

**Raymond Zoning Board of Adjustment Minutes
August 10, 2011**

Approved 09/14/2011

Place: Raymond High School; Media Center
Call to Order: 7:30 p.m.

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

Members Absent: Sharon Weldy; Joseph Povilaitis, Alternate.

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

Pledge of Allegiance

Ms. Wood announced Alternate Carolyn Matthews 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; Carolyn Matthews.

MOTION: Mr. McCoy made a motion, seconded by Mr. White, to approve the minutes of July 13, 2011 as amended. The motion carried with a vote of 3-0-2, with Mr. Moccia and Ms. Matthews abstaining.

Public Hearing – Blue Fin Development Variance

*Continued from 07/13/2011; Application #2011-007 – An application for a Variance has been submitted by Blue Fin Development, Inc. The applicant is proposing construction of a new single-family dwelling on a lot of approximately 5.80 acres, within the required front and side setbacks. The property is shown on Raymond Tax Map 31, Lot 70; 8 Ann Logan Circle. *Note – This application has been withdrawn.**

Ms. Wood noted that a site walk for this property was originally scheduled for July 19, 2011, however that morning the applicant decided to withdraw this application. She noted that the site walk was also canceled.

An abutter to this application, Lee Ann Wells, asked to speak and have a few questions answered. The Board informed her that she could not speak as they no longer had an application in front of them for consideration. She was informed that, in the event the applicant re-applies for a variance, then a new letter notifying abutters will be mailed.

Public Hearing – Lamprey River Cooperative Variance

Application #2011-008 – An application for a Variance has been submitted by Provan & Lorber, Inc. on behalf of the Lamprey River Cooperative. The applicant proposes to construct a replacement septic system within a designated floodplain, to service 18 existing homes. Relief is being sought from Item VII (D) of the Town of Raymond Floodplain Development Ordinance. The property is shown on Raymond Tax Map 34-3, Lot 86; Hummingbird Lane.

Members Sitting for this Hearing: Joyce Wood; Charles White; Nick Moccia; Paul McCoy; Carolyn Matthews.

Applicant/Agents Present: Jim Murn & Terry Lorber, Provan & Lorber, Inc., Lamprey River Cooperative.

Abutters/Public Present: Adrian & Helen Defisser; Gary & Bonnie Palombo.

Mr. Murn stated the Lamprey River Cooperative is proposing the installation of a new septic system. He stated the existing systems date back to 1969, likely do not meet code and are becoming problematic. He explained options are limited for the placement of a new system on the site, which is further complicated by the fact that the Department of Environmental Services has separations and other requirements which limit the ability to place a new system.

Mr. Murn explained the flood elevation is 190 for this site, which was used as a base design consideration. He stated DES is willing to grant a waiver to allow placement of one large system as opposed to two separate systems. He noted DES has seen the plan, and is satisfied that the proposal is sufficient to the best of their ability to locate the system.

Mr. Murn also stated the pump will be located at elevation 192, which is two feet above the 100-year flood elevation. He added compensatory storage will be added on the site in the amount of 1,005 cubic yards.

Ms. Matthews stated she does not believe this applicant requires a variance. She stated she contacted Jennifer Gilbert, Floodplain Management Program Coordinator with the State of NH Office of Energy and Planning. She noted Ms. Gilbert assisted the Planning Board in rewriting the Floodplain Development Ordinance in 2009, which is why she contacted Ms. Gilbert.

Ms. Wood read an email from Ms. Gilbert into the record. A copy of this email is attached to the original set of minutes on file with the Town Clerk.

Ms. Matthews stated Item VII(d) of the Raymond Floodplain Development Ordinance refers to water courses with a designated regulatory floodway and regulates what can be done within the floodway only. Since the septic system plan lies in the Lamprey floodplain, and not the floodway according to the FEMA map, no variance is needed.

Ms. Matthews added that Item VIII (2) (B) deals with non-residential buildings only, and stated this section does not apply to this case. She stated her understanding is that this is simply a matter between the Applicant, the Code Enforcement Officer and DES, and that the applicant meets the requirements of the Floodplain Development Ordinance as the septic system is being proposed.

After confusion and further discussion amongst the Board, Code Enforcement Officer Mailhot added further clarification. Mr. Mailhot stated the confusion on Item VIII 2 (b) stems from a federal definition. He stated he deals with building codes, site plans, subdivisions and State ordinances when it comes to commercial or residential. All of the aforementioned regulations take things with three or more units, and deem them commercial. He stated he spoke with Ms. Gilbert this very morning, and was informed that the Federal definition is not based on a number of units. Rather, they say if people are living in the area, then it becomes residential. He stated this distinction is not located within the Town's Ordinance. He stated the applicant does not require a variance, and the application can be withdrawn.

Mr. Murn stated he would like to withdraw the variance application from consideration at this time, due to the new information provided.

Other Business

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

No other business was discussed.

Adjournment

MOTION: Mr. McCoy made a motion, seconded by Mr. White, to adjourn. The motion carried with a unanimous vote of 5-0-0. The meeting adjourned at approximately 8:04 p.m.

Respectfully submitted,

Robert Price
Planning Technician