

TOWN OF RAYMOND

Zoning Board of Adjustment Agenda

October 27, 2021

Raymond High School, Room 109, 45 Harriman Hill Rd.

7:30 pm

Appeal #2021-010

Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. **

1. Call to Order

- Pledge of Allegiance

2. Public Meeting-

Application has been withdrawn: PB approval granted Sept. 2, 2021

- Application #2021-002** - An application for Appeal of Administrative Decision has been submitted by Patricia M. Panciocco on behalf of Diana L. and Thomas P. Luszcz, for property identified as Raymond Tax Map 22/ Lot 35, located at 39 Old Manchester Rd., Raymond NH, 03077 within Zone C1.
- Application #2021-010**- A variance application has been submitted by Patricia Panciocco of Panciocco Law and Jones & Beach on behalf of Troy Brown of Loon Lake LLC, for property identified as Raymond Tax Map 46/ Lot 9, located at 68-70 Mountain Rd., Raymond NH, 03077 within Zone B. The applicant is requesting relief from Article 2 Section 2.2 Use, Non-conforming Subsection 2.2.3 Expansion Limits: Expansion of any use by twenty-five percent(25%) or more is not permitted. Article 6 Sections 6.1.8 & 6.1.4.1 Regarding signage.

3. Approval of Minutes

- 09/22/2021

4. Other Business

- Staff Updates –
- Board Member Updates
- Any other business brought before the board- **Letter of Resignation**

5. Adjournment of Public Meeting (NO LATER THAN 10:00 P.M.)

Note: If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.

TOWN OF RAYMOND
Zoning Board of Adjustment Agenda
October 27, 2021
Raymond High School, Room 109, 45 Harriman Hill Rd.
7:30 pm
Appeal #2021-010

ZBA Meetings 2021	
Submittal Deadline for Completed Application & Materials	Zoning Board Meeting Dates (4th Wednesday of the Month)
September 22, 2021	October 27, 2021
October 27, 2021	November 17, 2021
November 24, 2021	December 15, 2021

Note: If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.

September 21, 2021

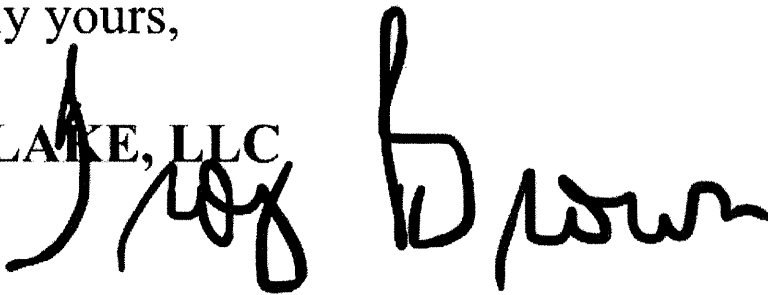
To: Town of Raymond
Zoning Board of Adjustment
4 Epping Street
Raymond, NH 03077

Re: **68 Mountain Road, Raymond, NH**
Tax Map 46, Lot 9

I, the undersigned, owner of the property located at 68 Mountain Road, Raymond, New Hampshire (Tax Map 46, Lot 9), authorize Patricia M. Panciocco, Esquire of Panciocco Law, LLC to submit two variances to the Town to secure approvals for the subject property.

Very truly yours,

LOON LAKE, LLC



Witness

By: Troy Brown
Its: Manager
Duly Authorized



TOWN OF RAYMOND

Community Development Department
Office of Planning & Zoning
4 Epping Street
Raymond, NH 03077

Tel: (603) 895-4735
Fax: (603) 895-0903
<http://www.raymondnh.gov>

Application for a Variance

Site Information

Property Address: 68 Mountain Road

Map #: 46 Lot #: 9

Property Owner Information

Name: Loon Lake, LLC Phone: (617) 957-9338

Address: 46 Jampsa Trail, Nottingham, NH 03077

Address: _____

Applicant/Agent Information

Name: Patricia M. Panciocco, Esq., Panciocco Law, LLC Phone: (603) 518-5370

Address: One Club Acre Lane, Bedford, NH 03110

Address: _____

Complete the Following

A variance is being requested from Article 2, Section 2.3 of the Town of Raymond Zoning Ordinance in order to **allow the owner to expand the existing building located on the property by more than 25%. The existing 2-story building includes 4200 square feet and the owner would like to add an additional 3500 square foot addition to its rear which will primarily be used for inventory storage and a new restroom.**

Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

1) Granting a variance would not be contrary to the public interest because: _____

See attached.

2) Granting a variance would be consistent with the spirit of the ordinance because: _____

See attached.

3) Granting a variance would do substantial justice because: _____

See attached.

4) Granting a variance would not diminish the values of surrounding properties because: _____

See attached.

5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

- 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 because:

See attached.

- b. The proposed use is a reasonable one because:

See attached.

6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

APPLICATION FOR VARIANCE ATTACHMENT
(Addition)

1. Granting the variance would not be contrary to the public interest because:

Allowing the existing building to be expanded over the existing pavement located to its rear will provide the owner much needed storage space for additional inventory, avoid exterior storage and provide sufficient space for the installation of public restrooms. The proposed addition will meet all required setbacks and because it will extend from the rear of the existing building will be less visible from Mountain Road and a better fit within the neighborhood. The proposed expansion will also enhance the Town's tax base.

2. Granting a variance would be consistent with the spirit of the ordinance because:

The property is located in Zone B, the purpose of which is to encourage uses that are more compatible with, and protective of, environmental resources enjoyed by the public. Small businesses, schools and public recreation facilities are either permitted, or permitted by special exception in Zone B. Mountain Road Trading Post is a Town of Raymond icon offering products such kayaks, canoes and fishing gear, all of which are intended to enhance recreational experiences by local residents. However, due to the bulky nature and character of the products offered by MRTP and the owner's need to increase its pre-season inventory to meet seasonal demands, additional inside storage is needed. Granting this request will be consistent with the spirit of the ordinance encouraging public recreation.

3. Granting a variance would do substantial justice because:

Substantial justice requires the public gain from the strict application of the 25% expansion limitation be greater than the owner's loss. In this case, the public gains nothing by its strict enforcement of the 25% expansion limitation because MRTP has sufficient land behind its existing building to accommodate its proposed expansion and allowing MRTP to provide additional space to store pre-season inventory enhances the public purpose of Zone B and the public's enjoyment of recreation. Therefore, granting this variance request is substantially just to the public as well as MRTP.

4. Granting a variance would not diminish the values of surrounding properties because:

Due to the size and shape of the owner's lot, and the proposed placement of the existing building's expansion to the rear of the existing building will be perpendicular to Mountain Road and extend into the rear of the lot, leaving it less visible to abutting properties and Mountain Road. In addition, the architectural finish of the addition will be the same as the existing building and having sufficient interior space will help to avoid any need for exterior product storage.

5. Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions or the ordinance would result in unnecessary hardship because:

- 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 because:

The special conditions of the property are that it is an "L" shaped 4.38-acre lot with a large percentage of undevelopable Zone G land, located in Zone B where recreation is encouraged. When the 25% limitation is considered in the context of Zone B's public purpose, it is inconsistent with the purpose of Zone B. This conclusion is further supported by the fact that MRTP has become a Raymond destination, known for the products it offers and services, aiding the public's enjoyment of recreation.

As situated on its 4.38-acre lot, the pre-existing trading post building is set back from Mountain Road more than surrounding properties and its perimeter is substantially restricted by steep slopes and wetland, all of which serve to insulate its use from surrounding properties. The proposed addition will meet all setbacks and will be placed on the flatter paved area of the site behind the existing building further from Mountain Road and away from abutting properties.

- b. The proposed use is a reasonable one because:

The owner is proposing to expand the existing structure to its rear where it will likely not be visible to abutters or travelers along Mountain Road. As a pre-existing nonconforming use protected by RSA 674:19, the proposed physical expansion of the existing structure is not intended to expand its existing use, and is limited to accommodating MRTP's need for pre-season inventory storage necessary to preserve the existing use. This is both reasonable and protected by RSA 674:19.

Dallaire Build Services, LLC
 solutions for building needs

47 Stevens Hill Road
 Nottingham, NH
 603-300-3619

**Mountain Road
 Trading Post**
**Building
 Expansion**

**68 Mountain
 Road
 Raymond, NH**

All construction to be in
 strict compliance with
 applicable local and
 State of NH building
 codes.

