

TOWN OF GRAY
ZONING BOARD OF APPEALS
AGENDA • DECEMBER 27, 2023

**Zoning Board of
Appeals Regular
Meeting**



7:00 PM

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

- a. Zoning Board of Appeals - Regular Meeting Minutes - December 6, 2023 7:00 PM

III. NEW BUSINESS: PUBLIC HEARINGS

- a. *BENTLEY MAYER PROPERTIES LLC is requesting a Practical Difficulty Variance from the standards established in the sign ordinance to reface one existing internally illuminated non-conforming sign located on their property at 263 Shaker Road, Gray Tax Map 013-101-010-000, located in a Rural Residential Agricultural Zoning District.*
- b. *Robert & Joanna Ritchie are requesting a Practical Difficulty Variance from the standards established in the zoning ordinance to reduce a 50-foot required front setback down to 33-feet in order to install a 50-foot right of way accessing the rear of their parcel located on their property at 134 Long Hill Road, Gray Tax Map 064-042-004-000, in a Rural Residential & Agricultural Zoning District.*
- c. *SRB PROPERTY HOLDINGS LLC is requesting a Practical Difficulty Variance from the standards established in the zoning ordinance to reduce a 50-foot required front setback down to 15-feet, to reduce a required 50-foot rear setback down to 15-feet, to reduce a required 25-foot side setback down to 15-feet, and to reduce a required 10-foot side setback for a driveway down to 5-feet located on their property at North Raymond Road, Gray Tax Map 013-101-007-000, in a Rural Residential & Agricultural Zoning District.*

IV. ADJOURNMENT

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to*

public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.

Regular Meeting
December 6, 2023
Gray, ME

I) MEETING COMMENCES

PRESENT: Brad Fogg, Georgia Woodbury, Derek Shirley, Tammy Munson, Martin Meaney, and Anthony Grabarz.
EXCUSED: None.
ABSENT: None.

II) NEW BUSINESS

On motion by Brad Fogg, seconded by Georgia Woodbury, to Approve that the item tabled at the 11/29/23 Zoning Board of Appeals meeting be removed from the table. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

On motion by Georgia Woodbury, seconded by Derek Shirley, to Approve the decision wording as corrected, that was arrived at in granting the Practical Difficulty Variance for William Chapman and Greg Rand on 11/29/2023. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

On motion by Derek Shirley, seconded by Georgia Woodbury, to Approve Nomination of Brad Fogg as Chair of Zoning Board of Appeals. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

On motion by Brad Fogg, seconded by Derek Shirley, to Approve Nomination of Georgia Woodbury as Vice Chair of Zoning Board of Appeals. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

III) ADJOURNMENT



VARIANCE APPLICATION - PRACTICAL DIFFICULTY
 ZONING BOARD OF APPEALS
 TOWN OF GRAY MAINE

For Office Use Only
 Date Submitted: 11-28-30
 Tent. Sched. for: 11-27-30
 Amount Paid: \$500

PROPERTY INFORMATION

Property Location/Address	263 Shaker Rd.	Property Map/Lot	013 - 101 - 010 - 000
Zoning District	RRA	Lot Acreage	.35
Owner Name	Bentley Mayer Properties LLC.	Owner Phone Number	207-210-8965
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)	Samuel Mayer (Member)	Email Address	info@mayerbuildersne.com
Mailing Address	135 Shaker Rd.	Contact Phone Number	207-210-8965
Mailing City/State/Zip	Gray, ME 04039	Alternate Phone Number	

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.3:

Practical Difficulty Variance: The Board may grant a variance from the dimensional standards of the Zoning Ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- d. No other feasible alternative to a variance is available to the petitioner;
- e. The granting of a variance will not unreasonably adversely affect the natural environment; and
- f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Describe request (description may be attached separately- plot plan/site map required to be attached) (See letter for more info)
 Requesting to re-use existing roadside sign. Intend to swap lens panels with Mayer Builder logo/phone number. Existing foot print/shape to remain unchanged. Current sign height is 4'2" taller than current ordinance allows. Existing sign was permitted when installed.

	Current Requirement	Currently Existing	Proposed
Front Setback			
Rear Setback			
Side Setback			
Other Setback (describe)			
Max. Lot Coverage			
Min. Lot Area			
Min. Street Frontage			
Other (describe) Roadside sign height	12'	16'2"	16'2"

CRITERIA- BRIEFLY DESCRIBE HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING:

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood; Roadside Sign is already existing, Sign was approved at time of installation. Not intending to change the footprint of the sign or shape or size. Only want to swap lens panel with our company logo.

b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

Sign already exists, intending to re-use. Currently left blank.

c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

Sign was approved / permitted at time of installation. Since, ordinances have changed.

d. No other feasible alternative to a variance is available to the petitioner;

Can attempt to cut down existing pole. Not sure if doable. Can replace with new sign. Would cost around \$10,000.00 to replace. \$5,000.00 to cut down sign. May determine during cut attempt that it is not doable. I will then have to replace the sign.

e. The granting of a variance will not unreasonably adversely affect the natural environment; and

Sign already exists.

f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

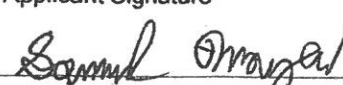
No

Per Gray Zoning Ordinance 402.9.2.B.4:

Variance Review Criteria: In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:

- a. What effect will be proposed variance have on the prevailing character of the area?
- b. Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?
- c. Will the proposed variance create drainage, erosion or flooding problems?
- d. Will the proposed variance increase water pollution?
- e. Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- g. Will the proposed variance create to any degree nuisances to abutting property owners?
- h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- i. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS

Applicant Signature 	Printed Name Bentley Mayer Properties Ltc. Samuel Mayer, member	Date 11/28/2023
---	---	--------------------

November 27th, 2023

Dear Members of the Gray Zoning Board of Appeals,

My name is Samuel Mayer, I am the sole member of Bentley Mayer Properties LLC. Bentley Mayer Properties LLC. is the owner of 263 Shaker Rd. in Gray. The property was purchased in June of 2018.

The property, when purchased, consisted of two buildings: a dwelling in the rear and a former retail space in the front. The property had an existing roadside sign that was cemented into the ground and electrified.

Since 2018, changes have been made to the property. The rear dwelling has been fully remodeled inside and out. The front building was torn down and is in the process of being rebuilt.

The new building out front, once complete, is to be the office/garage for Mayer Builders.

In November of 2023, I went to the town office to obtain permitting to install two Mayer Builders signs on the property: one on the new building and the other in the existing roadside sign out front. I have been working with Bailey Sign throughout the process. During my visit with code enforcement, I was informed that my request for permitting meets all requirements except the existing roadside sign is 4'-2" taller than the current sign ordinance allows. The existing sign is 16'- 2". The current sign ordinance specifies a maximum height of 12'.

