

**Place:** Raymond High School; Media Center

**Call to Order:** 7:32 p.m.

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

**Staff Present:** Richard Mailhot, Code Enforcement Officer; Robert Price, Planning Technician.

### **Pledge of Allegiance**

### **Approval of Minutes**

Members Sitting for Approval of Minutes: Sharon Weldy; Charles White; Joyce Wood; Paul McCoy; Nick Moccia.

MOTION: Paul McCoy made a motion to approve the minutes of November 10, 2009 as drafted. Nick Moccia seconded. The motion passed with a vote of 4-0-1, with Joyce Wood abstaining.

### **Public Hearing – Rheume Variance**

Application #2010-001 – An application for a Variance has been submitted by Robert & Lynn Rheume requesting permission to construct a garage within the required 10-foot sideline setback. The property is shown on Raymond Tax Map 34-3, Lot 62; 23 Sesame Street.

Members Sitting for this Discussion: Sharon Weldy; Charles White; Joyce Wood; Paul McCoy; Nick Moccia.

Robert Rheume, the applicant, stated he is seeking to build a garage on the side of his house that is next to 21 Sesame Street, which is owned by the Walls'. He noted he personally spoke with the Walls' about the proposal, and they did not indicate to him that there would be any problem.

Paul McCoy asked if the garage will be placed where the applicant's shed currently sits. Mr. Rheume confirmed this as correct, adding that the shed will be removed.

Joyce Wood asked if the applicant plans to connect the garage to the house. Mr. Rheume explained that his ultimate plan is to construct a four-season deck that will connect the garage to the house.

Ms. Wood noted the size of the garage is proposed to be 16' x 36'. She asked if the garage will be a two-car garage, but front-to-back parking rather than side-by-side parking. Mr. Rheume stated that was correct.

Ms. Wood asked how close the Walls' house is to the property line. Mr. Rheume estimated it was 15-20 feet from the property line.

Ms. Wood asked if there was any other reasonable place for the garage to be located. Mr. Rheume explained the septic system is located behind the house, and on the other side of the house there would not be access to the house itself, which would be an inconvenience. He

added he isn't sure, but thinks that a variance would be needed on the other side of the house as well.

Ms. Wood asked if the garage will be one or two stories. Mr. Rheume replied it would be one story.

Ms. Wood asked if the garage would have electricity and/or water. Mr. Rheume replied it will only have electricity.

Chuck White asked if the applicant proposes to install a floor drain the garage. Mr. Rheume stated he is not planning on doing that. Code Enforcement Officer Mailhot noted floor drains are not allowed, anyway.

PUBLIC COMMENT

There was no public comment on this application.

Ms. Wood asked if Mr. Rheume's home is located in Zone A. Mr. Mailhot confirmed it is located in Zone A, serviced by Town Water, so the side-line setback is 10 feet.

VOTE ON VARIANCE CRITERIA

1. Granting this variance will not be contrary to the public interest:  
*TRUE 5-0*
2. Granting this variance will be consistent with the spirit of the ordinance:  
*TRUE 5-0*
3. Granting this variance will do substantial justice:  
*TRUE 5-0*
4. Granting this variance will not diminish the values of surrounding properties:  
*TRUE 5-0*
5. Literal enforcement of the provisions of the ordinance will result in an unnecessary hardship (*this question was answered after 5a and 5b*):  
*TRUE 5-0*
  - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision, and the specific application of that provision to the property; and:  
*TRUE 5-0*
  - b. The proposed use is a reasonable one:  
*TRUE 5-0*

MOTION: Joyce Wood made a motion to grant a variance to Robert & Lynn Rheume, allowing construction of a garage within the required 10-foot sideline setback, with the following conditions:

1. This approval is for a single story garage proposed to be 16' x 36'.
2. The garage shall be situated no closer than 4 ½ feet to the side property line.
3. This variance shall only be valid until February 10, 2014. If substantial completion of any improvements, modifications, alterations or other changes in the property for which this approval was granted is attained prior to February 10, 2014, then the rights of the owner or any successor in interest shall vest. If Article VII on the March 09, 2010

Warrant passes, this time limitation shall remain in effect. If Article VII on the March 09, 2010 Warrant is defeated, this time limitation shall become null and void.

Nick Moccia seconded the motion. The motion passed with a unanimous vote of 5-0-0.

**Public Hearing – Easter Seals: The Family Place Variance**

Application #2010-002 – *An application for a Variance has been submitted by Easter Seals NH, Inc.: The Family Place requesting permission to operate a pre-school/nursery school within a C.1 – Commercial zone where it is not allowed. The property is shown on Raymond Tax Map 27-2, Lot 20; 135 Route 27.*

Members Sitting for this Discussion: *Sharon Weldy; Charles White; Joyce Wood; Paul McCoy; Nick Moccia.*

Paul McCoy disclosed that he has worked with both Easter Seals and the owner of the subject property in the past. He noted that Easter Seals was once a tenant in the Cozy Corner plaza for which he is a leasing agent. He stated he feels he can serve on this case in an unbiased manner.