No.	Description	Date

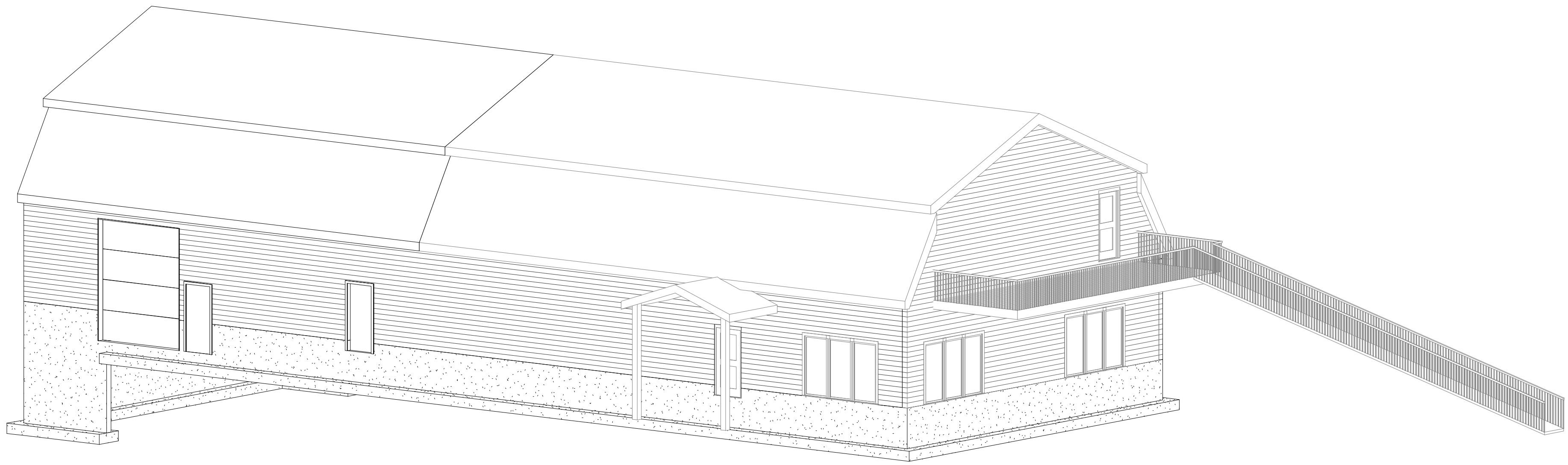
Contractor to check and
 verify all dimensions and
 structural members prior
 to construction.

3D VIEW

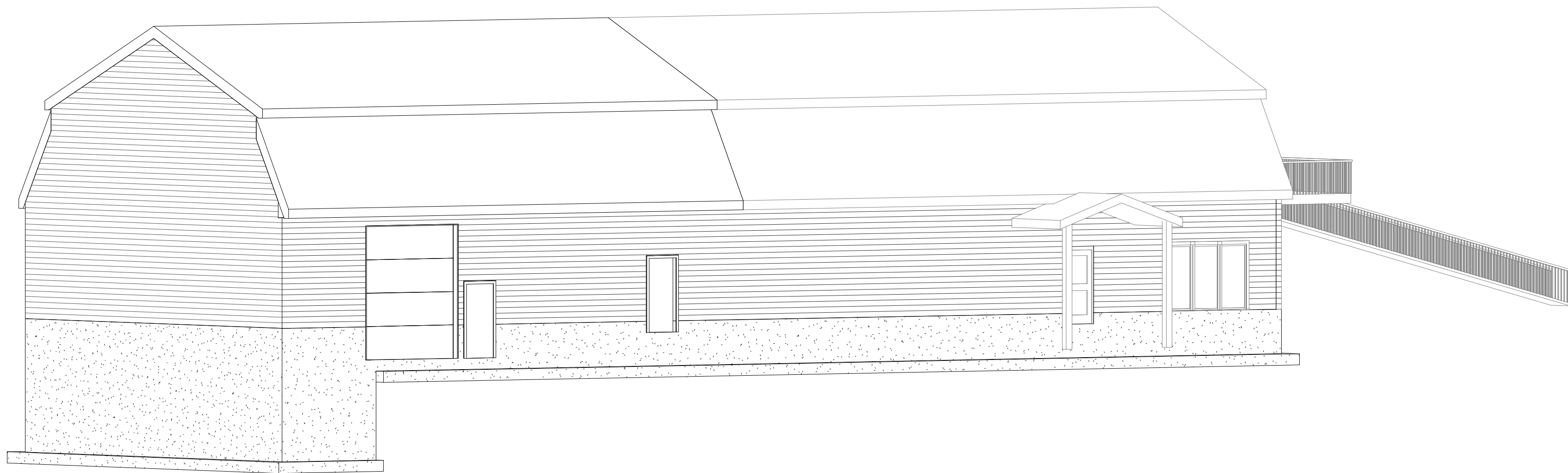
Project number 2021-mrtp
 Date 9/13/2021
 Drawn by P. Dallaire

A0

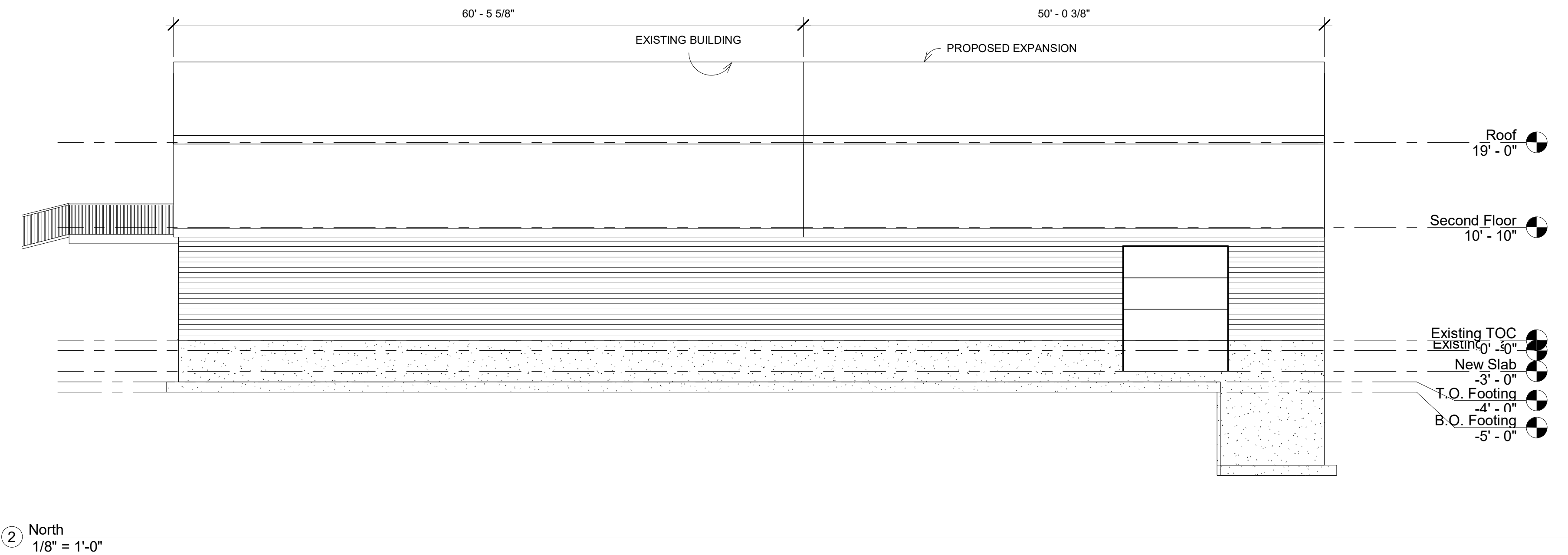
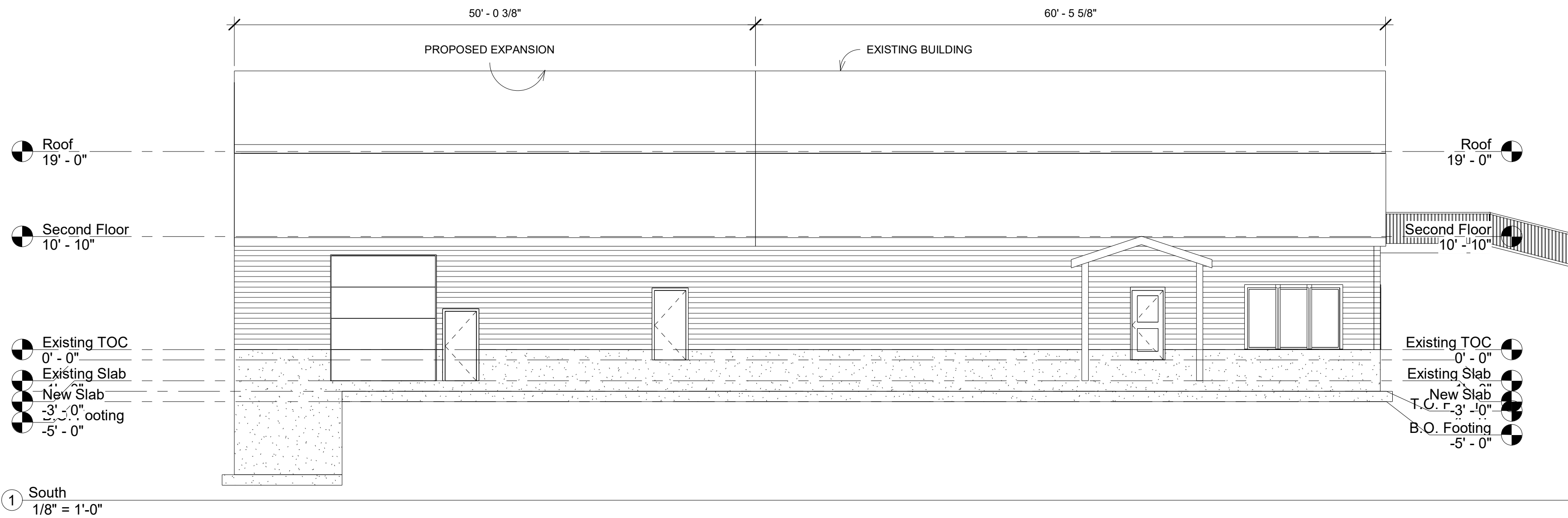
Scale



1 {3D} Copy 1



2 {3D} Copy 2



Dallaire Build Services, LLC
solutions for building needs

47 Stevens Hill Road
Nottingham, NH
603-300-3619

Mountain Road
Trading Post

Building
Expansion

68 Mountain
Road
Raymond, NH

All construction to be in strict compliance with applicable local and State of NH building codes.