I am seeking a variance from the town in order to re-use the existing sign for the following reasons:

- The infrastructure for the roadside sign already exists. I would only be swapping the lens panels with replacements that have our logo and phone number on it. The existing sign infrastructure will not change in footprint or size.
- The existing roadside sign infrastructure was permitted by the town at the time of installation. The existing sign has not been altered in any way. Since installation, the sign ordinances have changed.
- To meet the 12' height requirement I would have to either: A. completely replace the sign infrastructure or B. try to cut the existing sign pole down to size. Option A would cost around \$10,000.00 to replace what is currently there. Option B we are not certain is possible. To attempt this, we would have to hire a crane to lift the top part of sign. We would then be able to determine if the pole is able to be cut. If it can be cut, we would have to have an electrician unwire the sign and then re-wire once the adjustment had been made. In discussion with Bailey Sign, they believe Option B would cost around \$5,000.00. There is the potential that if we attempt Option B, we may determine that the pole cannot be cut and or reused. If that were to be the case, we would then have to shift to Option A, while already incurring expenses from attempting the other.

- Two properties down from mine, in the same zone, is the Circle K Gas Station. The Circle K Gas Station has a road sign out front that is taller in height, significantly larger in size, than the existing one I have. I assume that their sign was permitted by the town prior to installation.
- The existing roadside sign and what I have proposed to be installed on the building, meets all criteria in the current sign ordinance, except the height of the roadside sign itself.

For the reasons stated above, I am asking for a variance to be granted to allow the re-use of the existing roadside sign. I have attached visuals with this letter to help you gain a better understanding.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Samuel Mayer".

Samuel Mayer

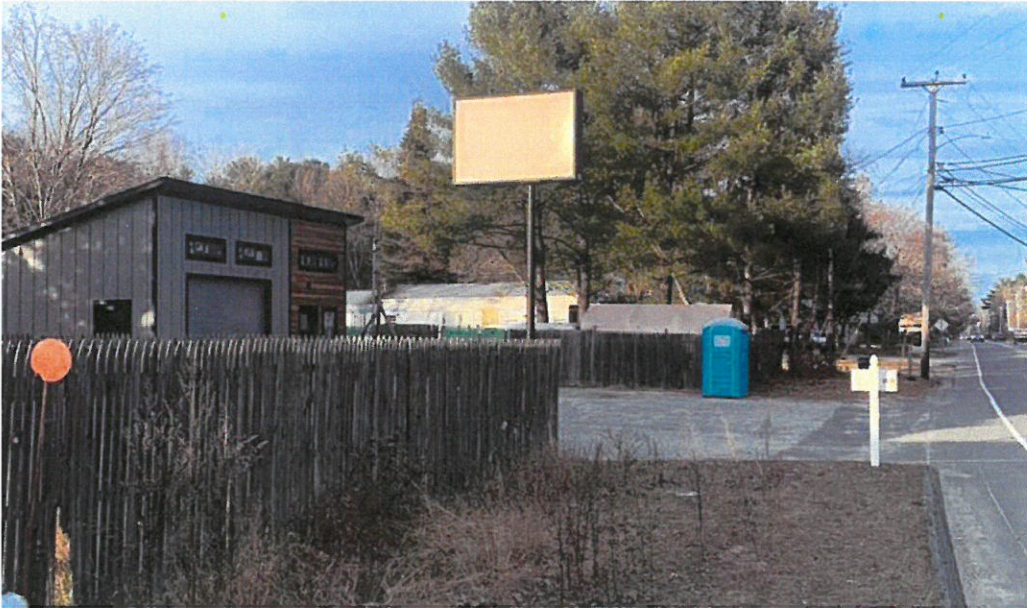
Bentley Mayer Properties LLC.

135 Shaker Rd.

Gray, Me 04039



263 Shaker Rd. Existing Roadside Sign. Circle K Gas Station Roadside Sign can be seen behind.



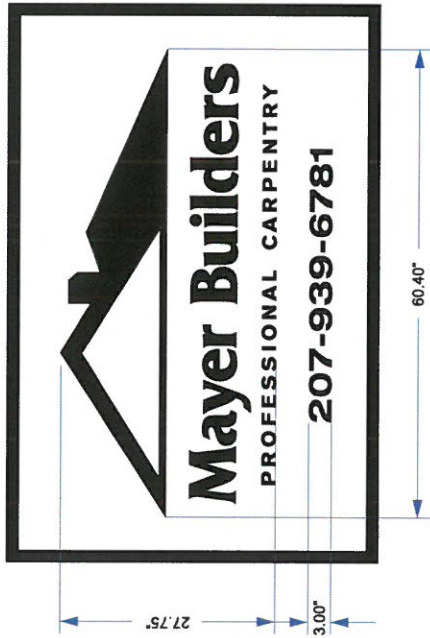
263 Shaker Rd. Existing Roadside Sign. Facing towards China Village.



Current Circle K Gas Station Roadside Sign.

(2) REPLACEMENT FACES FOR EXISTING INTERNALLY ILLUMINATED SIGN

FACES: 4'-0" X 6'-0" WHITE POLYCARB WITH 3M MATTE BLACK VINYL COPY - SURVEY REQUIRED BEFORE PRODUCTION



BLACK



REF. DR. _____

Bailey sign
 www.baileysign.com
 1000 South Main Street
 Westbrook, ME 04092
 207-777-8884 / 1-800-539-SIGN
 Fax: 207-777-8885
 E-Mail: sales@baileysign.com

PLEASE NOTE:
 THE SIGN, THE FIELD MEASUREMENTS MAY OR MAY NOT NEED TO BE VERIFIED.
 THIS DESIGN IS THE EXCLUSIVE PROPERTY OF BAILEY SIGN INCORPORATED AND ALL RIGHTS TO ITS USE OR REPRODUCTION ARE RESERVED.
 THE SIGNAGE IS TO BE USED FOR IDENTIFICATION AND OUTPUT PURPOSES AND IS INTENDED FOR PROFESSIONAL USE ONLY. ANY UNAUTHORIZED REPRODUCTION OR USE OF THIS DESIGN OR ANY PART THEREOF WITHOUT THE WRITTEN PERMISSION OF BAILEY SIGN INCORPORATED IS STRICTLY PROHIBITED. BAILEY SIGN INCORPORATED AND ITS AFFILIATES MAKE NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND, EXPRESS OR IMPLIED, REGARDING THE QUALITY, PERFORMANCE, DURABILITY, OR SAFETY OF ANY SIGNAGE OR MATERIALS USED IN THE SIGN.
 IF AN ELECTRIC SIGN, THEN INSTALLATION MUST BE ACCOMPLISHED BY A LICENSED ELECTRICIAN IN ACCORDANCE WITH ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL, STATE, AND FEDERAL ELECTRICAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING.
 ALL ELECTRICAL SIGNS REQUIRE ROUTINE MAINTENANCE.

