



Raymond Zoning Board of Appeals
423 Webbs Mills Road
Raymond Broadcast Studio
MINUTES
Monday, August 17, 2015
(Note Date Change)
7:00 pm

Present: Chairman Larry Murch, Vice Chair Elden Lingwood, Joanne Stinson & Steve Warshaw.

Absent: None.

Staff: Chris Hanson, Code Officer

1. Call to order: Chairman Murch called the meeting to order at 7:00pm.

2. Minutes

- June 29, 2015
 - Elden Linwood posed three items for clarification:
 - Pg 2 reference to Jurisdiction: should reference to supreme court be superior court. Said he remembered it as Superior Court. Chris Hanson responded that it can be clarified.
 - Pg 3, the 3rd paragraph a sentence he did not understand which began: “In either case, the waiver had not been submitted”. Chris Hanson responded that it can be clarified.
 - Pg 4, the 5th line down the word “author”(?) (indistinguishable due to chair being dragged on floor). Mr. Lingwood's marked minutes were handed to Chris Hanson.
 - Joanne Stinson posed a question regarding wording on page 3 in a reference to attorney Natalie Burns: “However she did not agree that the zoning board of appeals did not have jurisdiction oversight plan review”. Ms. Stinson's understanding was that she felt they did not but the double negative reads to her that the board does; Chris Hanson will clarify.

MOTION: Steve Warshaw moved that the minutes of June 29th be accepted as corrected.

SECONDED: Joanne Stinson seconded

DISCUSSION: None

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VOTE: UNANIMOUS APPROVAL

- July 27, 2015
 - Elden Lingwood
 - Referenced the top of second page first sentence one or two words may be missing “what is being appealed -”
 - Referenced the middle of page driveway appears twice, he thinks one needs to be eliminated
 - Referenced 3rd page 4th paragraph typo last sentence
 - Referenced 4th page a couple of questions given in writing to Chris Hanson
 - Referenced 7th page 3rd paragraph from the bottom reads bedrooms should it be bathrooms
 - Mr. Lingwood's marked copy of minutes was handed to Chris Hanson

MOTION: Joanne Stinson moved to accept July 27th as amended

SECOND: (Uncertain which member seconded)

VOTE: UNANIMOUS APPROVAL

3. Public Hearing

Mark & Bonnie Searles

12 Autumn Way

Map/Lot: 011/043C

Rural Zone

Reason: Front setback reduction from 40' to 38'

MOTION: Steve Warshaw moved to approve a setback reduction from 40' to 38'.

SECONDED: Joanne Stinson seconded

DISCUSSION: Elden Lingwood stated the reasons for approval: it is a curb street; it is not a busy not heavily traveled street; and is not likely to be an annoyance for any neighbors.

VOTE: UNANIMOUS APPROVAL (4/0)

4. Workshop:

a) CONSIDERATION OF DRAFT PROCEDURAL ORDER

David Kallin, Esq. Et al

Quarry Cove Road/ Cape Road/ Ferry Landing Road

Map/Lot: 002/011 & 070/060

LRR2 Zone

Reason: An appeal from the Planning Board's decisions on the Town of Frye Island's Major Site Plan and Shoreland Zoning Applications for the proposed Frye Island Park and Ride Facility

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Chairman Murch announced that the opportunity for Public Comment is September 28.

Larry Murch read the decision being appealed.

“By a vote of 3 to 1 the Zoning Board of Appeals adopted a motion to table the issue raised by applicants as to whether the planning board's decision must be reversed because the proposed parking lot is not a permitted use in the shoreland zone since the parking lot driveway entrance is not within 300' feet of the lot containing associated ferry use. The Zoning Board of Appeals determined that this issue will be argued, discussed, and decided in the larger context of the hearing on the appeal and so declines to address it at this time.”

Mr. Murch then described the physical situation and current regulations.

Joanne Stinson addressed the chairman concerning the procedural order of what was agreed to at the last meeting as put together by Attorney Katsiaticas and edited by other attorneys – everything has been agreed to with the exception of Section F number 4 of the procedural order. Ms. Stinson stated that it was her understanding that this was the only point of contention to date.