No.	Description	Date

Contractor to check and verify all dimensions and structural members prior to construction.

North and South
Elevations

Project number	2021-mrtp
Date	9/13/2021
Drawn by	P. Dallaire

A1

Scale 1/8" = 1'-0"

Mountain Road
Trading Post

Building
Expansion

68 Mountain
Road
Raymond, NH

All construction to be in
strict compliance with
applicable local and
State of NH building
codes.

No.	Description	Date

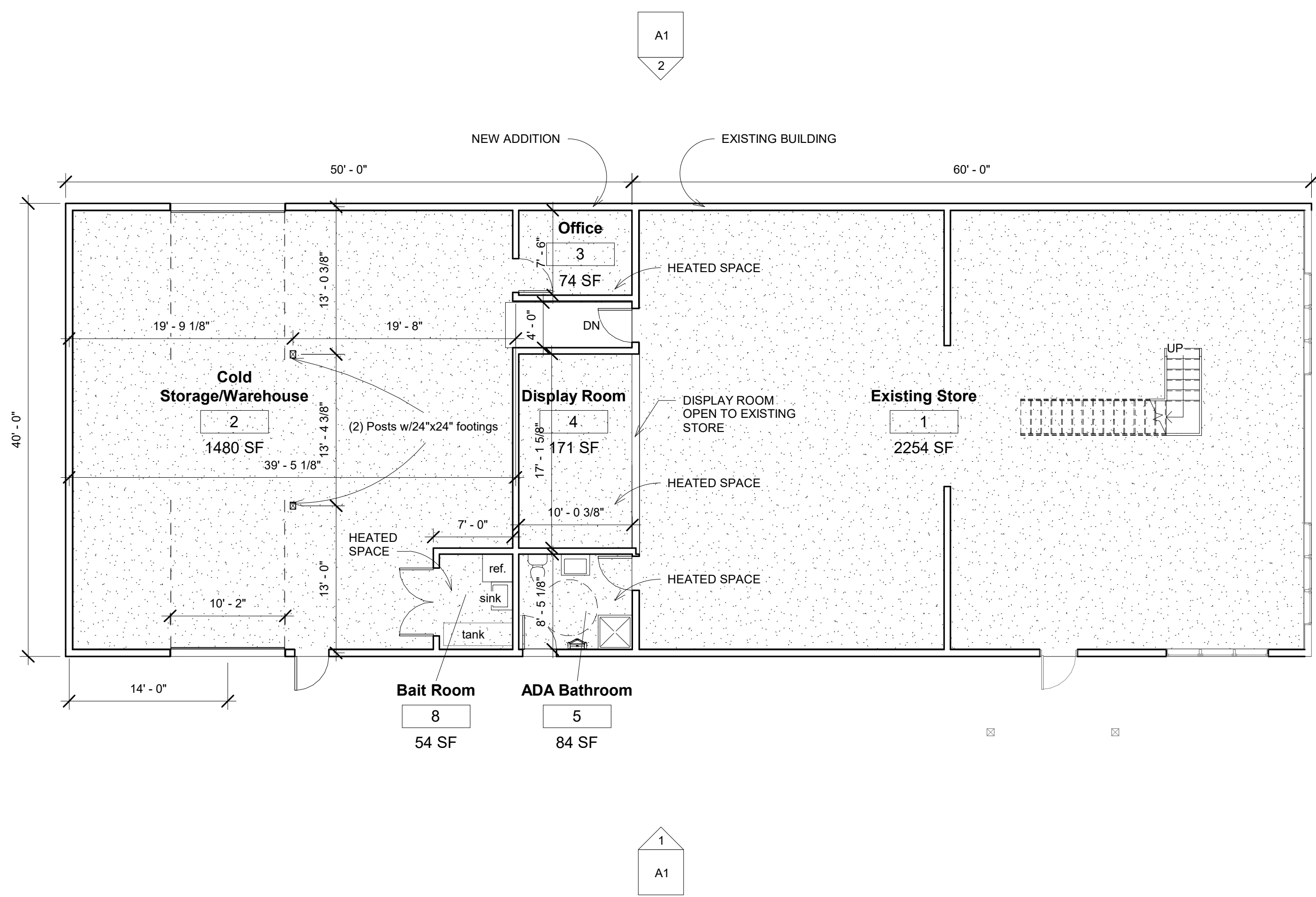
Contractor to check and
verify all dimensions and
structural members prior
to construction.

First Floor Plan

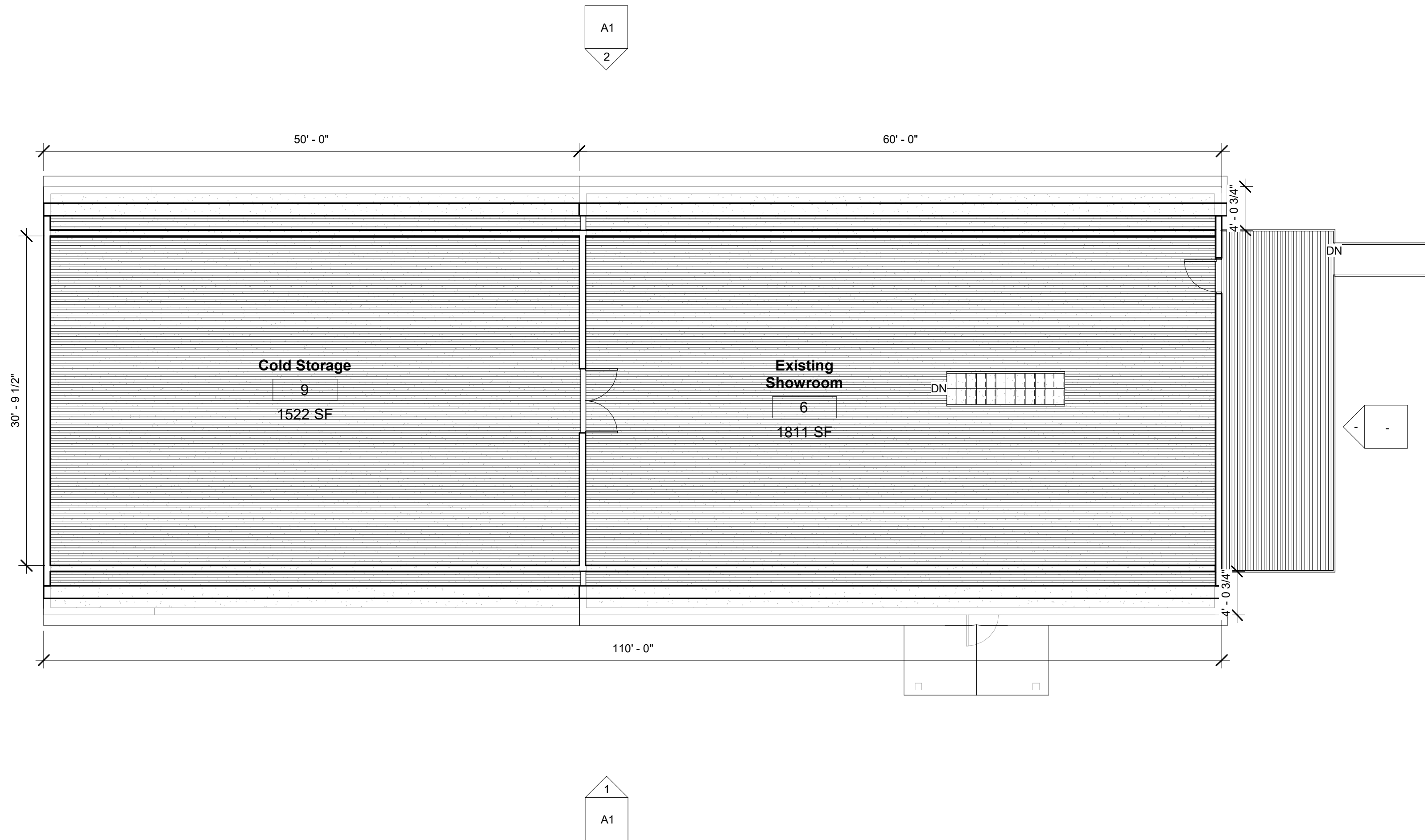
Project number	2021-mrtp
Date	9/13/2021
Drawn by	P. Dallaire

A2

Scale 1/8" = 1'-0"



1 Existing Slab
1/8" = 1'-0"



① Second Floor
1/8" = 1'-0"

Dallaire Build Services, LLC
solutions for building needs

47 Stevens Hill Road
Nottingham, NH
603-300-3619

**Mountain Road
Trading Post**

**Building
Expansion**

**68 Mountain
Road
Raymond, NH**

All construction to be in strict compliance with applicable local and State of NH building codes.