VOLTAGE

APPROVAL
 CLIENT

APPROVED _____ DATE _____
 BAILEY SIGN REPRESENTATIVE

APPROVED _____ DATE _____

DESIGNATED COPY FOR:

ESTIMATING/OUTSOURCING

GRAPHICS

FABRICATION

ROUTER

PAINT

INSTALLATION

CUSTOMER / SIGN LOCATION

MAYER BUILDERS

262 SHAKER ROAD

GRAY, MAINE 04039

SALESPERSON: DE DRAWN BY: DAB

WORK ORDER # CUSTOMER # CRM #

6680.1 7192

SCALE 3/4" = 1'

DATE 11/22/2023

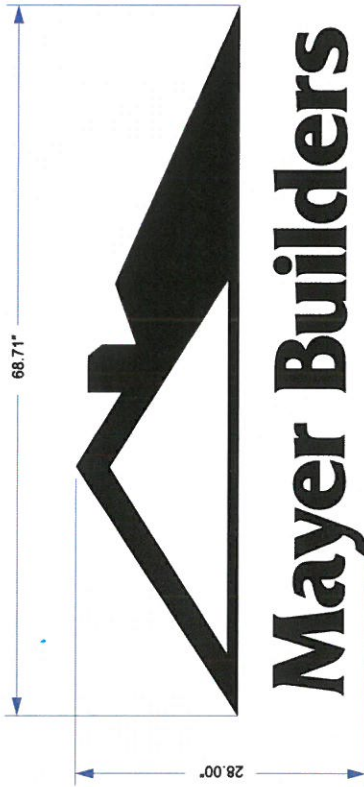
REVISION # / DATE / NOTES / INITIALS

DRAWING #

09275 A

SHEET _____ OF _____

(1) SET OF BUILDING MOUNTED 1/2" COMPOSITE LETTERS/LOGO
 LETTERS/LOGO: 1/2" COMPOSITE PAINTED BLACK
 MOUNTING: STUD MOUNTED WITH SPACERS



BLACK



REF. DR.

Bailey Sign
 International
 @ 2023
 www.baileysign.com
 9 Thomas Drive
 Col. Westbrook Executive Park
 Westbrook, Maine 04092
 207-774-2843 / 1-800-519-5634
 Fax: 774-1193
 E-Mail: sales@baileysign.com

PLEASE NOTE:
 THIS IS A PROGRESS PRINT. FIELD MEASUREMENTS MAY OR MAY NOT NEED TO BE VERIFIED.
 THIS DESIGN IS THE EXCLUSIVE PROPERTY OF BAILEY SIGN INTERNATIONAL. ALL RIGHTS TO ITS USE OR REPRODUCTION ARE RESERVED.
 THE ACCURACY OF THIS COLOR RENDERING IS LIMITED BY MEDIA AND OUTPUT DEVICES AND IS INTENDED FOR PRESENTATIONAL USE ONLY. THIS DOES NOT CONSTITUTE A CONTRACT. THE COLOR REPRODUCTION PROCESS & MATERIALS USED MAY VARY AND MAKES OF SUBMITTED SPECIFICATIONS CAN NOT BE GUARANTEED.

IF AN ELECTRICAL SIGN, THEN INSTALLATION MUST BE ACCOMPLISHED IN TOTAL COMPLIANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND THE NATIONAL CANADIAN STANDARD ASSOCIATION AND/OR ANY APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING.

ALL ELECTRICAL SIGNS REQUIRE ROUTINE MAINTENANCE.

VOLTAGE
APPROVAL
CUINT

APPROVED	DATE
BAILEY SIGN REPRESENTATIVE	
APPROVED	DATE
DESIGNATED COPY FOR:	
ESTIMATING/OUTSOURCING	
GRAPHICS	
FABRICATION	
ROUTER	
PAINT	
INSTALLATION	

CUSTOMER / SIGN LOCATION
 MAYER BUILDERS
 262 SHAKER ROAD
 GRAY, MAINE 04039

SALESPERSON: DE	DRAWN BY: DAB
WORK ORDER # 6680.1	CUSTOMER # 7192
DATE 11/20/2023	CSM #
SCALE 1"=1'	
REVISION # / DATE / NOTES / DIMS	

DRAWING #

09275

SHEET

OF



VARIANCE APPLICATION -PRACTICAL DIFFICULTY
 ZONING BOARD OF APPEALS
 TOWN OF GRAY MAINE

For Office Use Only
 Date Submitted: 11-27-23
 Tent. Sched. for: 12-27-23
 Amount Paid: 500

PROPERTY INFORMATION

Property Location/Address	134 Long Hill Rd.	Property Map/Lot	64-42-004
Zoning District		Lot Acreage	93
Owner Name	Robert + Joanne Ritchie	Owner Phone Number	207-415-4718
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)		Email Address	everlasthandscape@yahoo.com
Mailing Address	134 Long Hill Rd.	Contact Phone Number	207-415-4718
Mailing City/State/Zip	Gray, ME 04039	Alternate Phone Number	

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.3:

Practical Difficulty Variance: The Board may grant a variance from the dimensional standards of the Zoning Ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- d. No other feasible alternative to a variance is available to the petitioner;
- e. The granting of a variance will not unreasonably adversely affect the natural environment; and
- f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Describe request (description may be attached separately- plot plan/site map required to be attached)

Built my house to close to the property line to allow a 50' setback with allowing for a 50' ROW to allow me to build another house.

