

**Raymond Zoning Board of Adjustment Minutes**

**June 09, 2010**

**Approved 07/14/2010**

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

**Call to Order:** 7:30 p.m.

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

**MOTION:** Mr. McCoy made a motion, seconded by Ms. Wood, to approve the minutes of May 12, 2010 as drafted. The motion carried with a unanimous vote of 5-0-0.

**Public Hearing – Camp Zion/Latter Day Saints Variance Requests**

Chairwoman Weldy opened both of the following applications simultaneously, as the variance requests are intertwined.

Application #2010-003 – An application for a Variance has been submitted by David A. Richards, Architect, P.C., on behalf of the Corporation of the Presiding Bishop – The Church of Jesus Christ of Latter Day Saints. The applicant is requesting permission to not install required fire sprinklers in proposed seasonal camping shelters. The property is shown on Raymond Tax Map 26, Lot 7; 30 Onway Lake Road.

Application #2010-004 – An application for a Variance has been submitted by David A. Richards, Architect, P.C., on behalf of the Corporation of the Presiding Bishop – The Church of Jesus Christ of Latter Day Saints. The applicant is requesting permission to not construct required permanent, frost-free foundations for proposed seasonal camping shelters. The property is shown on Raymond Tax Map 26, Lot 7; 30 Onway Lake Road.

Ms. Wood announced that she will recuse herself from these hearings because she is the President of the Onway Lake Association, and while she is not an abutter herself, some members of the Association are abutters.

Ms. Weldy announced that Alternate Carolyn Matthews would be seated in place of Ms. Wood for the duration of the public hearings for Application #2010-003 and #2010-004.

Members Sitting for these Hearings: Sharon Weldy; Charles White; Paul McCoy; Nick Moccia; Carolyn Matthews.

Applicant/Agents Present: Dave Richards, Architect; Mike Pouliot, caretaker of Camp Zion.

Abutters/Public Present: None.

Mr. Richards stated their proposal is to replace 100 canvas tents with 20 wooden structures. He explained that none of the cabins will have electricity or plumbing, adding that they are intended for seasonal use only, adding that the buildings are merely for better protection from the elements while sleeping. He explained that they are seeking a variance from the requirement to install fire sprinklers in each of the cabins, as well as a variance from the requirement to construct the cabins on a frost-free foundation. Mr. Richards noted that the buildings will be tied down with four hurricane straps and ground anchors, which is the same system utilized on manufactured homes.

Mr. Pouliot noted that they have a letter from Fire Chief Kevin Pratt regarding the sprinklers. The letter states that the Fire Chief will acquiesce to the lack of fire sprinklers if smoke detectors and fire extinguishers will be provided in each cabin, which he has agreed to. A copy of the letter is on file in the Community Development Department.

Mr. Moccia asked if the smoke detectors would be battery-operated. Mr. Richards replied they would be.

Mr. McCoy asked if the buildings would be constructed on concrete piers. Mr. Richards replied they would sit on compacted gravel and on 8x6x8 concrete blocks set onto the gravel pad. He noted the buildings are not going into the ground at all.

Mr. White expressed concern that the plans they were provided do not have a professional's stamp. Mr. Mailhot stated a stamp is not required because the buildings are less than 2,000 square feet in size.

Mr. White asked if the buildings will have a front and rear entrance, as the drawings they were provided do not indicate such. Mr. Richards replied this was a recent development as part of discussions with Fire Chief Kevin Pratt. Mr. Pouliot explained that the cabins will have a rear exit, per the request of Mr. Pratt, and that doorway would be centered at the rear of the cabin.

Mr. White asked if the cabins would have a crawlspace underneath them. Mr. Pouliot replied they will not have a skirt around them, and they are situated too low to the ground for anyone to get underneath them.

Mr. White asked about winter usage. Mr. Pouliot replied they will not be using the cabins during the winter, adding that all the buildings will be locked during their off-season.

Mr. Moccia asked the age of the campers using the cabins. Mr. Pouliot replied the campers are women, ages 12-18. He explained that campers are on site for a week at a time, with a new group coming each week.

Ms. Weldy asked the time frame for the Camp's season. Mr. Pouliot replied they typically open around June 20, and end in late August, so approximately 10 weeks.