No.	Description	Date

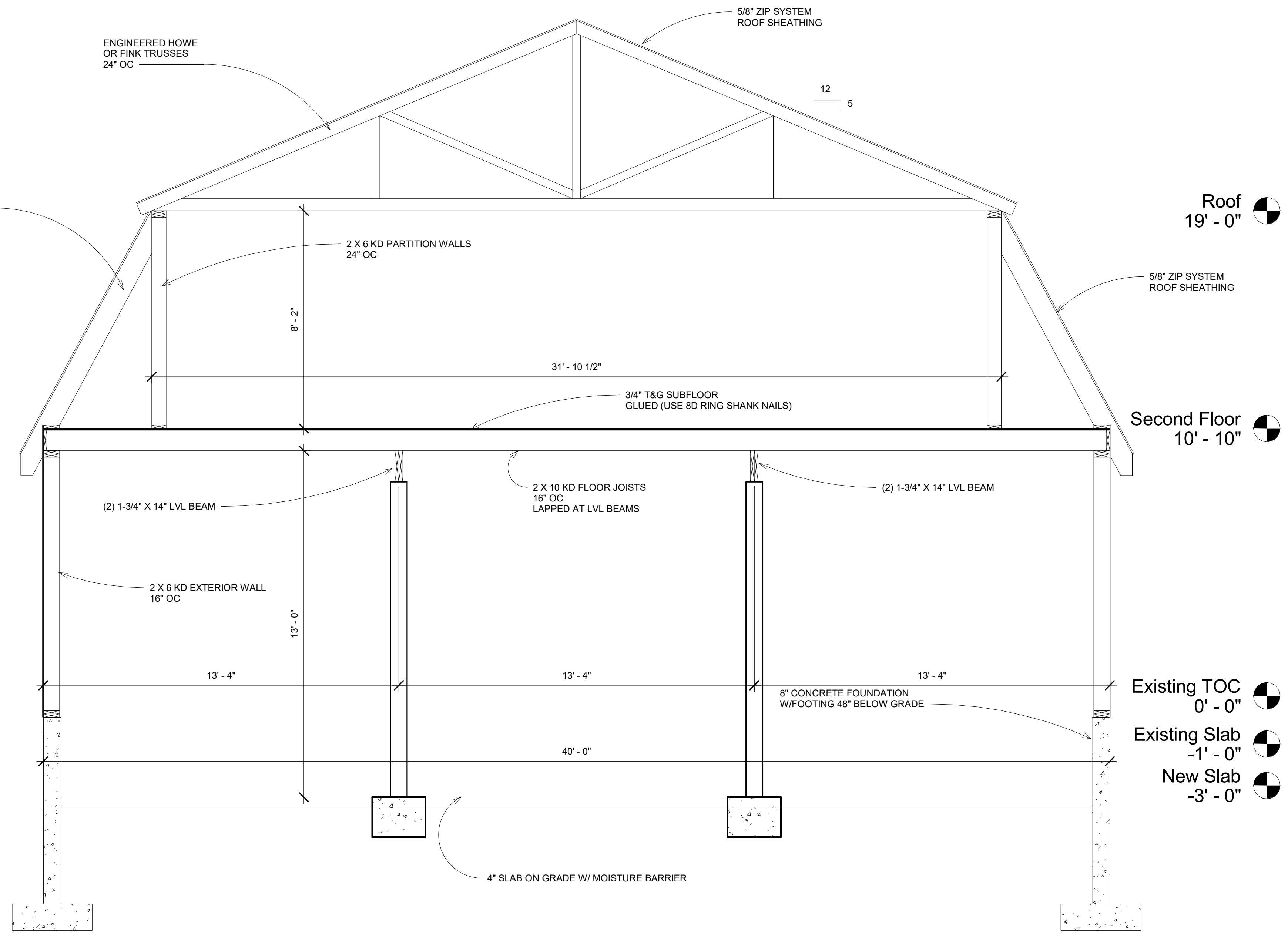
Contractor to check and verify all dimensions and structural members prior to construction.

**Second Floor
Plan**

Project number 2021-mrtp
Date 9/13/2021
Drawn by P. Dallaire

A3

Scale 1/8" = 1'-0"



Mountain Road Trading Post
 Building Expansion
 68 Mountain Road
 Raymond, NH

All construction to be in strict compliance with applicable local and State of NH building codes.

No.	Description	Date

Contractor to check and verify all dimensions and structural members prior to construction.

Building Sections

Project number	2021-mrtp
Date	9/13/2021
Drawn by	P. Dallaire

A8
 Scale 3/8" = 1'-0"

① Framing Cross-Section
 3/8" = 1'-0"



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Application for a Variance

Site Information

Property Address: 68 Mountain Road

Map #: 46 Lot #: 9

Property Owner Information

Name: Loon Lake, LLC Phone: (617) 957-9338

Address: 46 Jamps Trail, Nottingham, NH 03077

Address: _____

Applicant/Agent Information

Name: Patricia M. Panciocco, Esq., Panciocco Law, LLC Phone: (603) 518-5370

Address: One Club Acre Lane, Bedford, NH 03110

Address: _____

Complete the Following

A variance is being requested from Article 6, Section 6.1.8 & 6.1.4.1 of the Town of Raymond Zoning Ordinance in order to **permit the expansion, replacement and relocation of the nonconforming pre-existing 4' x 8' 2-sided sign with a 10' x 15' sign placed further to the south of the property driveway access.**

Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

1) Granting a variance would not be contrary to the public interest because: _____

See attached.

2) Granting a variance would be consistent with the spirit of the ordinance because: _____

See attached.

3) Granting a variance would do substantial justice because: _____

See attached.

4) Granting a variance would not diminish the values of surrounding properties because: _____

See attached.

5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

- 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 because:

See attached.

- b. The proposed use is a reasonable one because:

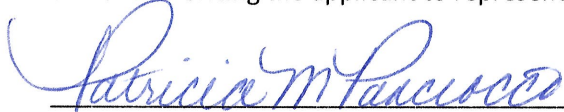
See attached.

6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

N/A.

Signature of Applicant*

*If the applicant is not the property owner, then a notarized letter of permission from the property owner authorizing the applicant to represent their interests shall be provided.



Applicant's Signature*

September 22, 2021

Date

APPLICATION FOR VARIANCE ATTACHMENT
(Sign)

1. Granting the variance would not be contrary to the public interest because:

Signage is intended to identify a business location and purpose. A sign that is too small does not serve these purposes, causes confusion and creates traffic problems. Customers often tell the owner its sign is too small and not clearly visible from Mountain Road. It is not contrary to the public interest to permit a sign of sufficient size to serve its intended purpose.

2. Granting a variance would be consistent with the spirit of the ordinance because:

Avoiding traveler confusion and traffic incidents by having signs appropriately sized is consistent with the spirit of the ordinance and public safety.

3. Granting a variance would do substantial justice because:

Substantial justice requires the owner's loss due to the strict application of the restriction not exceed the public gain. Allowing the owner's sign to serve its intended purpose is a benefit to the owner and to the public.

4. Granting a variance would not diminish the values of surrounding properties because:

The proposed sign rendering attached is attractive, consistent with the architecture of the MRTTP and will properly identify its location. There is no evidence that permitting a sufficiently sized sign will diminish surrounding property values.

5. Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions or the ordinance would result in unnecessary hardship because:

- 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 because:

The special conditions in this case is the existing MRTTP building is set back from the road and is often not clearly visible to passing travelers along Mountain Road. Assuming the purpose of the ordinance is to avoid unsightly sign clutter, this proposed sign will most likely be the only business sign along the stretch of Mountain Road, will not create sign clutter, and more importantly identify the location of MRTTP.

b. The proposed use is a reasonable one because:

Properly sized signage lettering enhances the purpose of signage and is reasonable.



15'

10'

MOUNTAIN ROAD TRADING POST

EQUIPPING OUTDOOR ADVENTURES SINCE 1993

(AREA FOR PROPS, ETC)

1 **Zoning Board of Adjustment Draft Minutes**
2 **September 22, 2021**

3 **Raymond High School, Room 109, 45 Harriman Hill Rd. - 7:30 p.m.**
4

- 5 Joyce Wood - Chairman
6 Scott Campbell - Board of Selectmen Representative
7 Joe Povilaitis -Vice Chairman
8 Paul McCoy - Member
9 Brad Reed - Planning Board Representative
10 Greg Arvanitis - Building Inspector
11 Tim Cahill - Alternate
12 Keith Smith - Alternate
13

14 **Absent Members**

15 None
16

17 **Pledge of Allegiance**
18

19 Continuation Request to continue until appeal period of Planning Board decision over:
20

21 Application #2021-002 - An application for Appeal of Administrative Decision
22 has been submitted by Patricia M. Panciocco on behalf of Diana L. and Thomas P.
23 Luszcz, for property identified as Raymond Tax Map 22/ Lot 35, located at 39 Old
24 Manchester Rd., Raymond NH, 03077 within Zone C1.
25

26 **Motion:**

27 Mr. Reed made a motion to continue application 2021-002 until October 27, 2021, at 7:30 pm in
28 room 109 at Raymond High School. Mr. McCoy seconded the motion. The motion passed with a
29 unanimous vote of 5 in favor, 0 opposed and 0 abstentions.
30

31 Mrs. Wood: "The reason for this continuance is the Planning Board approval for the Change of
32 Use application for this particular property was approved but it is subject to appeal through
33 October 2, 2021. Even though the Planning Board approval makes the administrative appeal
34 that this applicant has filed moot. If the Planning Board decision is appealed and their decision is
35 overturned, I think that it may come back, but assuming we get passed October 2nd or 3rd, past
36 the appeal date this appeal may be considered withdrawn as moot."
37

38
39 Application #2021-007-The following application for a variance has been submitted by
40 Christopher E Ratte, Esq. from Shaheen & Gordon, PA on behalf of Anthony & Wendy

41 DeFranzo for relief from: Article 14 Section 14.1 Subsection 14.1.1 Allowed uses table, to allow
42 an accessory use as a commercial service establishment on a single-family residential property
43 in Zone B. The property is identified as Raymond Tax Map 31-4/ Lot 3 and located at 119
44 Langford Rd. and is within Zone B.