Mr. Murch stated that this was his understanding, whether the main entrance is within 300' of the dock or the main entrance is farther than 300' of the dock.

Eldon Lingwood said he thinks that will come out in the review and the board won't have anything to do with that at this meeting – there has to be testimony and that will come from the public discussion during the meeting of September 28th. The only thing to be decided tonight that has not been already decided is on the last page, F4 – whether there is sufficient evidence that the park and ride is safe. Does the board have the authority to review that.

Joanne Stinson read items to verify all members had the same version of the procedural order. All members had the same versions of items 1, 2, and 3. Joanne read two options for item 4. One option is whether there is sufficient evidence that the park and ride is safe. The other option that was in the original procedural order is whether the design requiring the pedestrians cross the Cape Road is safe. All members agreed that these are the two options for 4.

Elden Lingwood said that the way he understood there is a disagreement among attorneys, that one attorney feels that the only question of safety is at the crossing and the other attorneys are saying that they believe the board should assess the safety of the park and ride project.

Joanne Stinson stated that she understood that three of the attorneys agreed that the board was looking at the pedestrian cross and one, attorney Kallin, wanted it changed to that the park and ride is safe.

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Chairman Murch opened the matter for discussion.

Joanne Stinson's understanding was that the last two portions were whether parking lot adequately sized and the pedestrian cross was safe not that the entire project was safe. Ms. Stinson referred to the minutes of July 27th page 6 the motion by Steve Warshaw to limit the *de novo* review to the original items listed in the May 6th application and items 3 and 4: Whether the parking area was adequately sized; and Pedestrian safety. The motion had been passed unanimously. Ms. Stinson stated that her concern is that the change “is the park and ride safe” is a completely different level of what the board agreed to review.

MOTION: Joanne Stinson moved to accept the procedural order, 1-3 agreed to and number 4 that most of the attorneys agreed to and was on the original procedural order of Jim Katsiaficas whether there is sufficient evidence that the design requiring that pedestrians cross Cape Road is safe.

DISCUSSION: Eldon Lingwood and Steve Warshaw clarified that the version of F4 to which the board was agreeing referred only to the safety of the pedestrian cross. Chris Hanson asked a question clarifying the date of the Procedural Order item F4 upon which the board had agreed.

SECONDED: Eldon Lingwood

VOTE: UNANIMOUS APPROVAL (4/0)

Joanne Stinson stated that it was her understanding that that was all the board had to decide that night.

Steve Warshaw asked what has to be corrected. Elden Lingwood stated that it needed to be corrected based on what the board had just voted on, then there needs to be a motion by someone on the board, then seconded, and approval, then Larry sign it.

Joanne Stinson commented that the board has one procedural order which has the first 3 correct and one which has number 4 correct and they need one which has all.

There was further general discussion among the board members and Chris Hanson identifying all approved items.

MOTION: Joanne Stinson moved to amend the procedural order that had all the appropriate edits on it with the change of section F number 4 to read “whether there is sufficient evidence that the design requiring that pedestrians cross Cape Road is safe”.

SECONDED: Elden Lingwood

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VOTE: UNANIMOUS APPROVAL (4/0)

Board members all initialed approved changes to the Procedural Order and Chairman Murch signed. The signed order was handed to Chris Hanson, Code Enforcement Officer.

b) WITHDRAWN BY APPLICANT

Chris Neagle, Esq OBO Scott & Jane Maxwell

95 Shaw Road

Map/Lot: 003/012

LRR2 Zone

Reason: Administrative appeal of Code Officer code interpretation of legal lot restrictions.

5. Board Communications

Eldon Lingwood requested permission of the board to attend the next meeting via Skype since he will be out of state.

MOTION: Joanne Stinson moved to approve Eldon Lingwood's participation at the September 28 meeting via Skype

SECONDED: Steve Warshaw seconded the motion

DISCUSSION: None

VOTE: UNANIMOUS APPROVAL (4/0)

6. Code Enforcement Officer Comments

No comments

7. Adjournment.

MOTION: Eldon Lingwood moved to adjourn

SECONDED: Joanne Stinson seconded

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Larry Murch adjourned the meeting at 07:31PM

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