	Current Requirement	Currently Existing	Proposed Cont. →
Front Setback	50'	83'	33'
Rear Setback	50'		
Side Setback	25'		
Other Setback (describe)			
Max. Lot Coverage			
Min. Lot Area			
Min. Street Frontage			
Other (describe)			

CRITERIA- BRIEFLY DESCRIBE HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING:


- a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- d. No other feasible alternative to a variance is available to the petitioner;
- e. The granting of a variance will not unreasonably adversely affect the natural environment; and
- f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

Per Gray Zoning Ordinance 402.9.2.B.4:

Variance Review Criteria: In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:

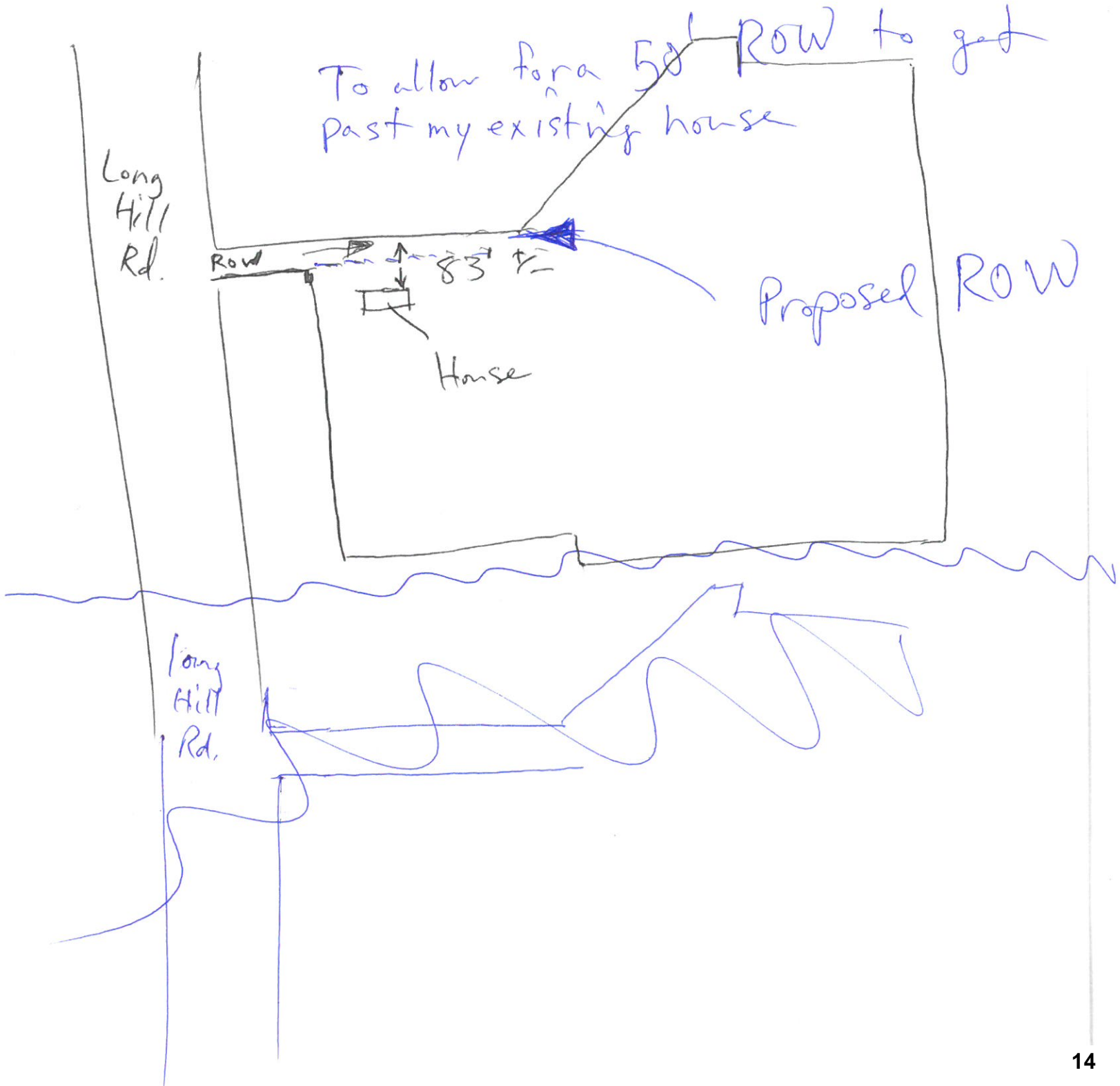
- a. What effect will be proposed variance have on the prevailing character of the area?
- b. Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?
- c. Will the proposed variance create drainage, erosion or flooding problems?
- d. Will the proposed variance increase water pollution?
- e. Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- g. Will the proposed variance create to any degree nuisances to abutting property owners?
- h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- i. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

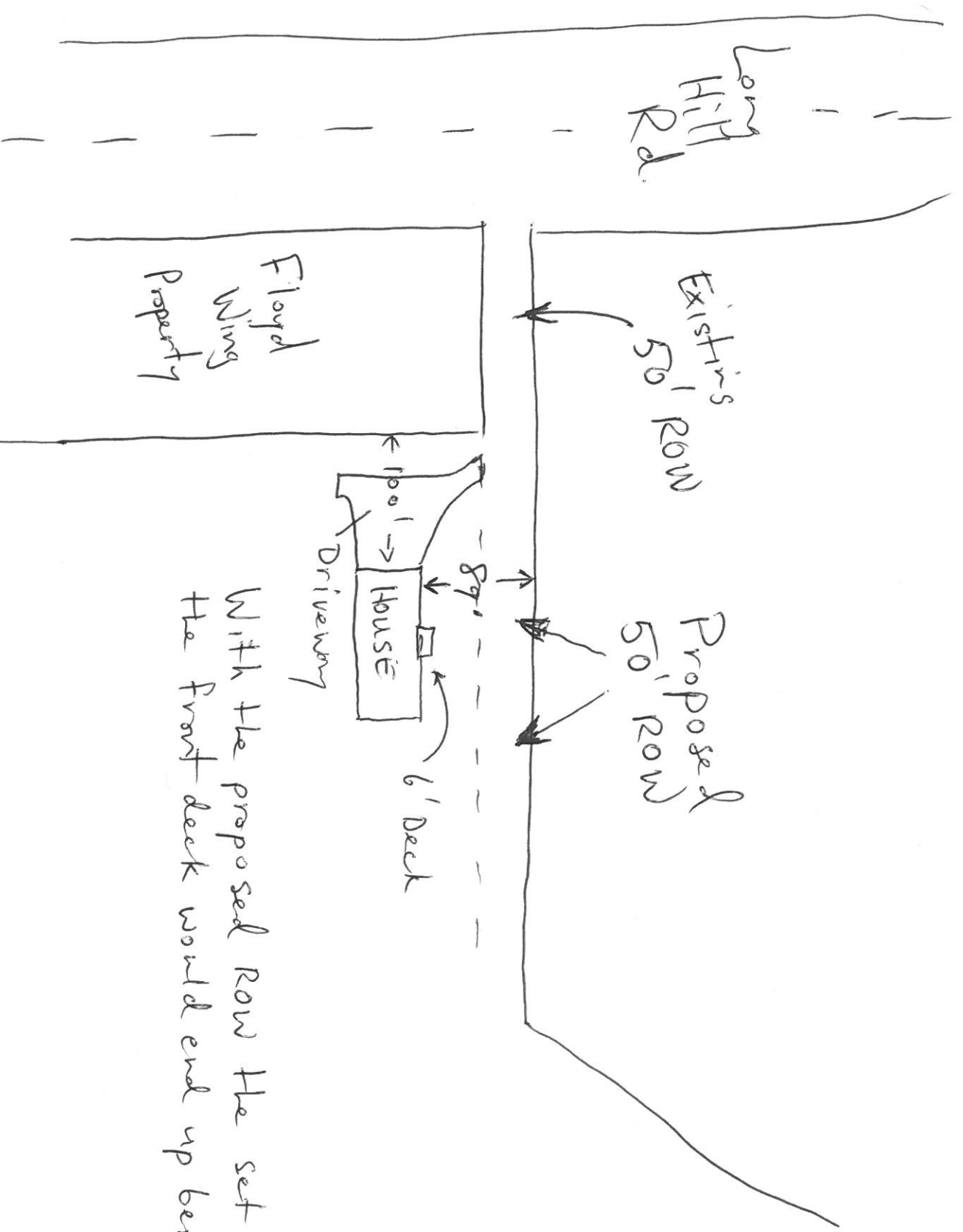
PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS

