

Place: Raymond High School, Room 101

Call to Order: 7:30 p.m.

Members Present: Sharon Weldy, Chairman; Chuck White, Vice Chairman; Joyce Wood, Clerk; Nick Moccia; Paul McCoy; Joseph Povilaitis, Alternate.

Also present: Richard Mailhot, Code Enforcement Officer; Kathy Cramer, Recording Secretary.

Pledge of Allegiance

Approval of Minutes

Paul McCoy made a motion to postpone approval of the minutes until the June 27, 2007 meeting. Chuck White seconded. Voted unanimously in the affirmative.

Public Hearings

Waldoborough, LLC (aka Galloway Trucking) Use Variance

An application for a Use Variance from Waldoborough, LLC (aka Galloway Trucking) requesting permission to operate a processing (crushing) plant in Zone C1 where it is not allowed. This requested use is in addition to the existing permitted excavation operation. The property is shown on Map 22, Lot 15 on the Raymond Tax Map, Old Manchester Road.

Chairman Weldy stated that due to the heavy volume of cases on tonight's agenda, this case will be continued until June 27, 2007 at 7:30 p.m. at the High School.

MOTION: Joyce Wood made a motion to continue this case until June 27, 2007 at 7:30 p.m.. Nick Moccia seconded. Voted unanimously in the affirmative.

Juanita Spinazzola Area Variance

An application for an area variance from Juanita Spinazzola requesting permission to construct a garage/apartment addition on an existing 2.52 acre lot where a minimum of three acres is required. The property is shown on Map 8, Lot 33 on the Raymond Tax Map, Bald Hill Road.

The abutters list was read. Mr. Anthony Spinazzola (the only abutter present) stated that he had no objections to this area variance.

Mrs. Spinazzola stated that due to her son's recent work injury which has left him disabled along with her disability, they need to combine homes and incomes. This request is so her son and his family can move into the existing home and she will move into the apartment that is to be built.

Joyce Wood stated that special regulations exist for granting variances for reasons of disability. Mr. Povilaitis found the regulation – RSA 674:33V. Mr. Mailhot cautioned

using the RSA, as that states whatever is built must come down after the person is no longer living there and it will be a hardship to tear down the addition.

Mr. Moccia asked Mrs. Spinazzola if this would ever be used for rental property? She stated no.

A discussion was held on whether the zoning ordinance has a section on in-law apartments. Mr. Mailhot stated that it does not recognize in-law apartments, just two-family houses. This would be considered a two-family.

MOTION: Paul McCoy made a motion to enter Deliberative Session. Nick Moccia seconded. Voted unanimously in the affirmative.

DELIBERATIVE SESSION

Nick Moccia stated that this is a reasonable request, due to both disabilities. Mr. White agreed.

Joyce Wood stated that they would need to differentiate why this particular lot is different from other lots to grant this variance without citing RSA 674:33V.

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

Mr. Spinazzola stated that the house is set way back on the property and on the other side there is wetlands and it is not a buildable lot. There is also a 50 foot strip on one side that is owned by Anthony Spinazzola.

MOTION: Joyce Wood made a motion to go back into deliberative session. Chuck White seconded. Voted unanimously in the affirmative.

Joyce Wood stated that she believed the conditions of this lot as discussed above will set this lot apart from others for granting of this area variance.

Joyce Wood stated that a hardship should be given due to the special conditions of the property. She also asked what special conditions should be placed. Chairman Weldy stated that it should be a one story building. Joyce Wood stated it should be kept to one bedroom. The living space should be limited to 1200 square feet.

MOTION: Paul McCoy made a motion to come out of deliberative session. Chuck White 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:

Joyce Wood – Would Not	Chuck White – Would Not
Nick Moccia – Would Not	Sharon Weldy – Would Not
Paul McCoy – Would Not	

Vote Criteria #1: Would Not, 5-0

- 2. The granting of this variance (would or would not) be of benefit to the public interest:

Joyce Wood – Would Not	Chuck White – Would Not
Nick Moccia – Would Not	Sharon Weldy – Would Not
Paul McCoy – Would Not	

Vote on Criteria #2: Would Not, 5-0

- 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):

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria 3a: True, 5-0

- b. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance (true or false):

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria 3b: True, 5-0

- c. An area variance is required to avoid undue financial burden on the applicant (true or false):