Mr. Moccia asked if the cabins will be constructed in such a way that they will be permanent, or have the potential for relocation. Mr. Richards explained they will have potential for relocation; however he suspects that rather than move the cabins, the applicant would likely rather seek approval for additional structures in the future.

Ms. Weldy asked about weekend use of the site. Mr. Pouliot noted that a caretaker's cottage is located on site, and a person is there 24/7 throughout the summer.

Ms. Weldy expressed concern that the cabins are located in the middle of a large property, which is mostly wooded. Mr. Richard noted last year they installed a new water system, and as part of that there is a 5,000 gallon reserve specifically for fire protection purposes. He added that an existing fire hydrant was replaced, and a second hydrant was added. Lastly, he reminded the Board that fire extinguishers would be available in each cabin.

Ms. Weldy asked how large the cabins would be. Mr. Pouliot replied they are 12x16, and have one open room.

Ms. Weldy asked the capacity of the cabins. Mr. Pouliot replied that they have capacity to hold 8 kids each; however it is unlikely that there will ever be 8 kids in any one building at one time.

Mr. White expressed concern that someone will break into the buildings. Mr. Pouliot stated there are currently four times as many "real" buildings than there will be cabins, adding that they have never had a vandalism issue. He also noted that the roadways on the site are plowed during the winter so the site can be accessed by emergency response personnel.

Mr. Moccia asked if the cabins would be open-frame construction inside. Mr. Richards replied yes.

**PUBLIC COMMENT**

Joyce Wood, speaking as a citizen, asked if there will be any type of protection over the windows. Mr. Pouliot stated the intent is to screen the windows.

Ms. Wood noted that in the past, boy scouts did winter camping. Mr. Pouliot replied there are other cabins on the site that the boy scouts come to use in the fall. He noted they will not be using any of the proposed cabins.

**MOTION:** Mr. McCoy made a motion, seconded by Mr. Moccia, to forego deliberative session and go straight to a vote. The motion carried with a unanimous vote of 5-0-0.

*Ms. Wood left the room at this time.*

**VOTE ON VARIANCE CRITERIA (SPRINKLERS)**

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:** Mr. McCoy made a motion, seconded by Mr. Moccia, to grant a variance to the Corporation of the Presiding Bishop; the Church of Jesus Christ of Latter Day Saints, thereby granting permission to not install required fire sprinklers in proposed seasonal camping shelters, based upon the applicant's representations that each shelter will have two means of egress, each shelter will contain a smoke detector and fire extinguisher, and that there will be no winter use of the shelters. The motion carried with a unanimous vote of 5-0-0.

**MOTION:** Mr. McCoy made a motion, seconded by Mr. White, to forego deliberative session and go straight to a vote. The motion carried with a unanimous vote of 5-0-0.

**VOTE ON VARIANCE CRITERIA (FOUNDATIONS)**

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:** Mr. McCoy made a motion, seconded by Mr. Moccia, to grant a variance to the Corporation of the Presiding Bishop; the Church of Jesus Christ of Latter Day Saints, thereby granting permission to not construct required permanent, frost-free foundations for proposed seasonal camping shelters. The motion carried with a unanimous vote of 5-0-0.

*Ms. Matthews stepped down and Ms. Wood returned to her seat for the duration of the meeting.*

**Public Hearing – I.C. Reed Driveway Relocation Variance**

*Application #2010-005 – An application for a Variance has been submitted by Jones & Beach Engineers, Inc. on behalf of I.C. Reed & Sons, Inc. The applicant is requesting permission to establish a commercial use, the relocation of Evans Drive, which serves as the entrance to its*

*existing business, on Raymond Tax Map 28-2, Lot 56. A variance is being sought because Lot 56 is currently located in Zone A, and the proposed commercial use of the relocated Evans Drive is not allowed. The applicant received a variance to establish a commercial use on Lot 54 on January 10, 2007. The properties are shown on Raymond Tax Map 28-2, Lots 56, 57 & 58; 47 Epping Street & 8 Evans Drive.*

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

Applicant/Agents Present: Joe Coronati, Jones & Beach Engineers, Inc.; Brad Reed & Sean Reed, Property owners.