Applicant Signature 	Printed Name Robert M. Ritchie	Date 11/27/23
--	-----------------------------------	------------------

Cont.

⇒ This was brought to my attention when Scott came to do my foundation inspection. He told me to just apply for a variance.





With the proposed ROW the set back to the front deck would end up being 33ft.



VARIANCE APPLICATION - PRACTICAL DIFFICULTY
 ZONING BOARD OF APPEALS
 TOWN OF GRAY MAINE

For Office Use Only
 Date Submitted: 11-21-23
 Tent. Sched. for: 12-27-23
 Amount Paid: \$500

PROPERTY INFORMATION

Property Location/Address	4 North Raymond rd	Property Map/Lot	013 . 101 . 007 . 000
Zoning District	Rural Residential	Lot Acreage	.28
Owner Name	Shane Brady	Owner Phone Number	207-837-9482
Number of Dwelling Units	0		

APPLICANT

Name (IF different than owner)		Email Address	SBRADY94@Yahoo.com
Mailing Address		Contact Phone Number	
Mailing City/State/Zip		Alternate Phone Number	

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.3:

Practical Difficulty Variance: The Board may grant a variance from the dimensional standards of the Zoning Ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- No other feasible alternative to a variance is available to the petitioner;
- The granting of a variance will not unreasonably adversely affect the natural environment; and
- The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Describe request (description may be attached separately- plot plan/site map required to be attached)

I'd like to be granted a driveway entrance + reduced setbacks to build a New single family home. This property use to have two dwellings on it, one commercial store + another building. I've attached supporting documents in this packet along with a state statute that doesn't allow land locked property's.

	Current Requirement	Currently Existing	Proposed
Front Setback	50 FT	N/A	15 FT
Rear Setback	50 FT	N/A	15 FT
Side Setback	25 FT	N/A	15 FT
Other Setback (describe)			
Max. Lot Coverage	10 %	N/A	
Min. Lot Area	80,000 sq FT		
Min. Street Frontage	200 FT	220 FT	
Other (describe)	10 Driveway	5 FT	

CRITERIA- BRIEFLY DESCRIBE HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING:

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

When the intersection was redesigned this lot lost a decent amount of land

b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

By adding a new modern house it should raise abutting property's value

c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

d. No other feasible alternative to a variance is available to the petitioner;

I've attached

e. The granting of a variance will not unreasonably adversely affect the natural environment; and

Characteristics of the intersection

f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

This property is 1/4 mile plus outside of shoreland zones

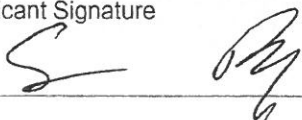
Per Gray Zoning Ordinance 402.9.2.B.4:

Variance Review Criteria: In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:

- a. What effect will be proposed variance have on the prevailing character of the area?
- b. Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?
- c. Will the proposed variance create drainage, erosion or flooding problems?
- d. Will the proposed variance increase water pollution?
- e. Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- g. Will the proposed variance create to any degree nuisances to abutting property owners?
- h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- i. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS

