

**Raymond Zoning Board of Adjustment Minutes  
May 19, 2011**

**Approved 06/08/2011**

**Place:** Raymond High School; Room 101

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

**Members Present:** Joyce Wood, Chair; Charles White, Vice Chair; Nick Moccia, Clerk; Paul McCoy; Carolyn Matthews, Alternate; Joe Povilaitis, Alternate.

**Members Absent:** Sharon Weldy.

**Staff Present:** Richard Mailhot, Code Enforcement Officer.

**Pledge of Allegiance**

*Ms. Wood announced Alternate Joe Povilaitis would be seated for the duration of the meeting.*

**Approval of Minutes**

*Members Sitting for Approval of Minutes: Joyce Wood; Charles White; Nick Moccia; Paul McCoy; Joe Povilaitis.*

**MOTION:** Mr. McCoy made a motion, seconded by Mr. Povilaitis, to approve the minutes of April 13, 2011 as drafted. The motion carried with a unanimous vote of 5-0-0.

Immediately following this motion, Ms. Wood noticed an amendment that needed to be made. Mr. Mailhot explained the Board needed to vote to unapproved the minutes, make the change, and reapprove them.

**MOTION:** Ms. Wood made a motion, seconded by Mr. Moccia, to unapprove the minutes of April 13, 2011. The motion carried with a unanimous vote of 5-0-0.

Ms. Wood noted her amendment to the minutes.

**MOTION:** Ms. Wood made a motion, seconded by Mr. Moccia, to approve the minutes of April 13, 2011 as amended. The motion carried with a unanimous vote of 5-0-0.

**Public Hearing – Rockingham Economic Development Corporation Variance**

*Application #2011-005 – An application for a Variance has been submitted by American Engineering Consultants Corp. on behalf of Rockingham Economic Development Corp. The applicant is proposing construction of a two-story office building that is not in compliance with setback requirements, on property currently owned by the Town of Raymond. The property is shown on Raymond Tax Map 28-3, Lot 38; 57 Main Street.*

*Members Sitting for this Hearing: Joyce Wood; Charles White; Nick Moccia; Paul McCoy; Joe Povilaitis.*

*Applicant/Agents Present: Keith Weston of American Engineering Consultants Corp. (AECC); Laurel Bistany of Rockingham Economic Development Corp.; Eric Weston.*

*Abutters/Public Present: None.*

Mr. Weston (AECC) stated Rockingham Economic Development Corporation currently has an office in Exeter. He stated they have been working with the Town for several months in an effort to acquire a piece of property located in the Downtown area on Main Street in an effort to construct a new office building and relocate from Exeter to Raymond.

Mr. Weston (AECC) stated they are seeking variances for setback requirements in order to best fit the building in with its surroundings. He noted the lot is approximately 4,900 square feet.

Mr. Weston (AECC) stated the existing septic system has been re-certified by the Department of Environmental Services for the proposed use. He noted that previously, there was a three story apartment building and fruit store on this property, which was lost to a fire. He explained that the previous building used approximately 1,200 gallons/day, and the proposed office will use approximately 300 gallons/day, a substantial decrease in impact. Mr. Weston also pointed out that the previous building had much smaller setbacks on all sides than will the proposed building.

Mr. Weston (AECC) stated the required setbacks for this lot are 25 feet at the front, and 10 feet sides and rear. He noted there is a 10 foot beautification easement located at the front of the property.

Mr. Weston (AECC) stated the building is being proposed at a slight angle on the lot for aesthetics. He explained the building's placement at an angle actually squares the building with the street. However, as a result of the crooked situation on the lot, the setbacks will need to be no less than five feet at their closest points. He added he is proposing that the building sit up against the beautification easement, which would require relief as well, for a setback of 10 feet.

Mr. Weston (AECC) began to address the variance criteria with the Board. In the midst of this presentation, Mr. White asked Ms. Bistany to explain what Rockingham Economic Development Corporation (REDC) does.

Ms. Bistany explained that REDC, which has been in business since 1994, is an alternative lender, business counselor and strategic planning organization. She noted there are nine other companies such as this throughout the State to serve every community in New Hampshire. She stated REDC often assists business startups which cannot obtain traditional bank financing. She stated their mission is to create jobs with living wages, not minimum wages, with a focus on manufacturing jobs. Ms. Bistany explained that REDC's focus, as a non-profit organization, is on job creation, not earning interest on loans.

Mr. Mailhot noted the building is being proposed no closer to any property line than was the previous building. He also noted that, had this proposal come forward within five years of the fire, then the applicant would not need to come before the Zoning Board of Adjustment, due to a provision in the Ordinance that would allow for reuse of previous building setbacks. He added that the proposed building is smaller in dimension than the previous building, and that it gives consideration to accessibility whereas the previous building did not.

Ms. Bistany explained the idea is to make the building as energy-efficient as possible.

Eric Weston stated they are proposing to install some landscaping within the beautification easement area at the front of the building.

Mr. White asked where parking will be. Mr. Weston (AECC) stated the proposal is for people to utilize on-street parking, or the nearby municipal parking lot.

Ms. Wood asked if there would be any apartments in the proposed building. Ms. Bistany replied no.

Ms. Wood noted she served on the Board of Selectmen when the subject property was recommended for sale. She asked if REDC has purchased the property yet. Ms. Bistany replied they intend to obtain all the required approvals before they complete the purchase.

PUBLIC COMMENT

There was no public comment.

MOTION: Mr. McCoy made motion, seconded by Mr. Moccia, to bypass deliberative session and go straight to a vote. 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*

Mr. Povilaitis suggested that conditions of the variance should be as follows:

- The building shall have side setbacks on both sides of the building of no less than five (5) feet.
- The building shall have a front setback of no less than 10 feet.

MOTION: Mr. McCoy made a motion, seconded by Mr. Povilaitis, to grant a variance to Rockingham Economic Development Corporation, thereby allowing the applicant to construct a two-story office building, on property currently owned by the Town of Raymond, with the following conditions:

- The building shall have side setbacks on both sides of the building of no less than five (5) feet.
- The building shall have a front setback of no less than 10 feet.

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

Mr. Weston (AECC) thanked the Board for their time.

**Other Business**

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

Ms. Wood reminded the Board that the NH Office of Energy & Planning Conference is June 11.

**Adjournment**

MOTION: Mr. Povilaitis made a motion, seconded by Mr. Moccia, to adjourn. The motion carried with a unanimous vote of 5-0-0. The meeting adjourned at approximately 8:19 p.m.

Respectfully submitted,

Robert Price  
Planning Technician