45
46 Mrs. Wood: "We heard this application during our August meeting and the application had been
47 continued pending a site walk. So, we had not made a decision on that case up to that point. I
48 think we have the information that we need to go forward with this application this evening."

49
50 Mr. Reed disclosed that his company had had Danley Demolition do some work for his
51 company. He did not have direct interaction with the company so he feels that it will not affect his
52 decision making. The Board did not have an issue with Mr. Reed, and he remained seated.

53
54 Motion:

55 Mr. McCoy made a motion to go into deliberative. Mr. Povilaitis seconded the motion. The
56 motion passed with a unanimous vote of 5 in favor, 0 opposed and 0 abstentions.

57
58 Granting a variance would not be contrary to the public interest because:

59
60 Mr. Reed: "The only public that could be directly affected by this are the immediate neighbors."

61
62 Mrs. Wood: "Greg can you confirm this will go before the Planning Board for site plan review?"

63
64 Mr. Arvanitis: "Yes, it would probably be a condition that you would have to make if you approve
65 the variance."

66
67 Mr. McCoy: "I have no problem with the commercial use of the building as long as we follow
68 through with it says it is a business that we do allow in a residential zone. The property has to
69 stay, as you look at it, it has to stay residential. But if you have an allowed use in a home
70 business or whatever as long as you don't interfere with the community, and it looks residential
71 they allow it. What I am getting at is if we were to allow this and the equipment has to be in the
72 barn they have to have the vehicles all set so that when they go out in the morning they don't
73 have a beep, beep, beep, they got to drive out, and if they agree to that I would probably say
74 that it would not be detrimental to the town, would not be against the zoning ordinance."

75
76 Mrs. Wood: "Are you suggesting that if approved that we limit the commercial use to the extent
77 that the applicant has represented to us. In other words, the only business that would be there
78 would be the storage of vehicles."

79

80 Mr. McCoy: "The storage of vehicles. No demolition and the vehicles would be inside the
81 building."
82

83 Mrs. Wood: "Was there an exception to that perhaps one or two vehicles parked outside?"
84

85 Mr. Defranzo: "Just in an emergency if I had to do it but everything is in the barn."
86

87 Mr. McCoy: "And I want to discuss the sight distance. That could be a public interest issue."
88

89 Mrs. Wood: "I do not see anything here that would be contrary to the public interest provided that
90 this application goes before the Planning Board for site review, and the commercial uses are
91 limited to vehicle storage. Equipment storage. I believe the Planning Board will take up things
92 like sight lines or sight distance."
93

94 Mr Povilaitis: "I would agree with you Joyce. "
95

96 Mr. Campbell: "I think it has a direct impact on the neighborhood. I know people that have done
97 work on that building in the past and they didn't even pull their equipment into there. They had to
98 park across the street and drive across with their heavy equipment. That was a contractor that
99 did work on the property. The neighborhood is basically a lot of residential and horse farms. We
100 have got an elderly unit up the street, and we are going to have backup alarms. You are talking
101 about a total change of use in that neighborhood. I think that there are a lot of people that don't
102 know what we are discussing tonight because they are not abutters, so they don't know about
103 this. You are going to have a direct impact on the roadways. Those roadways do get heavy
104 traffic by heavy equipment, but it is usually when people are doing work down there. You are
105 talking about allowing someone to set up a commercial entity on a residential road on a hairpin
106 turn. The combination there it just doesn't work. It will have a direct impact."
107

108 Mrs. Wood: "So you believe that it is contrary to the public interest."
109

110 Mr. Campbell: "Yes it goes against the public interest."
111

112 Granting a variance would be consistent with the spirit of the ordinance because:
113

114 Mr. Campbell: "I will stick with what I just said. It covers it all. By granting the waiver I think we
115 will do an injustice to the neighborhood."
116

117 Mr. Povilaitis: "The spirit of the ordinance in this particular ordinance the use of accessory
118 commercial use is what you are speaking of right?"
119

120 Mrs. Wood: "The purpose of the ordinance is to ensure adequate space, light and air and
121 prevent overcrowding."

122
123 Mr. Povilaitis: "Well on those three points alone I would say that this particular application does
124 have adequate light, space between adjoining properties based on those criteria."

125
126 Mrs. Wood: "I do think that spirit of the ordinance would be observed by approval of this
127 application. This is not going to create overcrowding"

128
129 Mr. McCoy: "I will agree with Scott. If we had everything inside the building and none of this
130 beep , beep , things--- If they stay at the site during the week and it stays basically what you see.
131 Then it probably would be the spirit of the ordinance and be fine. Because it is not a business
132 where people are in and out all day long. It is just they go and then they come back. If everything
133 is in the building, they have certain guidelines on it then it would be in the spirit of the ordinance.
134 "

135
136 Mr. Reed: "I believe as Paul was saying if they can maintain the residential appearance of the
137 neighborhood and keep everything inside and minimize their trips in and out as they expressed
138 to us on the site walk that this could fall within it however, if they don't and they just start doing
139 whatever they want whenever they want then what Scott is saying is going to happen. You are
140 going to have all kinds of traffic. You are going to have all kinds of increase in traffic and noise.
141 So, it is a fine line here."

142
143 Granting a variance would/would not do substantial justice because:

144
145 Mr. Reed: "If we can grant the variance with enough restrictions to not change the neighborhood
146 then it would do substantial justice because the owner would get the full use of his property in a
147 building which could be modified to meet those uses. So, I believe yes that it could happen with
148 proper restrictions."

149
150 Mr. McCoy: "I will agree with what Brad said."

151
152 Mrs. Wood: "I believe that granting the variance would do substantial justice because it allows
153 the property owner to make a reasonable use of his property."

154 Mr. Povilaitis: "I would agree with what you just said Joyce. That it would allow the applicant to
155 use the property to support his business without imposing on his direct abutters. As long as, like
156 Paul said, that the look of the property and the operation and storage of machines are enclosed
157 as to not destroy the character of the neighborhood."
158

159 Mr. Campbell: "I will disagree with the whole Board. We have zoning for a reason. He opted to
160 buy in a residential neighborhood. It does nothing to conform to the neighborhood. When we
161 walked into that garage how many pieces of equipment did, we see? I have looked at the
162 website. You saw small pieces, "skid steers", look at the website you got big equipment.
163 Excavators. One of them you will not fit in that shed. The walk should have been at the storage
164 facility for the equipment then you would have seen the real impact of what is going to be on the
165 property. We walked the property, but we didn't see the equipment. The injustice is going to be
166 to the other neighbors. I am sure we will get a lot of calls if this goes through because they will
167 not be happy. There is no equipment on that road that even matches what it says in the variance
168 that they are requesting. You are talking BX 27's, 23's, small machinery just to clean out stalls,
169 horse stalls. So, I will disagree with this whole Board for that reason. It does nothing for that
170 neighborhood except cause grief and we will hear it. We have a zoning board for a reason, and
171 we have zoning designated for certain things. He had the option to buy in an area where he
172 could get something to store his equipment; this is not that."

173
174 Mr. Povilaitis: "So are you stating that he won't be able to fit his equipment in the allotted
175 building?"

176
177 Mr. Campbell: "Not what I saw. That is big equipment. It won't fit. Even if you took the door right
178 off the place it won't fit."

179
180 Mrs. Wood: "Scott I have to differ with you as far as we have a zoning ordinance for a reason,
181 but we also have provisions in that zoning ordinance to give people relief from it. Where it is
182 warranted. That is why we have a process for applying for and granting variances."

183
184 Mr. Campbell: "The key word is where it is warranted, Mrs. Wood."

185
186 For the following reasons values of surrounding properties would/would not be diminished:

187
188 Mr. Reed: "Again if there is no appearance of anything but residential then the surrounding
189 properties would not be diminished However, if the conditions of approval and restrictions do not
190 maintain that as a residential appearance then it will definitely effect surrounding properties."

191
192 Mr. McCoy: "If you have heavy equipment in and out of there and people are concerned about it,
193 the neighbors, it will definitely have an impact on the value. If you have complete storage and
194 complete coverage of everything in the building it is possible. It could work as long as they don't
195 have the beeps and so forth for heavy equipment. It would definitely take away from the
196 neighborhood with heavy equipment in and out of there. There is just no question about it. Yes, it
197 would affect the property values."

199 Mrs. Wood: "If the variance is properly conditioned, I don't think it will have any significant effect
200 on the surrounding properties."

201
202 Mr. Povilaitis: " I have to agree with Paul. I think that it is more than likely it could affect
203 surrounding property values. You know if you live a couple doors down and you had heavy
204 equipment rolling up and down on the street and everything. I think it could possibly have an
205 effect on property values. I am not a real estate agent, but I am trying to associate with living
206 down the street from that. So, I would think that it could have an effect on property values."

207
208 Mr. Campbell: "I agree with Paul on this one. Both being real estate brokers we know full
209 disclosure is very important. So even knowing that there is a potential for this any listings that we
210 get on Roy Street we would have to disclose this to any potential buyers because it directly
211 effects the value of something they might purchase. If they are worried about big trucks going
212 down, there; there are kids riding bicycles on that street. Full disclosure must be released, or you
213 could end up in a lawsuit."