Applicant Signature



Printed Name

Shane Brady

Date

11/15/23

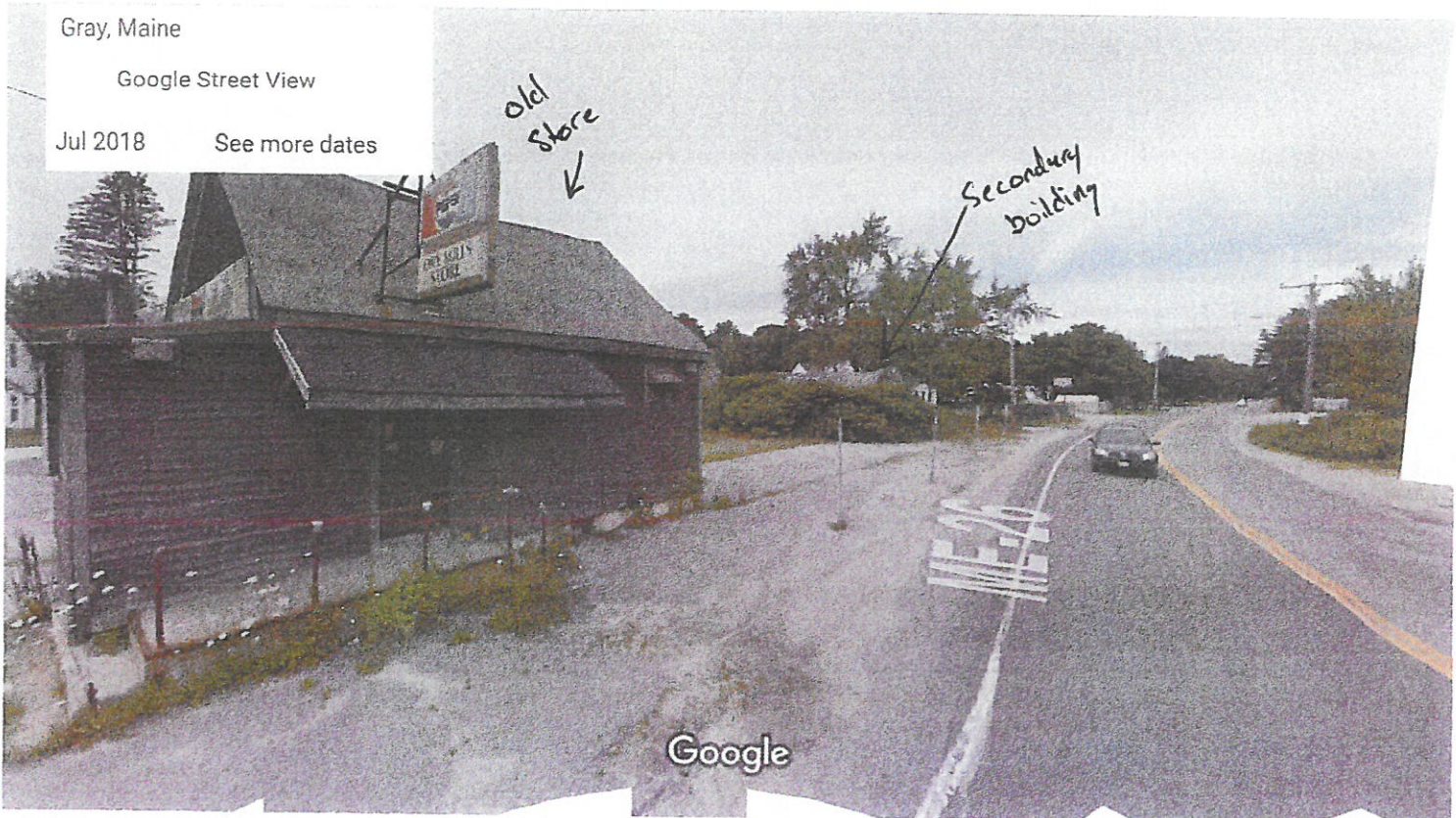
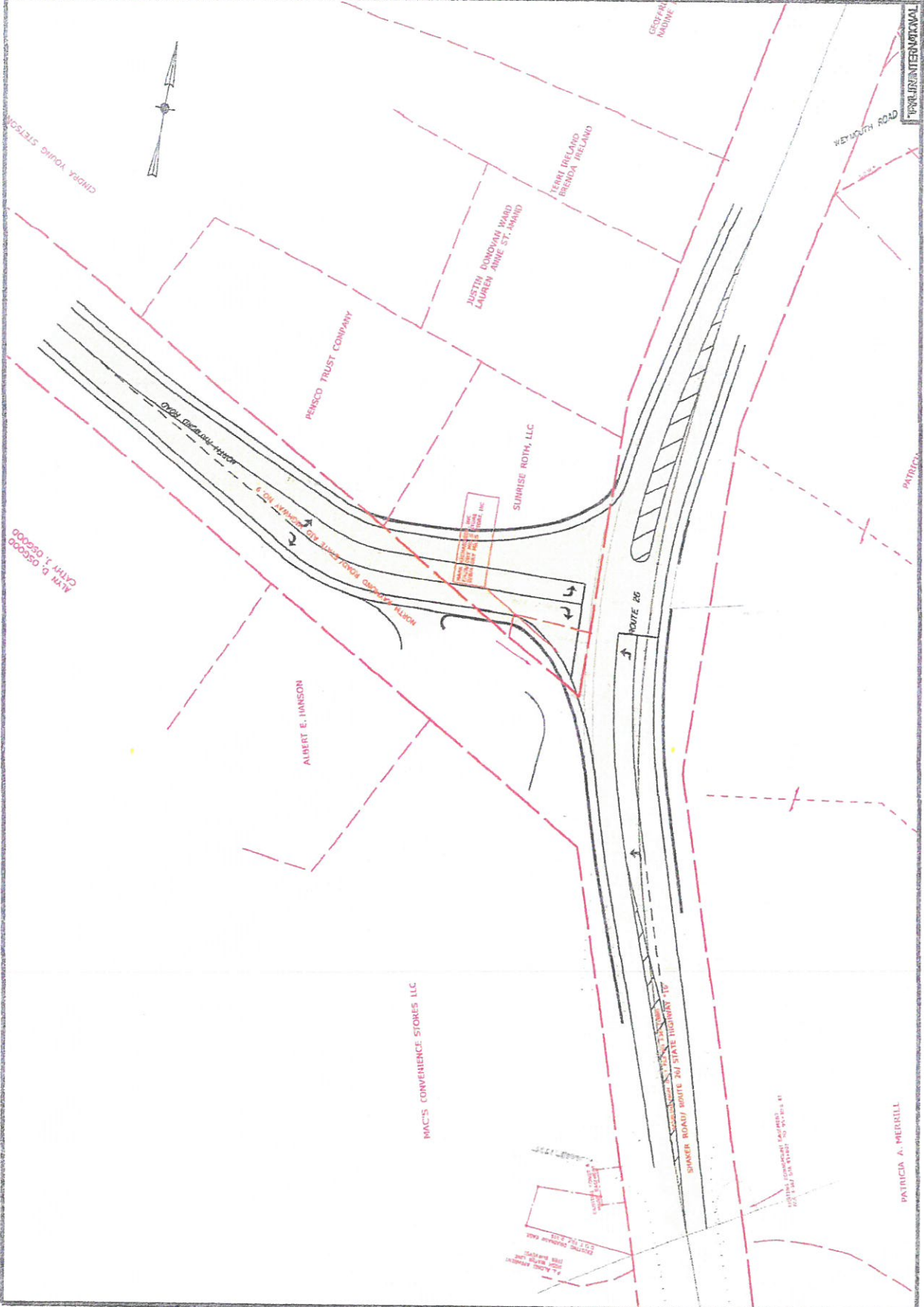


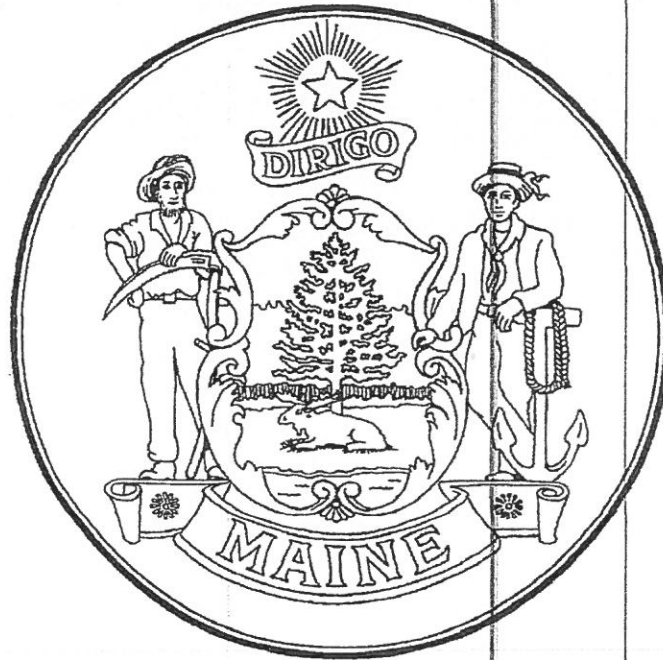
Image capture: Jul 2018 © 2023 Google





MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

L.D. 1403

(Filing No. H-529)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1051, L.D. 1403, Bill, "An Act to Provide Access to Landlocked Property"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 23 MRSA §3022, 3rd ¶, as repealed and replaced by PL 1979, c. 127, §153, is amended to read:

The municipal officers may on petition therefor, personally or by agency, lay out a public easement for any occupant of land or for owners who have cultivated land in the municipality if the land will be connected to a town way or highway after the establishment of the public easement. The municipal officers must respond within 45 days of receipt of a petition by issuing a decision on whether to lay out a public easement or must submit the question to the voters at the next annual or special town meeting.