Patty Jean Rawding-Anderson, representing Easter Seals, The Family Place, Inc. stated that Easter Seals is currently using the building for occupational therapy for special needs children. She explained that the zoning allows a nursery school, but because they are not using the nursery school as the principal use, they need a variance. She added that Easter Seals is operating a special education preschool program and also a day care. She summed up Easter Seals' complete use of the building as something undefined by the Town's zoning. Code Enforcement Officer Mailhot noted that "day care" is not shown on the application.

Joyce Wood read the definition for "Nursery School" from the Zoning Ordinance:

***NURSERY SCHOOL:*** *(03/90) A building used principally, or as an accessory use to a single-family detached dwelling for pre-elementary, non-public education, where there exists a curriculum and teacher to provide an educational program for children.*

Ms. Rawding-Anderson explained that a playground is not required by State Regulations for facilities that children will attend for 5 hours or less, provided, however, that gross motor programs are implemented. She noted that they have such programs. As a result, there will not be a playground constructed.

Ms. Wood asked if there will be any changes to the exterior of the building. Ms. Rawding-Anderson explained they are proposing the following changes:

1. Addition of two new egresses to the building, one of which will be in the front of the building.
2. An accessible ramp is being installed at the back door, which is the main door where the children enter the building.

Nick Moccia asked if the applicant has spoken with the Department of Health & Human Services, and with the Department of Education about the proposal. Ms. Rawding-Anderson replied they have, and are excited about the proposal.

Mr. Mailhot explained that the tenants relied on faulty advice from their real estate agent, who told them that they could do the exact same thing at their neighbor-tenant. This is how we go to the ZBA.

PUBLIC COMMENT

Greg Sevinsky, the General Manager for the Walmart Distribution Center stated he is offering his support to the applicants. He stated he has been associated with Easter Seals for the last ten years, adding that they are a great organization that does a lot of great things for the community.

DELIBERATIVE SESSION

MOTION: Joyce Wood made a motion to enter deliberative session. Nick Moccia seconded. The motion passed with a unanimous vote of 5-0-0.

Mr. McCoy stated that the applicants sought a nursery school, but he wants to ensure they are completely covered with that they want to do.

Mr. Mailhot stated if he had to describe things, the applicants run a coagulated forum. Having the building separated off for each of their uses does not make sense in what they do.

Mr. McCoy stated the building is certainly large enough to accommodate their use.

MOTION: Paul McCoy made a motion to exit deliberative session. Nick Moccia seconded. The motion passed with a unanimous vote of 5-0-0.

VOTE ON VARIANCE CRITERIA

1. Granting this variance will not be contrary to the public interest:  
*TRUE 5-0*
2. Granting this variance will be consistent with the spirit of the ordinance:  
*TRUE 5-0*
3. Granting this variance will do substantial justice:  
*TRUE 5-0*
4. Granting this variance will not diminish the values of surrounding properties:  
*TRUE 5-0*
5. Literal enforcement of the provisions of the ordinance will result in an unnecessary hardship (*this question was answered after 5a and 5b*):  
*TRUE 5-0*
  - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision, and the specific application of that provision to the property; and:  
*TRUE 5-0*
  - b. The proposed use is a reasonable one:  
*TRUE 5-0*

MOTION: Joyce Wood made a motion to grant a variance to Easter Seals, The Family Place, Inc. allowing them to operate a nursery school within a C.1 – Commercial Zone that is not the principal use of the building, with the following conditions:

1. This variance shall only be valid until February 10, 2014. If substantial completion of any improvements, modifications, alterations or other changes in the property for which this approval was granted is attained prior to February 10, 2014, then the rights of the owner or any successor in interest shall vest. If Article VII on the March 09, 2010 Warrant passes, this time limitation shall remain in effect. If Article VII on the March 09, 2010 Warrant is defeated, this time limitation shall become null and void.

Paul McCoy seconded the motion. The motion passed with a unanimous vote of 5-0-0.

#### **Other Business**

Joyce Wood stated she was the person who suggested that the Planning Board take up the issue of time limits of variances and special exceptions. She stated she didn't mean to catch anyone by surprise, and that she wanted to mention it to the Board, but the Board has not met since November of 2009, and she was unable to attend the November meeting.

Planning Technician Price reminded the Board that the terms of Charles White, Joyce Wood and Joseph Povilaitis are set to expire on April 30, 2010. The Board asked Mr. White, Ms. Wood and Mr. Povilaitis if they each wanted to continue with their service to the Board. Each of them replied they would.

Prior to a motion being made, Ms. Wood recused herself from the Board and stepped down. No alternate was chosen to take her place.

MOTION: Paul McCoy made a motion to notify the Board of Selectmen that the Zoning Board of Adjustment recommends the reappointment of Charles White and Joyce Wood as full members of the Board, and Joseph Povilaitis as an Alternate member, each to three-year terms. Nick Moccia seconded. The motion passed with a unanimous vote of 4-0-0.

*Ms. Wood returned to her seat at this time.*

#### **Adjournment**

MOTION: Nick Moccia made a motion to adjourn. Charles White seconded. The motion passed with a unanimous vote of 5-0-0. The meeting adjourned at 8:23 p.m.

Respectfully Submitted,

Robert Price  
Planning Technician