214
215 Owing to the special conditions of the property that distinguish it from other properties in the
216 area, literal enforcement of the provisions of the ordinance would result in an unnecessary
217 hardship because... a. No fair and substantial relationship exists between the general public
218 purposes of the ordinance provision and the specific application of that provision to the property
219 because

220
221 Mr. Reed: "I am looking for something that the owner gave us last time. They said *the proposed*
222 *use is no more burdensome than commercial agriculture which is a permitted use. The*
223 *equipment and vehicles would be stored on the property are similar to those used in commercial*
224 *agriculture. The proposed use would be located in an existing barn and would not change the*
225 *character or the property or the neighborhood. It says under the proposed use is a reasonable*
226 *one because the existing business will be located in an existing barn to maintain the agricultural*
227 *nature of the district. The commercial activity on the property will be minimal, consisting mostly*
228 *of storage of equipment and vehicles with supporting office. The proposed use will have no*
229 *adverse effect on surrounding properties and will not increase traffic or use of local utilities. The*
230 *proposed use will have no effect on public services. The proposed use will be mostly screened*
231 *from the road by natural vegetation. Again, my approval of this hinges on them doing everything*
232 *they said they would do and continuing to look residential, minimizing their traffic, and making*
233 *sure that happens. Otherwise, I agree with what everybody else has said. If all that doesn't*
234 *happen then it is definitely going to change the nature of the activity in that neighborhood."*

235
236 Mr. McCoy: "The only thing that I see here is the traffic. While we were doing the site walk a
237 neighbor came by and said they didn't have very much traffic there, but the trouble is these
238 vehicles that he is talking about are there now. There is definitely going to be more traffic. But as

239 far a hardship. I can see his hardship. He wants to use his building. A big building that he can't
240 use. He is asking for relief from the zoning. In that respect it is a hardship."

241

242 Mr. Campbell: "I don't see it as a hardship Paul. It is a building that you could have horses. You
243 could store your hotrods in. It is a building not to run a business out of with heavy equipment.
244 That is not a hardship. We are not saying you can't use it. You just can't use it for a commercial
245 application."

246

247 Mr. McCoy: "It is a hardship for him."

248

249 Mr. Campbell: "I have bought enough properties in my life where I do my homework and I know
250 what I am buying and what I can do on the property. No offense I am just saying. Like you I have
251 done business stuff like this, and I always did my homework because you know what, when I
252 lived in Northwood and I went before the Board they shot me down, why because I didn't buy in
253 the zone that they agreed with, and I had to abide by those zoning rules. They were right but
254 hey, I rolled the dice. I went in there and figured maybe I could get it done. Well, it didn't happen.
255 So, there is no hardship because we are not saying you can't have horses in there, ponies,
256 horses, pigs, cows, whatever you are going to put in that property. But the heavy equipment,
257 actually the hardship would fall upon the people of that neighborhood. That is where the
258 hardship is going to fall."

259

260 Mr. McCoy: "I am not disagreeing with you. I am saying he has a hardship, and he is asking for
261 relief."

262

263 Mr. Campbell: "No offense, a self-inflicted hardship."

264

265 Mr. McCoy: "That is what this Board is all about, relief from the zoning."

266

267 Mrs. Wood: "This is a unique property. The location of it on that sharp bend on Langford Road.
268 That does distinguish it from other properties in the neighborhood. I believe his hardship is
269 financial. He has this usable barn and by denying the variance you would force him to continue
270 to rent space elsewhere to store his equipment. We don't have a financial criterion to the zoning
271 ordinance anymore but that is the only hardship I see is the financial one."

272

273 Mr. Povilaitis: "I would say that if there is a hardship it is financial; it doesn't have anything to do
274 with this particular property itself. So, if there is a hardship the applicant has a financial hardship
275 with this property not in the actual location or the layout, or the land, or other criteria going with
276 this particular piece of property. So, it goes with a hardship on the owner in my opinion"

277

278 5. Subsection I The proposed use is/is not a reasonable one because

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Mr. Reed: "The proposed use is a reasonable one because it would allow him to use his building and his property. That is why it would be reasonable to allow it. He has a very nice structure there that this would work very well for. Otherwise, I agree with what Scott said. He kind of rolled the dice here knowing that this was a residential zone, but it is a unique building on that road."

Mr. McCoy: "I think on this particular site because of the hairpin curve and the residential nature of houses so close together here. I would love to see the guy get all of his equipment in there, but I see traffic going in and out of there on a consistent basis early in the morning when school busses are around. The sight distance isn't that great. I would say that it is not a reasonable location. Even though I would like to see the guy do it. I have seen too many of these. Then you have to be down there policing them, and then the neighbors are going to be complaining. I would say considerably. We are talking about a lot of traffic. It is not really reasonable."

Mrs. Wood: "I think properly conditioned it is reasonable. We can put some conditions on the approval this evening and this has to go before the Planning Board for site plan review. To deal with hours of operation, sight distances, noise levels."

Mr. McCoy: "What is the sight distance requirement for the Planning Board? "

Mr. Arvanitis: "I think it is 200 feet on a state road but that is not a state road. I think it might be 400 but I am not sure."

Mr. Campbell: "I wanted to say 350 Paul, but I could be wrong."

Mr. McCoy: "they would have to come back for another variance anyway."

Mr. Povilaitis: "I am going to have to go with what Paul mentioned."

Mr. Campbell: "I would agree with Paul, and this is on the Candia side not even a quarter mile up there is a landscaping company and great guys, a lot of grief though. They have 4 trucks. Most of them are F350's. That has increased traffic. They tend to go down the Raymond side because I heard there was a problem with them going out the Candia side and their traffic alone with 4 trucks doing the landscaping. I am right there so I see it and it is nonstop with these guys. Do they speed, yeah, it is kind of fast for that road? When you get an employee. They don't own the company. They hop in that rig and are like jeez I should have been there like 15 minutes ago, guess what they are in a hurry now because the boss is going to get on 'em. That is what we are seeing with the landscaping company going down Langford Road right now. Do I want to add to that? Does the neighborhood want to add to that? I say not."

319
320 Mr. Povilaitis: "You are assuming someone is going to be speeding which is a policing matter not
321 a zoning matter and that it should be policed better, I would think."
322
323 Mr. Campbell: "You are 100% correct but that ain't happening."
324
325 Motion:
326 Mr. McCoy made a motion to come out of deliberative. Mr. Campbell seconded the motion. The
327 motion passed with a unanimous vote of 5 in favor, 0 opposed and 0 abstentions.
328
329 Mr. Reed: "At the sight walk his said he was going to find out if a driveway permit was issued for
330 the barn when it was built."
331
332 Mr. DeFranzo: "I didn't know I was supposed to find that out."
333
334 Mr. Reed: "You were asked directly. So, you forgot, ok. Fair enough. So, we don't know."
335
336 Todd Matthias, 117 Langford Road: "I was just wondering if he could pull back what he was
337 saying earlier about what the applicant said the purpose of the building was going to be.
338 Because we never talked about anything but storage at the last meeting."
339
340 Mr. Reed: "The lawyer I believe read all of these. But the facts in supporting granting of the
341 variance and these are the 5 criteria that we just went over. It says *the proposed use is no more*
342 *burdensome than commercial agriculture which is a permitted use. The business would be*
343 *located in the existing barn in keeping with the agricultural nature of the district. The equipment*
344 *and vehicles used by the business are similar to those used in commercial agriculture. There*
345 *would be minimal commercial activity on the property consisting mostly of storage and*
346 *supporting office. The agricultural nature of the district would be maintained.* I am just taking
347 excerpts out of here."
348 Todd Matthias: "Didn't he say it was for storage and diagnostics?"
349
350 Mr. Reed: "Owing to the special conditions of the property that distinguish it from other
351 properties, this is number 5 on our list no fair and substantial relationship exists between the
352 general public purposes of the ordinance provision and the specific application of that provision
353 to the property because the proposed use is no more burdensome than commercial agriculture
354 which is a permitted use. The equipment and vehicles to be stored on the property are similar to
355 those used in commercial agriculture. The proposed use would be located in an existing barn
356 and would not change the character of the property or the neighborhood. The location is mostly
357 screened from the road by trees and other existing natural vegetation. The proposed use is a
358 reasonable one because the business will be located in an existing barn to maintain the

359 *agricultural nature of the district. The commercial activity on the property will be minimal,*
360 *consisting of mostly storage of equipment and vehicles with supporting office. The proposed*
361 *use will have no adverse effect on the surrounding properties and will not increase traffic or use*
362 *of local utilities. The proposed use will have no effect on public services. The proposed use will*
363 *be mostly screened from the road by natural vegetation. I read that right from your application."*
364

365 Todd Matthias: "I thought it was going to be storage and diagnostics. So, there are going to be
366 no repairs done in the barn? It is not going to turn into a huge equipment garage. I didn't go
367 through the walk through, but I heard that he planned on storing and repairing the vehicles
368 there."
369

370 Mr. Reed: "If you go back to the beginning of the variance request it says *a variance is being*
371 *requested from article 197 section 14.1 of the Town of Raymond Zoning Ordinance in order to*
372 *allow an accessory use as commercial service establishment on single family residential*
373 *property in the Zone B - Residential/Agricultural district. Specifically, the owner proposes to*
374 *locate their demolition business on the property and to store demolition equipment and vehicles,*
375 *with supporting office, in and around a 70' by 120' barn. That is the only place because they had*
376 *to give it a classification. So that is what you chose was commercial service establishment. Am I*
377 *correct in stating that?"*
378

379 Mr. DeFranzo: "That is correct that was suggested by the building inspector."
380

381 Todd Matthias: "I didn't go through the walk through but from what I heard they were going to
382 have a storage and a repair facility for his equipment. If they are working on big equipment like
383 that---he brought up that he had last meeting a D10 is almost 100,000 pounds, and running it
384 has a decibel level of 125. It is going to impact the whole thing if they are fixing equipment and
385 testing it out on the property. If it stays the way, it is, and he can put everything in the barn. I am
386 good with it but when everything showed up when he bought the property, no."
387