Sec. 2. 33 MRSA §459 is enacted to read:

§459. Private easements to landlocked parcels; special court master

An owner of real property with no apparent right of access from that property to a public way may file a complaint in Superior Court claiming that under statute or common law an easement by necessity or by implication exists over the land of an abutting landowner or landowners and requesting that a special master be appointed to hear the complaint. The rights provided by this section are in addition to any other remedies provided by law.

B.W.S.

COMMITTEE AMENDMENT "A" to H.P. 1051, L.D. 1403

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

1. Eligibility. Prior to filing an action, the owner must have made a reasonable offer to purchase an easement from the abutting landowner or landowners and the offer was refused; and

A. In the case of land located in a town or city, petitioned the municipal officers for the establishment of a public easement pursuant to Title 23, section 3022 and the petition was denied or the municipal legislative body declined to establish an easement; or

B. In the case of land located in a plantation, township or unorganized territory, petitioned the county commissioners to establish a public easement pursuant to Title 23, section 2051 and the petition was denied.

2. Procedure. An action brought under this section is a civil action governed by the Maine Rules of Civil Procedure, except that there is no trial by jury. Upon the filing of a complaint, the court shall:

A. Establish a schedule for discovery and a schedule for filing briefs; and

B. Appoint a special master to hear and decide all issues of fact and issue a report to the court.

3. Decision. Within 30 days of receipt of the master's report, the court shall issue a final decision. If an easement is found to exist, the court shall indicate the location and all the rights and obligations associated with the easement.

4. Costs. The fees of the master and any other costs necessary for the master to issue a report must be paid by the complainant.

FISCAL NOTE

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fees may increase General Fund revenues by a minor amount.

STATEMENT OF FACT

The amendment replaces the bill and requires that municipal officers respond within 45 days to a petition for a public easement from a landlocked property owner by establishing an easement or submitting the question to the town voters at the next election.

H.M.S.

COMMITTEE AMENDMENT "A" to H.P. 1051, L.D. 1403

2
4
6
8
10
12

The amendment also provides an option to the common law process for resolution of access to landlocked property questions. Under certain circumstances, an owner of land that does not include access to a public way may file an action in Superior Court to establish an easement by necessity or an easement by prescription. The landowner may request the appointment of a special master to hear the case, make factual determinations and report to the court within 45 days. The court will decide the case without a jury trial based on the master's report. Costs for the court to employ the master are paid by the landowner. The court issues a ruling within 30 days after receipt to the report.

Reported by the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the House
6/2/93 (Filing No. H-529)



Joe >

Sat, Jun 10 at 2:02 PM

Hey it's Shane

Mon, Jun 12 at 8:28 AM

Hi Shane, it is Joe, I talked to the bank on the farmhouse and I could do \$162,000

Mon, Jun 12 at 6:52 PM

Would you consider selling just a right of way for like \$5000?

Tue, Jun 13 at 11:44 AM

Hi Shane I am sorry ya I wouldn't be able to sell an easement for 5k, but let me know if you would like the farmhouse. Thanks Joe

Tue, Jun 13 at 5:05 PM

No problem Joe, thanks for getting back to me

No worries



iMessage



FW: Urban Compact information-4 North Raymond Road-Gray

From: Terrell, Van (van.terrell@maine.gov)

To: sbrady94@yahoo.com

Date: Wednesday, November 8, 2023 at 11:52 AM EST

Good morning Shane,

4 North Raymond Road in Gray, ME. including the access point on Route 26 Shaker Road in Gray are both located in the Town of Gray's Urban Compact area and outside MaineDOT jurisdiction. The Town of Gray would review access management including new entrances/driveways.

I've attached a screen shot the darker shaded areas on N Raymond Road and RTE 26 are Urban Compact.

Also attached is the **Description of the Urban Compact locations in Gray:** Beginning at the intersection of the Lewiston Road (U.S. Routes 202 and SR 4) and the Weymouth Road and extending southeast to the Yarmouth Road (Route 115) at its intersection with Partridge Lane; thence, southwesterly to the Portland Road (Route 26/100) at its intersection with the Turnpike Acres Road; thence north along the westerly right-of-way boundary of Portland Road (Routes 26/100) to the intersection of Main Street (Route 115/202/4) in the village; thence westerly along the southerly right-of-way boundary of the West Gray Road (Routes 115/202/4) to its intersection with Liberty Avenue; thence easterly along the northerly right-of-way boundary of the West Gray Road (Routes 115/202/4) to a point just east of McConkey Road; thence northwesterly to the North Raymond Road at its intersection with Mayberry Road and then southeasterly along the northerly right-of-way boundary of North Raymond Road to its intersection with the Gray Road (Route 26) in Dry Mills; thence northerly along the westerly right-of-way boundary of the Shaker Road (Route 26) to the New Gloucester town line; thence southerly along the easterly right-of-way boundary of Shaker Road (Route 26) to the Weymouth Road in Dry Mills; thence easterly along the southerly right-of-way boundary of the Weymouth Road to its intersection with the Lewiston Road (U.S. Routes 202 and SR 4) and the point of beginning.

Also attached is email correspondence with Marty Norton a realtor with Keller Williams who called on 3/20/2023 to inquire about 4 N Raymond Road in Gray. I provided Marty with the Town of Grays Urban Compact locations.

Maine's Urban Compact Municipalities are those in which the population according to the last US census:

- Exceeds 7,500 inhabitants, or
- Is fewer than 7,500 inhabitants but more than 2,499 inhabitants, and in which the ratio of people whose place of employment is in a given municipality to employed people residing in that same municipality is 1.0 or greater, and when the municipality has not exercised the opt-out provision of this section.