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria 3c: True, 5-0

Vote on Criteria #3: Do, 5-0

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

Joyce Wood – Is	Chuck White – Is
Nick Moccia – Is	Sharon Weldy – Is
Paul McCoy – Is	

Vote on Criteria #4: Is, 5-0

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

Joyce Wood – Will

Chuck White – Will

Nick Moccia – Will

Sharon Weldy – Will

Paul McCoy – Will

Vote on Criteria #5: Will, 5-0

MOTION: Joyce Wood made a motion to approve the area variance requested by Juanita Spinazzola to construct a garage/apartment addition on an existing 2.52 acre lot where a minimum of three acres is required with the following conditions:

1. That the living space not exceed 1200 square feet.
2. That the building be only a one story building.
3. That it be limited to one bedroom.
4. That it meet all setback requirements.

Chuck White seconded. Voted unanimously in the affirmative.

Steven K. Puderbaugh, DVM

An application for Use Variance from Steven K. Puderbaugh, DVM requesting permission to construct a security apartment in Zone C1 which is not an allowed use. The property is shown on Map 27, Lot 29 on the Raymond Tax Map, Raymond Animal Hospital, Route 27.

Dr. Puderbaugh came forward and stated that this request was already approved with the original plans in 1989 and again three years ago, however, they never were able to go forward. They are able to go forward now and were informed by Mr. Mailhot that the rules had changed and he needed to come before the ZBA for a use variance.

Joyce Wood asked what he intended to do. Dr. Puderbaugh stated that they wanted to put a conference room, a locker room and a small security apartment upstairs from the animal hospital.

Nick Moccia asked if the reason he needed the security apartment was for observation for overnight patients and because there were drugs there. Dr. Puderbaugh stated yes.

Joyce Wood and Chairman Weldy stated their concerns for the possibility of this being an income apartment at some point. Dr. Puderbaugh stated no. It would only be used for people connected to the hospital.

Joyce Wood asked if this apartment would change the hours the animal hospital would be open. Dr. Puderbaugh stated no. He does not want to go back to being open for emergencies and overnight. This would strictly be for someone to care for the overnight patients.

DELIBERATIVE SESSION

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

A discussion was held among the board members with concern over having someone other than an employee of the hospital staying in the apartment and it was decided that special conditions would be placed.

MOTION: Paul McCoy 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 – would not) diminish surrounding property values:

Joyce Wood – Would Not	Chuck White – Would Not
Nick Moccia – Would Not	Sharon Weldy – Would Not
Paul McCoy – Would Not	

Vote on Criteria #1: Would Not, 5-0

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

Joyce Wood – Would	Chuck White – Would
Nick Moccia – Would	Sharon Weldy – Would
Paul McCoy – Would	

Vote on Criteria #2: Would, 5-0

3. Denial of this variance (would – would not) result in unnecessary hardship for the owner:
 - a. Zoning restriction as applied to this property interferes with its reasonable use. (True – False)

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria #3a: True, 5-0

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

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria #3b: True, 5-0

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

Joyce Wood – True
 Nick Moccia – True
 Paul McCoy – True

Chuck White – True
 Sharon Weldy – True

Vote on Criteria #3c: True, 5-0

Vote on Criteria #3: Would, 5-0

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

Joyce Wood – Would
 Nick Moccia – Would
 Paul McCoy – Would

Chuck White – Would
 Sharon Weldy – Would

Vote on Criteria #4: Would, 5-0

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

Joyce Wood – Would Not
 Nick Moccia – Would Not
 Paul McCoy – Would Not

Chuck White – Would Not
 Sharon Weldy – Would Not

Vote on Criteria #5: Would Not, 5-0

MOTION: Joyce Wood made a motion to grant the application for a use variance from Steven Puderbaugh, DVM requesting permission to construct a security apartment in Zone C1 which is not an allowed use with the special condition listed below:

- 1. The occupant of the security apartment would be a person that is connected to the hospital such as an employee, owner or intern.

Seconded by Nick Moccia. Voted unanimously in the affirmative.

John Pfifferling Area Variance

An application for an Area Variance from John Pfifferling requesting permission to construct a garage with a five foot side line setback where ten feet is required. The property is shown on Map 12-3, Lot 76 on the Raymond Tax Map, Lisa Avenue.

Mr. Pfifferling stated that this is the only place on his property that they could construct the garage. The other side of the house is the septic system.