387 Mr .Campbell: "What are you speaking of when everything showed up? For example."
388

389 Todd Matthias: "There was a dozer, an excavator, maybe 6 or 7 12-foot-long trailers. I showed
390 you the maps that we brought that Brian gave us when this whole thing started with this stupid
391 building. 170 feet and it is in a pie shape, everything was parked right there. He can't see
392 nothing from his house because he has a 70 by 120-foot building right there and everything he
393 parked, he parked on my yard, or on the property line. He had a trailer there with two oil tanks
394 full of kerosene, right on the property line. You guys went through the walk through when you
395 came up the street that fence right there, that is the property line. That is where the previous
396 owner put it. Right on the line."
397

398 Jacqueline Matthias, 117 Langford Road: "When this building was put up by Mr. Mailot and we
399 are not going to go there. We caught a lot of deceit, and it was a commercial riding arena and
400 we shut it down. The came and tried to drive 18 wheelers in and the Planning Board denied it.
401 She had to come in with a trailer and truck and bring all the hay in for 14 horses this town zoned
402 and the grass that is left on this barn. I have all the minutes. Everything, so I don't understand
403 why you don't have the building, the whole process of this property. He was deceived by Brian
404 Haverstrough. He got the biggest bang for his buck by that building. The Planning Board told him
405 you can't sell this as a commercial business. But guess what he got a sap. That is not our
406 problem. You need to see an 18-wheeler come up that road and pull in and go in around the
407 back of that building and come through it can't be done. I sat there and watched him pull 8 trees
408 out of the front, the bottom of Donald Street, there were 8 trees that helped stop the flow of all
409 the water coming off, coming all down into our yard. He regraded the whole driveway and made
410 it all flat so he could get everything in there all nice, and we sat there and watched for 8 hours as
411 they backed up all this equipment."

412
413 Mr. Campbell: "Were you told you could do anything commercial with this property when you
414 bought it?"

415
416 Mr. DeFranzo: "Absolutely."

417
418 Mr. Campbell: "Have you been in contact with your agent since then?"

419
420 Mr. DeFranzo: "No."

421
422 Jacqueline Matthias: "It has got an illegal drainage system in the back."

423
424 Christopher E Ratte: "Once the building inspector informed them about the vehicles and they
425 should get a variance they did and then we came here. So, what they did prior to this is not
426 relevant to this application."

427
428 Todd Matthias: "You guys brought it up. I didn't go to the walk through. I was busy doing stuff at
429 my house but if he is not representing the equipment, he owns how can that walkthrough be
430 valid? I mean, I can clean up my house. So that when my mother comes over it looks clean.
431 That is not the real me."

432
433 Motion:

434 Mr. McCoy made a motion the deny this variance. Mr. Campbell seconded the motion. The
435 motion passed with a vote of 3 in favor, 2 opposed, and 0 abstentions.

436
437 Mr. McCoy: "After looking at this property with sight distance. The idea of having large trucks in
438 and out in the early morning. I would have no problem if there was more land, and it wasn't in

439 that location. You have an awful lot of people on Donald Street. There are a lot of new houses
440 up in there. I know we had an issue with the house on the corner when he wanted to make it into
441 a two family, and we put restrictions on that. It is just too compact to allow something like this in
442 that neighborhood. I would love to see the guy use that building but I just think that we would be
443 creating more problems not only for him down the road with his neighbors. We are talking about
444 town issues. Road. This is heavy equipment going down that road all the time. It is just too much
445 to ask for in that residential neighborhood. I am in favor of denial.”

446
447 Mr. Arvanitis: “What are your reasons, Paul?”
448

449 Mr. McCoy: “I would say that that would be too much traffic with the heavy equipment in a close-
450 knit neighborhood. With the hairpin corner and sight distance would create issue for the Town,
451 the neighbors, and the DPW. We are talking about large trucks.”
452

453 Mr. Campbell: “Never that they are probably 8 culverts on that street that they are trying to
454 replace them as we speak. That would end up being affected with that heavy equipment. I agree
455 Paul, wrong place, wrong time. That is what it comes down to. It is pretty much a no brainer.”
456

457 Mr. Povilaitis: “My comment that I mentioned earlier in this was that it would affect the
458 surrounding properties.”
459

460
461
462
463 Mr. McCoy recused himself from application 2021-008. Alternate Tim Cahill was asked to be
464 seated for this application.

465 **Application #2021-008-** The following application for a variance has been submitted by
466 VFW Post 4479 for relief from Article 15 Section 15.2 Subsection 15.2.1 Excepted from this
467 requirement are all buildings on any pre-existing lot in Zones B, C, D or E or less than two
468 (2) acres, which shall require setbacks of twenty-five feet (25’) from all property lines. The
469 applicant is proposing to build an addition within the 25’ setback. The property is in Zone C1
470 and is identified as Raymond Tax Map 28-3 Lot 69 and located at 39 Main Street.
471

472 Mrs. Wood: “I read the variance and sections that they are looking for relief from Article 15
473 Section 15.2 Subsection 15.2.1 Excepted from this requirement are all buildings on any pre-
474 existing lot in Zones B, C, D or E or less than two (2) acres, which shall require setbacks of
475 twenty-five feet (25’) from all property lines. The applicant is proposing to build an addition
476 within the 25’ setback. The property is in Zone C1 and is identified as Raymond Tax Map 28-3
477 Lot 69 and located at 39 Main Street. The applicant had presented this case at our August 25th

478 hearing and then we had a site walk at the site on September 1st. Does the Board have any
479 further questions?"

480

481 Mr. Povilaitis: "On our site walk you had laid out where this addition was going to be. What was
482 the closest to the property line that structure was going to be? "

483

484 John Dyer: "Around 7 feet."

485

486 Mr. Reed: "I just want to confirm what we found at the site walk that you guys are going to make
487 this a year-round addition and that it will have smoke eaters and that will be the only approved
488 space on your property for smoking?"

489

490 John Dyer: "Correct. Perhaps outdoors."

491

492 Mr. Reed: "You weren't going to put up a fence along the property line and you were going to
493 work with the neighbors so they could still access that back of the property."

494

495 John Dyer: "We still might like to put up a partial fence along that part of the building but still
496 allow full access to the people."

497

498 Mr. Reed: "And the emergency exit would face down the alleyway not directly toward their
499 properties?"

500

501 John Dyer: "That would face the rear of the building."

502

503 Mr. Reed: "Those were the things they assured us of at the site walk, and the neighbor seemed
504 very happy with it. I don't see any of them here tonight."

505

506 Mr. Campbell: "Just like Brad said, the plan that we heard is a great plan. All of the abutters
507 loved that. I don't think that they thought that was going to happen. It sounds like you're going to
508 keep it consolidated in one area. The doorway going into there is basically an emergency exit to
509 go out, not to go in and out, correct? They have to go in the front and get buzzed in like we
510 always do."

511

512 John Dyer: "Correct."

513

514 Mr. Campbell: "And smoke eaters, what are you going to do like mini-splits, keep it as a four-
515 season system?"

516

517 John Dyer: "Perhaps like a propane heating system"

518
519 Mr. Campbell: "It sounds like a great idea. The mini splits are free right now. Look into a mini
520 split you can get them through Eversource. Eversource they are giving you 550 per ton. The
521 units are right around 1,000 bucks. So, you could end up getting one for free. Something to look
522 into."
523
524 Mr. Povilaitis: "I just want to comment that when we went on our site walk basically what the
525 applicant proposed on the addition was the only place on this building that made sense."
526
527 Mr. Cahill: "I concur, after the site walk that was the only logical place, they could do this. I
528 thought that everyone in the site walk, and all of the abutters seemed extremely happy."
529
530 Motion:
531 Mr. Povilaitis made a motion to go into deliberative. Mr. Reed seconded the motion. The motion
532 passed with a vote of 5 in favor, 0 opposed, and 0 abstentions.
533
534 Granting this variance will/will not be contrary to the public interest:
535
536 Mr. Reed: "Because I believe it will actually make them better neighbors, so it is not contrary to
537 public interest."
538
539 Mr. Cahill: "I agree. I think this will make that a more positive environment for everyone."
540 Mrs. Wood: "Will this go before Planning for site plan review?"
541
542 Mr. Arvanitis: "It will have to."
543
544 Mrs. Wood: "About a dozen years ago I was a selectman and at that point there was a deal
545 between the Town and the United Veterans Club of Raymond. Do they still exist?"
546
547 John Dyer: "No. I believe that is a defunct organization at this point."
548
549 Mrs. Wood: "To sell a piece of property out on route 27 that the United Veterans Club could
550 move out onto 27 and the advantage to that move to Town was that it would remove a nuisance
551 from Main Street. The club was considered a nuisance at that point. Unfortunately, that deal has
552 gone by the boards. It had a ten-year time limit on it and the ten years has expired. I am not
553 clear that this is in the public interest because I think the site plan review might put conditions on
554 hours of operation that would address the noise issues. People going in and out of there at late
555 hours."
556
557 Mr. Povilaitis: "I don't think it would be contrary to the public interest. As a matter of fact, the
558 public were at the site walk and the immediate abutters seemed to think that this would be an

559 improvement to the current situation. By enclosing the smoking and possibly cut down the
560 amount of traffic outside as opposed to keeping it internal to the building. “

561
562 Mr. Campbell: “I think it is a great idea. I think it works out to the public interest, neighbors,
563 everybody is winning in the situation.”