Abutters/Public Present: Paul Anzalone & Dave Anzalone, 45 Epping Street.

Mr. Coronati explained that the applicant received a variance in 2007, and a condition on that variance was that the applicant go through the site plan review process. He noted that the applicant is currently before the Planning Board addressing this item. However, in the midst of the Planning Board hearings, Mr. Reed purchased lot 56. Mr. Coronati explained that Evans Drive, a private drive, is a 20 foot right-of-way, and is located about five feet from the neighboring property (Spence). He explained the width of Evans Drive was adequate when the parcel started being used commercially about 100 years ago, but today is too narrow.

Mr. Coronati noted that Evans Drive has no drainage installed, and also noted that the visibility is quite poor. He added that Evans Drive can not be expanded and they are limited by ownership. In an effort to construct a larger access, Mr. Reed purchased lot 56, and the intent is to relocate Evans Drive over lot 56. This would provide improved site access, as lot 56 sits at a higher-grade location of Epping Street. Also, a wider access makes it safer for trucks turning in and out of the site, and for traffic on Epping Street. Additionally, a reconstructed Evans Drive would allow for proper drainage infrastructure to be installed.

Mr. Coronati noted that one major aspect of the site plan is drainage improvements. He explained the drainage and runoff all flows toward the river today. The site plan proposes to raise the entire site three to four feet, and slope it away from the river, allowing all drainage to go through a series of treatment systems before being infiltrated into the ground. Mr. Coronati added that they will also be providing better screening of their site to the abutting properties.

Mr. Moccia asked if water from the Lamprey River has ever flooded the area where Evans Drive is being proposed to be relocated. Mr. Reed responded flood waters from the River have never reached that area.

Ms. Wood asked why the three parcels involved are not being consolidated. Mr. Reed replied at this time, he is leaving them separate due to the fact that there are mortgages amongst other items involved. He stated his intention is to consolidate the lots once he has a site plan approved, and the mortgage issues have been addressed. Mr. Reed added that his sole purpose for purchasing lot 56 was because he needed a larger driveway.

Ms. Wood asked what will happen to the “current” Evans Drive. Mr. Coronati explained a small section of the driveway’s pavement will be removed. The remainder of the driveway will be retained to service the abutting Spence property (lot 53).

Ms. Wood stated Epping Street is a residential area, adding that she realizes the applicant has a business here, but stressed it is somewhat difficult to see from Epping Street due to the narrowness of Evans Drive. She asked the applicant to outline plans for screening the business from Epping Street. Mr. Coronati replied they haven’t gotten that far yet with the Planning Board. He explained that there is currently a fence almost completely surrounding the property. He added plans for the front of the lot include fencing for screening. He noted that they could add something about 50 feet back from Epping Street, but stressed that the applicant wants to maintain a better sight distance.

Ms. Wood stated she is concerned with the fact that demolition of the house on lot 56 means it comes off the tax rolls. Mr. Reed replied he will certainly make up for that lost tax revenue several times over once his property is reassessed.

Ms. Weldy asked if disturbance of such a large area will lead to stormwater issues for the abutters. Mr. Coronati replied that both the Spence property and the Anzalone property are higher than this site. He added that the Anzalone property will have better drainage due to the drainage improvements they are installing.

Mr. White asked how stormwater will be treated. Mr. Coronati replied that they are currently working with the State’s Alteration of Terrain Bureau. He stated they are proposing a sand filter and a bio-swale. He explained that water first flows through the swale and then through the sand filter before being infiltrated into the ground.

Ms. Weldy expressed concern with the potential of developing a mosquito breeding ground with the addition of the detention pond. Mr. Coronati explained that the detention pond is designed to absorb all water in 72 hours. He stated this detention pond is essentially a larger version of a rain garden.

**PUBLIC COMMENT**

Paul Anzalone, 45 Epping Street, stated the fence that the applicant installed is 8 feet tall. He explained his home sits 12 feet above the fence, so he can look over the fence into the site. He added he is concerned with trucks running closer to his home at 5:00 a.m., since the road will now be closer.