Joyce Wood asked if the garage was within the setbacks required by the Shoreland Protection Act. Mr. Mailhot stated that the garage was clearly within the flood plan, however, he could not make a determination regarding the setbacks for the Shoreland Protection Act until this Board makes a determination on the sideline setback variance.

Mr. Mailhot stated that if the State approves this it will need to be designed to let the water flow through.

Joyce Wood was concerned that this was only five feet off the property line. If this is built to flood plan specifications will it affect the abutting town owned property. Mr. Mailhot stated that this would not affect the town owned property, no fill would need to be brought in. It would be built with vents that allow the water to flow through so no lateral movement would happen.

MOTION: Joyce Wood made a motion to enter Deliberative Session. Chuck White seconded. Voted unanimously in the affirmative.

Discussions were held regarding special conditions. The board agreed that the special conditions would be that the garage would be subject to all state and local permits and it would be no less than five feet from the side boundary.

MOTION: Joyce Wood made a motion to come out of deliberative session. Seconded by Nick Moccia. 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:

- | | |
|-------------------------|--------------------------|
| Joyce Wood – Would Not | Chuck White – Would Not |
| Nick Moccia – Would Not | Sharon Weldy – Would Not |
| Paul McCoy – Would Not | |

Vote Criteria #1: Would Not, 5-0

2. The variance (will or will not) be contrary to the public interest:

- | | |
|------------------------|-------------------------|
| Joyce Wood – Will Not | Chuck White – Will Not |
| Nick Moccia – Will Not | Sharon Weldy – Will Not |
| Paul McCoy – Will Not | |

Vote on Criteria #2: Will Not, 5-0

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

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):

- | | |
|--------------------|---------------------|
| Joyce Wood – True | Chuck White – True |
| Nick Moccia – True | Sharon Weldy – True |
| Paul McCoy – True | |

Vote on Criteria 3a: True, 5-0

- a. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance (true or false):

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria 3b: True, 5-0

- b. An area variance is required to avoid undue financial burden on the applicant (true or false):

Joyce Wood – True	Chuck White – True
Nick Moccia – True	Sharon Weldy – True
Paul McCoy – True	

Vote on Criteria 3c: True, 5-0

Vote on Criteria #3: Do, 5-0

- 4. Granting the variance (is or is not) consistent with the spirit of the Ordinance:

Joyce Wood – Is	Chuck White – Is
Nick Moccia – Is	Sharon Weldy – Is
Paul McCoy – Is	

Vote on Criteria #4: Is, 5-0

- 5. Granting the variance (will or will not) do substantial justice:

Joyce Wood – Will	Chuck White – Will
Nick Moccia – Will	Sharon Weldy – Will
Paul McCoy – Will	

Vote on Criteria #5: Will, 5-0

MOTION: Paul McCoy made a Motion to grant the area variance requested by John Pfifferling to construct a garage with a five foot side line setback where ten feet is required with the following special conditions:

- 1. This approval is subject to Mr. Pfifferling obtaining all state and local permits.
- 2. That the garage is no less than five feet from the side boundary.

Seconded by Chuck White. Voted unanimously in the affirmative.

Other Business

Appointment of ZBA Member to Master Plan Work Group

MOTION: Joyce Wood made a motion to appoint Joseph Povilaitis as ZBA member to the Master Plan Work Group-Land Use, Planning & Zoning. Motion seconded by Chuck White. Voted unanimously in the affirmative.

ZBA Packages

The Board unanimously agreed to have all future ZBA packages mailed to them.

Contact List Information

Joyce Wood stated that some of the contact information was incorrect and she would be emailing Robert Price to change the information and she would also like Roger Moore, videographer added, Richard Mailhot added and Kathy Cramer added.

James Gregoire appeal.

Joyce Wood stated that the ZBA has received an appeal from James Gregoire. That will be placed on the agenda for the June 27th meeting after Waldoborough.

Paul McCoy asked that the Board approve the drafting of a thank you letter to Bette Patterson for her years of service. She will be missed. The Board agreed and Paul McCoy will draft that letter to be signed by all members at the June 27th meeting.

Adjournment

MOTION: Joyce Wood made a motion to adjourn. Nick Moccia seconded. Voted unanimously in the affirmative. Meeting adjourned at approximately 8:50 p.m.

Respectfully Submitted,

Kathy Cramer
Recording Secretary