564
565 The spirit of the ordinance would/ would not be observed because...

566
567 Mr. Reed: “The spirit of the ordinance would be observed because the spirit of this particular
568 ordinance they are looking for relief from is entirely to do with setbacks from property lines, and
569 this is from the back property line of each one of their neighbors. It still allows 7 feet which is
570 more than in the past we have required from people looking for relief from this particular
571 ordinance, and it makes the best use of their property and is the only place on this property that
572 they could make this work. I believe that it is in the spirit of the ordinance.”

573
574 Mr. Cahill: “I would completely agree with that statement. I thought it was well said. It is in the
575 spirit of the setback ordinance. ”

576
577 Mrs. Wood: “The purpose of the ordinance is to ensure that there is not overcrowding and that
578 there is adequate light, air, and space, and 7 feet from the property line I think is terribly close.
579 The nearest neighbors on that side of the building are sufficiently far away. But I have trouble
580 saying that it is consistent with the spirit of the ordinance.”

581
582 Mr. Povilaitis: “I would agree with you Joyce, but on this particular piece of property the
583 encroachment on the side setback is in a location where it is not detrimental to the adjoining
584 properties. Especially since the applicant wants to continue to allow the neighbors to access the
585 back septic and miscellaneous stuff. They still have to egress through the applicant property
586 anyways, regardless of the side setbacks. For example, septic trucks and stuff like that.”

587
588 Mr. Campbell: “I am going to agree with Brad on this one. Granting these setbacks in an uptown
589 location but this is still properly zoned for what they want to use it for. This variance is probably
590 warranted.”

591
592 Granting this variance would/would not do substantial justice:

593
594 Mr. Campbell: “It would because it allows for a smoking area, and it won’t affect the people that
595 are actually adjacent. The neighbors don’t have to deal with people going outside to smoke,
596 they are going to be contained with smoke eaters and that is a win for the neighbors.”

597
598 Mr. Povilaitis: “I would agree.”

600 Mrs. Wood: "Yes, I would have to agree also."
601

602 Mr. Cahill: "I would agree because this is going to allow them to accomplish their goal of having
603 nonsmoking members join their club and have an area. Their original goal was to help their club
604 be in compliance with nonsmoking versus smoking, and things like that. I think that it is definitely
605 going to do substantial justice."
606

607 Mr. Reed: "I agree with both Scott and Tim."

608 For the following reasons the values of surrounding properties would/would not be diminished?

609 Mr Reed: "The property values would not be diminished because this is an existing situation.
610 This has been here forever. Nobody has bought property nearby. We just heard about full
611 disclosure, and everybody knows what the VFW is, what they do. The great work they do with
612 our service men and the noise that sometimes goes along with their events. That has been
613 going on forever. So, this addition would not change that it would actually make it better. So, I
614 believe it would not be diminishing the surrounding properties."
615

616 Mr. Cahill: "I would agree it is not diminishing the surrounding properties because it is actually
617 going to decrease noise. In my opinion it is going to decrease noise."

618 Mrs. Wood: "I do not see how it could diminish surrounding property values. It will contain the
619 smokers indoors so that it is not going to be wafting over the fences into the neighbors'
620 properties."

621 Mr. Povilaitis: "Exactly, I agree with the other members of this Board."

622 Mr. Campbell: "I agree with Brad, there is nothing being changed, it is not like we are changing
623 the zoning on this. It has always been like this. The neighbors all know what they are buying for
624 a neighbor next door."

625 An unnecessary hardship owing to the special conditions of the property that distinguish it from
626 other properties in the area, denial of the variance would result in an unnecessary hardship
627 because...

628 I. There is/is not fair and substantial relationship between the general public purposes of the
629 ordinance provision and the specific application of that provision to the property because

630 Mr. Campbell: "No hardship. It would make no sense to deny it because they are going to be
631 smoking outside. The hardship would be not being able to get other recruits in there that don't
632 smoke. That would be the hardship."

633 Mr. Povilaitis: "I think the hardship on this is because they can't place that small smoking
634 addition anywhere else because the other proposed areas, one was directly above the septic
635 and the other would be on the right side of the building which would block his egress to get on
636 the right side of the house and the back parking area."

637 Mrs. Wood: "I don't see any special conditions of the property that distinguish it from other
638 properties in the area. I do not see a hardship here."

639 Mr. Cahill: "The only hardship I see is that they would not be able to do this in any other spot. I
640 think there would be a hardship if we don't grant this variance."

641 Mr. Reed: "I agree with Tim. We will impose a hardship if we disallow this because it is an
642 existing facility that has limited options to allow basically a healthier environment for their
643 members. So that more members can attend, and new members can attend. So, I think we
644 would create a hardship by denying this."

645

646 The proposed use is/is not a reasonable one:

647 Mr. Reed: "I believe the proposed use is a reasonable one because it makes good use of the
648 property. It is the best layout for it. It is better for the neighbors, and it is better for the members.
649 It is better for everyone's health. Noise, smoke, everything, I think that this is a win-win-win all
650 around."

651 Mr. Cahill: "I completely agree with Brad. I think this is a win for everybody involved in this
652 variance."

653 Mrs. Wood: "I agree. I think it is a reasonable one. I am not sure if you would lose members if
654 you went all nonsmoking. It is reasonable to give the nonsmokers a place where they can
655 separate themselves from the smokers."

656 Mr. Povilaitis: "I agree the use is the exact same use that is currently being utilized by the
657 property. So, it is an existing use. We are just expanding it for a smoking area."

658 Mr. Campbell: "I agree with what Brad said."
659

660 Motion:

661 Mr. Reed made a motion to come out of deliberative. Mr. Campbell seconded the motion. The
662 motion passed with a vote of 5 in favor, 0 opposed, and 0 abstentions.
663

664 Motion:

665 Mr. Povilaitis made a motion to grant the variance requested by the applicant with the condition
666 that the addition is no closer than 7 feet and also subject to site plan review by the Planning
667 Board. It must be an all-weather, year-round building with smoke eaters and the only direct exit
668 from the building be used as an emergency exit only. Also, that there be no outdoor smoking
669 area included with the changes in that area. Mr. Campbell seconded the motion. The motion
670 passed with a unanimous vote of 5 in favor, 0 opposed, and 0 abstentions.

671
672 Mr. McCoy: "I had a question. I just want to bring it up. When they changed the rule on a
673 variance that was good for--- the RSA says 3 years, but we agreed to 4 years. If we deny a
674 variance, can he come back within 4 years. The statute says 3 years. If someone is denied a
675 variance and they still own the land, can they come back for the same variance in 3 years."

676
677 Mr. Reed: "All they would have to do to come back sooner is to change what they are coming
678 back for."

679
680 Mr. McCoy: "The variance goes with the land, but that variance runs out in 4 years now. The
681 same thing if the property was denied and a new buyer bought it that denial went with the land.
682 We never mentioned if he is denied can he go back in. Maybe things change and they go back
683 in."

684
685 Mrs. Wood: "That exact same variance request. Unless the situation has changed it would
686 probably be denied again."

687
688 Mr. McCoy: "It could be a different Board, you never know. Before he couldn't even do it."

689
690 Mr. Arvanitis: "The statute says 2 years less the local ordinances are less stringent."

691
692 Mr. McCoy: "Ours is 4. If it was denied do, they have the right to come back within the 2 years."

693
694 Mr. Arvanitis: "I think they have to wait the 4."

695
696 Approval of minutes:

697
698 Motion:

699 Mr. McCoy made a motion to accept the minutes of August 25, 2021, as written. Mr Campbell
700 seconded the motion. The motion passed with a vote of 5 in favor, 0 opposed, and 0
701 abstentions.

702
703 Motion:

704 Mr. McCoy made a motion to accept the minutes from 119 Langford Road on August 31, 2021,
705 as written. Mr Campbell seconded the motion. The motion passed with a vote of 5 in favor, 0
706 opposed, and 0 abstentions.

707
708 Motion:

709 Mr. Campbell made a motion to accept the minutes of the VFW property of September 1, 2021,
710 as amended. Mr Povilaitis seconded the motion. The motion passed with a vote of 4 in favor, 0
711 opposed, and 1 abstention.

712
713 Mr. Reed: "The Planning Board is meeting tomorrow night to go over the Master Plan. anybody
714 who has any interest I am just letting you know. It will be right upstairs tomorrow at 7 pm."

715
716
717
718

719 Motion:
720 Mr. Povilaitis made a motion to adjourn. Mr. Campbell seconded the motion. The motion passed
721 with a vote of 5 in favor, 0 opposed, and 0 abstentions.

722
723 Respectfully submitted,
724
725 Jill A. Vadeboncoeur
726

ZBA MEMBER RESIGNATION

Hi Joyce and Christina,

Just to let you know, unfortunately I need to submit my resignation to the ZBA board.

As I have sold my house in Raymond and will be moving about 45 min. north of there, to start living lake side!

I would not be leaving the ZBA if not for us moving out of Raymond. I have really enjoyed my long time on the board, and I will be missing that duty as well as all the members of the board that I have served with. It has been an excellent time and experience and learned allot on the various zoning rules and technical issues. It has been a pleasure serving the residents of my town where I have lived for 32 years!

I will be moving November 17th. So, I still can support Raymond ZBA if I am needed until that time of my moving away.

Joyce, if you would like a more formal document for you to present to the ZBA board let me know and I will make something for you. Just send me a separate e-mail, I can also give you details.

Thank you,

Joseph Povilaitis
105 Harriman Hill Rd.
Raymond, NH
03077