Dave Anzalone, son of Paul Anzalone, 45 Epping Street, stated he is concerned with the fact that the entrances to the Iber Holmes Gove Middle School, the Cemetery, and I.C. Reed’s business will be in very close proximity. He questioned the impact on traffic. Mr. Reed indicated most of their trucks leave around 5:00 – 6:00 a.m., prior to school bus activity, and don’t return until around 4:30 p.m., after school bus activity.

Ms. Weldy read a letter from Margaret Edwards, 7 Downing Street, into the record. A copy of the letter is attached to the original set of minutes on file at the Town Clerk’s Office. In response to one of the points in the letter, Mr. Reed stated they do not, unless they are forced to, drive trucks toward downtown.

Ms. Weldy asked how the new Evans Drive was situated in the middle of lot 56. Mr. Coronati stated the goal was to place Evans Drive at the highest point of Epping Street, which so happens to be in the proposed location.

Ms. Wood asked the distance between the proposed location for Evans Drive and the school's entrance. Mr. Coronati replied from centerline to centerline is 135 feet.

MOTION: Mr. McCoy made a motion, seconded by Mr. White, to enter deliberative session. The motion carried with a unanimous vote of 5-0-0.

*Ms. Matthews left the room at this time.*

Mr. McCoy stated it seems that the situation in this area will be much better when all work has been completed.

Ms. Weldy, Mr. Moccia and Mr. White each agreed that the proposed improvements help address the safety factor.

Ms. Wood stated she is concerned with relocating the driveway closer to the Anzalone property, however the impact can be alleviated with increased buffering at the Planning Board level. She added she is also concerned with altering the residential character of Epping Street.

MOTION: Mr. McCoy made a motion, seconded by Mr. Moccia, to exit deliberative session. The motion carried 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: Mr. McCoy made a motion, seconded by Mr. Moccia, to grant a variance to I.C. Reed & Sons, Inc., allowing the applicant to establish a commercial use, the relocation of Evans Drive,

which serves as the entrance to its existing business, on Raymond Tax Map 28-2, Lot 56. The motion carried with a unanimous vote of 5-0-0.

*Ms. Matthews returned to the room at this time.*

**Public Hearing – I.C. Reed Sprinkler Variance**

Application #2010-006 – An application for a Variance has been submitted by Jones & Beach Engineers, Inc. on behalf of I.C. Reed & Sons, Inc. The applicant is requesting permission to not install a required fire sprinkler in an existing office building; such requirement being brought forth due to the proposed addition onto the office building, which will be used as storage space. The property is shown on Raymond Tax Map 28-2, Lot 54; 8 Evans Drive.

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

Applicant/Agents Present: Joe Coronati, Jones & Beach Engineers, Inc.; Brad Reed & Sean Reed, Property owners.

Abutters/Public Present: Paul Anzalone & Dave Anzalone, 45 Epping Street.

Mr. Reed stated he was hoping to meet and talk with Fire Chief Kevin Pratt on the sprinkler issue prior to this meeting, however their schedules did not line up. He asked if the Board preferred that they meet before carrying on with this hearing. The Board agreed that input from Mr. Pratt is important, and they preferred to hear from him prior to going forward with this hearing.

**MOTION:** Ms. Wood made a motion, seconded by Mr. Moccia, to continue the public hearing for Application #2010-006 to July 14, 2010 at 7:30 p.m. at Raymond High School. The motion carried with a unanimous vote of 5-0-0.

**Public Hearing – Stevens Hill Road Realty Trust Variance Requests**

Chairwoman Weldy opened both of the following applications simultaneously, as the variance requests are intertwined.

Application #2010-007 – An application for a Variance has been submitted by Jones & Beach Engineers, Inc. on behalf of Stevens Hill Road Realty Trust. The applicant proposes to construct a commercial building on a lot not meeting basic lot size requirements. The property is shown on Raymond Tax Map 28-2, Lot 24; located next to 68A Route 27.

Application #2010-008 – An application for a Variance has been submitted by Jones & Beach Engineers, Inc. on behalf of Stevens Hill Road Realty Trust. The applicant is seeking a variance from wetland setback requirements as a result of wetlands being filled in association with the construction of a proposed commercial building. The property is shown on Raymond Tax Map 28-2, Lot 24; located next to 68A Route 27.

