



Appeals Office

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October 31, 2005

**BOARD OF APPEALS
minutes**

7:00 P.M. at the Town Office

Members present: Peter Leavitt, Lawrence Murch, Elden Lingwood, Mary Picavet, and Michael Higgins. Chairman Matthew Schaefer was absent.

Staff present: John Cooper, Code Enforcement Officer; Karen Strout, Recording Secretary

Call to order: Acting Chairman Higgins called the meeting to order at 7:05 pm.

Consideration of minutes dated September 22, 2005:

Motion: moved by Leavitt and seconded by Lingwood to approve the minutes of the September 22, 2005 meeting as presented. Vote was unanimous 5/0.

Public Hearing:

**Map 16, Lot 4 A RR Zone
120A Valley Road
Bradford & Kathleen Armstrong
Administrative Appeal to allow two driveways**

The application submitted stated that the applicants are requesting relief from the ordinance to connect two driveways for one road cut. The property was granted from his parents and the cost to connect the driveways will be over \$13,000. The following comments were part of the application:

“The real estate value of the two properties will be reduced by a common driveway for both properties. The terrain is going to make the connection difficult and dangerous for the applicant's elderly parents. There is currently a driveway at 120 Valley Rd and the applicant stated that the Town of Raymond Road Commissioner has granted the lower access to the second property. The applicant further stated that he felt the condition was pre-existent, and that the current driveway has been there since before the ordinance took effect.”

In a separate narrative the applicant further stated that: “Nathan White, the Road Commissioner, has recommended a driveway further down Valley Road because of the speed that traffic travels. Since there is no provision in the driveway ordinance to remove my parents driveway, I believe it is wasteful to require connecting the two driveways. This would result in paving over 138 feet of wooded lot to satisfy the ordinance.....What I am requesting is relief from the ordinance for economic and environmental reasons. Economics in that it will cost a minimum of \$13,000 just for the excavation and gravel base, and environmental for removing and potentially paving over 138 feet of steep grade

and wooded land. The grade of this area will be susceptible to erosion from the water runoff.”

Public Hearing:

Acting Chairman Mike Higgins opened the public hearing and asked CEO Jack Cooper to give a brief summary from his perspective. Cooper stated that the applicants were requesting an Administrative Appeal because he had denied their request for a second access for the lot being split off. The basis of his denial was Section IX, U. 3. a. (Lots Abutting Town Roads) of the Land Use Ordinances which says when you break off a lot, the new lot must share a common entrance. The difficulty with this case comes because you need to go through someone else's yard. The denial was based on the Land Use Ordinance.

The applicant responded by telling the Board that his parents had owned the land and split off a lot for them to build a house. They had had Nathan White of Public Works look at the lot and understood that (White) felt the driveway would be better further down the road. Mr. Armstrong also stated that there was not an easy way to connect the two lots. He also felt that it would become a problem when he went to sell the property.

Comments from abutters:

There was no public comment.

Comments from the Board:

Leavitt asked CEO Cooper if the rules of hardship applied to this request. Cooper responded that they did not. Leavitt asked if the applicant had the required frontage. Cooper replied that the applicant did, as this was a backlot. Cooper further stated that it has been past practice to require that they come in at a common point of access and discontinue the existing driveway. The Board further discussed the issues of safety and additional curb cuts.

Acting Chairman Higgins read Article IX, section U. 3. a. of the Land Use Ordinance which addresses this situation to the members of the BOA to aid in clarification.

Board member Murch asked what the applicant's future plans were for the property, and how close the access would be to the house. The applicant's response was that he would probably sell the property after his parents died. He further responded that the driveway would go right in front of his house and within 10 feet of the garage.

MOTION: moved by Murch and seconded by Lingwood to grant the Administrative Appeal request to allow two points of access from the original parcel Map 16, Lot 4, onto the public way (Valley Road), rather than a shared access at the common lot line as required by Town of Raymond Land Use Ordinance Article IX. Section U.3. a. Lots Abutting Town Roads. **Vote 3/2. motion carried.**

Other Business:

There was no other business.

Meeting adjourned at 7:20 pm.

Karen Strout
Recording Secretary