this right the easements need to be in place.

John Page stated that he has a problem with the 50 feet of frontage because the Zoning Ordinance requires 200 feet of frontage. This proposal takes the frontage requirement down to one quarter of that.

Paul McCoy stated that the lot totals four acres.

Joyce Wood asked if Mr. Page was suggesting that there should be a funky look lot. She asked "What does giving house frontage do?"

John Page stated the frontage requirement was put in the ordinance to stop people from building on back lots. Town services (Police, Fire, Ambulance) have to be able to access buildings and this proposed house is set back a great distance. He stated he feels reducing the frontage is too much for what we are looking at.

Paul McCoy stated that several other Towns have provisions in their ordinances that allow back lots.

Joyce Wood stated that she thought frontage requirements were to allow for the separation of buildings and overall enjoyment of the property.

Paul McCoy stated that part of the reason for the frontage is to make sure the setbacks are met.

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

**VOTE ON THE CRITERIA FOR AN AREA VARIANCE**

1. The proposed use (would or **would not**) diminish surrounding property values.

Nick Moccia - Would      John Page - Would      Joyce Wood-Would Not  
Sharon Weldy – Would not      Paul McCoy - Would not

2. The variance (will – **will not**) be contrary to the public interest.

Nick Moccia - Will      John Page - Will      Joyce Wood-Will not  
Sharon Weldy – Will not      Paul McCoy – Will not

3. Special conditions (**do** – do not) exist such that literal enforcement of the ordinance results in unnecessary hardship because

a. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property. (**True** or False).

Nick Moccia - True      John Page - True      Joyce Wood-True  
Sharon Weldy –True      Paul McCoy- True

b. The benefit sought by the applicant cannot be achieved by some other method reasonable feasible or the applicant to pursue, other than an area variance. (**True** or False).

Nick Moccia - True      John Page - True      Joyce Wood-True  
Sharon Weldy –True      Paul McCoy- True

c. An area variance is required to avoid undue financial burden on the applicant. (**True** or False).

Nick Moccia - True      John Page - True      Joyce Wood-True  
Sharon Weldy –True      Paul McCoy- True

4. Granting of the variance (**is** – is not) consistent with the spirit of the ordinance.

Nick Moccia - Is not      John Page – Is not      Joyce Wood-Is  
Sharon Weldy –Is      Paul McCoy- Is

5. Granting the variance (**will** – will not) do substantial justice.

Nick Moccia - Will not      John Page - Will not      Joyce Wood-Will  
Sharon Weldy – Will      Paul McCoy – Will

MOTION: Sharon Weldy made a motion to grant an Area Variance to Albert and Gail Martin to create a 2.0498 acre building lot with a 60.2 foot +/- access way from Route 102. The required frontage is 200 feet. The property is shown on Map 11, Lot 5 on the Raymond Tax Map, Chester Road. Joyce Wood seconded. John Page and Nick Moccia voted against the motion. Joyce Wood, Sharon Weldy and Paul McCoy voted in favor of the motion. MOTION PASSED.

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

1. The proposed use (would – **would not**) diminish surrounding property values  
Nick Moccia - Would      John Page - Would      Joyce Wood-Would Not  
Sharon Weldy – Would not      Paul McCoy - Would not

2. The granting of this variance (**would** – would not) be of benefit to the public interest  
Nick Moccia - Would not      John Page - Would not      Joyce Wood-Would  
Sharon Weldy – Would      Paul McCoy - Would

3. Denial of this variance (**would** – would not) result in unnecessary hardship for the owner  
Nick Moccia - Would not      John Page - Would not      Joyce Wood-Would  
Sharon Weldy – Would      Paul McCoy - Would

a. Zoning restriction as applied to this property interferes with its reasonable use. (**True** – False)  
Nick Moccia - False      John Page - False      Joyce Wood-True  
Sharon Weldy –True      Paul McCoy- 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 - False      John Page - False      Joyce Wood-True  
Sharon Weldy –True      Paul McCoy- True

c. The variance will not injure the public or private rights of others. (**True** – False).  
Nick Moccia - False      John Page - False      Joyce Wood-True  
Sharon Weldy –True      Paul McCoy- True

4. Granting the variance (**would** – would not) do substantial justice.  
Nick Moccia - Would not      John Page - Would not      Joyce Wood-Would  
Sharon Weldy – Would      Paul McCoy - Would

5. The proposed use (would – **would not**) be contrary to the spirit of the ordinance.  
Nick Moccia - Would      John Page - Would      Joyce Wood-Would Not  
Sharon Weldy – Would not      Paul McCoy - Would not

MOTION: Sharon Weldy made a motion to grant a Use Variance to Albert and Gail Martin to expand the use of an existing driveway serving two existing homes for use as an access way to a third home to be constructed on a proposed new lot. (scheduled for subdivision review) The property is shown on Map 11, Lot 5 on the Raymond Tax Map, Chester Road. The following conditions shall apply:

- A formal easement is to be executed and recorded to allow access across to both Map 11, Lot 5 and Map 11, Lot 4 from both ends of the existing driveway.
- Banking in front to be graded and brush to be cut or removed to improve sight distances. Specifics to be determined by the Planning Board

Joyce Wood seconded. John Page and Nick Moccia voted against the motion. Joyce Wood, Sharon Weldy and Paul McCoy voted in favor of the motion.  
MOTION PASSED.

#### **Appointment Recommendation**

MOTION: Joyce Wood made a motion to recommend the appointment of Joseph Povilaitis as an alternate member of the ZBA. Sharon Weldy seconded. Voted unanimously in the affirmative.

MOTION: Joyce Wood made a motion to recommend the appointment of Nick Moccia to a full member. John Page seconded. Voted unanimously in the affirmative.

#### **Approval of Minutes**

MOTION: Nick Moccia made a motion to approve the minutes of 09/13/06 as presented. Sharon Weldy seconded. Voted unanimously in the affirmative.

MOTION: John Page made a motion to approve the site walk minutes as presented. Sharon Weldy seconded. Voted unanimously in the affirmative.

#### **Adjournment**

MOTION: Sharon Weldy made a motion to adjourn. John Page seconded. Voted unanimously in the affirmative. MEETING ADJOURNED AT 8:25 P.M.

Respectfully submitted,

Bette Patterson  
Administrative Assistant