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

*Applicant/Agents Present:* Joe Coronati, Jones & Beach Engineers, Inc.; Jeff & Marilyn Cole, Property owners.

*Abutters/Public Present:* None.

Ms. Wood disclosed that the applicant appeared before the Conservation Commission in regards to this project. Once they mentioned that a variance would be needed, she recused herself at the Conservation Commission so she could sit with the Zoning Board of Adjustment.

Mr. Coronati explained the parcel is slightly over 10,000 square feet in size, and used to have an old manufactured home. He stated the property is zoned C.1 – Commercial, and the surrounding uses are all commercial in nature.

Mr. Coronati explained that there is a small, isolated wetland located at the rear of the property. that extends about 35 feet into the property. He stated they are proposing to fill 500 square feet of the wetland so that a building can be situated on the property far enough back as to allow for a parking lot to service the building. He noted that they presented this plan to the Conservation Commission, who did not have any objection to the proposal.

Mr. Coronati explained the lot is of a non-conforming size, adding that it is about ½ the required size of lots in the C.1 zone. He stated if the property owners can't develop the lot commercially, then their fallback option is to build a house, which is obviously not ideal.

Ms. Wood asked when the applicant is proposing to start construction. Mr. Cole replied they would like to start as soon as they gain approvals. Ms. Wood stated the reason she asks is because there is a lot of work occurring on Exit 5, and it seems this lot could be tied in with the Exit 5 plan rather than be developed in isolation.

Ms. Wood stated the plans show a dual entrance to the parking lot. She asked for the purpose of this. Mr. Coronati replied there is a sizeable utility pole located in the middle of the front portion of the lot. Ms. Wood asked if the pole could be moved. Mr. Mailhot noted that relocation of the utility pole would be difficult because the pole has transformers and also three phase power.

Ms. Wood asked how many parking spaces are required for the proposed building. Mr. Coronati replied they are required to have nine, however they are showing 11 spaces.

Mr. McCoy stated the soils are good on this site, adding that it would make a good commercial site as there is a lot taking place in the area. He stated the Exit 5 growth plan could help, but it is still years away from occurring.

#### **PUBLIC COMMENT**

There was no public comment on either application.

A letter dated April 25, 2010 from the Raymond Conservation Commission was read into the record. A copy of the letter is on file in the Community Development Department.

MOTION: Paul McCoy made a motion, seconded by Mr. Moccia, to forego deliberative session and go straight to a vote. The motion carried with a unanimous vote of 5-0-0.

*Ms. Matthews left the room at this time.*

VOTE ON VARIANCE CRITERIA (LOT SIZE)

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: Mr. McCoy made a motion, seconded by Mr. Moccia, to grant a variance to Stevens Hill Road Realty Trust, thereby allowing them to construct a commercial building on a lot not meeting basic lot size requirements. The motion carried with a unanimous vote of 5-0-0.

MOTION: Mr. McCoy made a motion, seconded by Mr. White, to forego deliberative session and go straight to a vote. The motion carried with a unanimous vote of 5-0-0.

VOTE ON VARIANCE CRITERIA (WETLAND SETBACK)

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: Mr. Moccia made a motion, seconded by Mr. McCoy, to grant a variance to Stevens Hill Road Realty Trust, thereby allowing the applicant to fill wetlands in association with the construction of a proposed commercial building, with the following conditions:

1. No more than 500 square feet of wetlands shall be filled.

The motion carried with a unanimous vote of 5-0-0.

*Ms. Matthews returned to the room for the duration of the meeting.*

**Other Business**

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

Mr. Price reminded the Board that the Planning Board has invited the ZBA, Conservation Commission, Historic District Commission, Raymond Business & Economic Development Council and Exit 5 Special Advisory Council to a meeting on June 24 to discuss any zoning issues that the other Boards feel need work.

**Adjournment**

MOTION: Ms. Wood made a motion, seconded by Mr. Moccia, to adjourn. The motion carried with a unanimous vote of 5-0-0. The meeting adjourned at 9:32 p.m.

Respectfully Submitted,

Robert Price  
Planning Technician