"Compact" or "built-up sections" mean a section of the highway where structures are nearer than 200 feet apart for a distance of 1/4 of a mile, unless otherwise defined; reference [MRSA 23 sub-](#)

Driveway Permit Denial - 013-101-007-000

From: Code Office (ceo@graymaine.org)

To: sbrady94@yahoo.com

Cc: testes@graymaine.org

Date: Monday, November 6, 2023 at 01:58 PM EST

Good afternoon, here is the section that needs to be met for that lot:

SECTION 5.4 – PRIVATE DRIVEWAY LAYOUT AND CONSTRUCTION STANDARDS

D. Private driveways shall be located not less than fifty (50) feet from the tangent point of the travel way edge radius of any intersection of streets.

Please review Table 5.2 Private Driveway Entrance Sight Distance Standards of the Town of Gray's Street Ordinance which also requires sight distance requirements.

I am writing on the behalf of Time Estes, the Director of Public Works. He is currently out of the office, but this is an appealable decision. If you would like to file an appeal of this decision, please come into the office, and file an application and the Appeal will be scheduled to be heard in front of the Town Council. Please let me know if you have any questions.

Tammy Munson
Code Enforcement Officer
657-3112

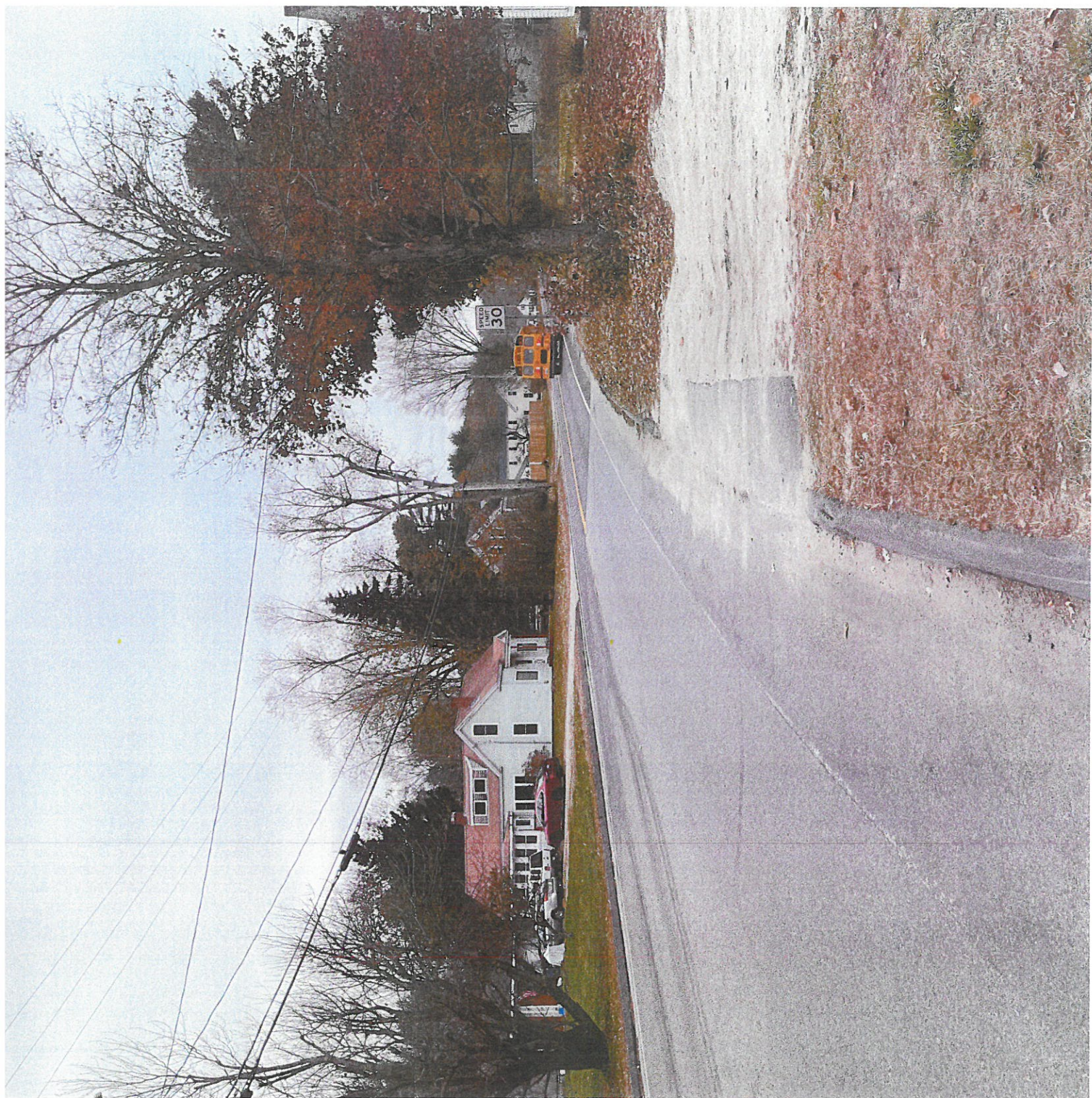
This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

1. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line with the height of eye three and one-half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.
2. Driveway placement shall be such that an existing vehicle has an unobstructed sight distance in both directions meeting the requirements of Table 5.2 unless a waiver is granted by the Town Engineer upon documentation provided by the applicant that safety conditions will be met with shorter sight distances (this review will be covered by the Town requirements for peer review escrows). Commercial driveway entrances and exits not requiring site plan review and serving traffic of over fifteen percent (15%) truck traffic shall meet the Mobility Sight Distance requirements of Table 5.2 (third column).

Posted Speed (MPH)	Sight Distance (Feet)	Mobility Sight Distance ¹
20	155	225
25	200	300
30	250	380
35	305	480
40	360	580
45	425	710
50	495	840

- C. All private driveways shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion:
 1. When the Public Works Director determines that a culvert is necessary, culverts shall be of adequate size and depth to convey ditch water flows and shall be shielded with stone rip rap at inlet and outlet to prevent washouts when the ditch flow capacity is exceeded in major storms.
 2. Irrespective of the travel surface material, the intersection of the Private Driveway with the roadway shall be designed, constructed, and maintained to prevent surface drainage from flowing onto or across the roadway. The entrance surface shall slope away from the road at a rate of not less than one quarter inch (.25"/ft.) per foot, nor more than one inch (1"/ft.) per foot for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4') feet from the edge of the travel way surface.
- D. Private driveways shall be located not less than fifty (50) feet from the tangent point of the travel way edge radius of any intersection of streets.
- E. When a corner lot is bounded by streets of two different classifications, private driveways to the corner lot shall gain access from the street of lower classification unless, in the opinion of the Town





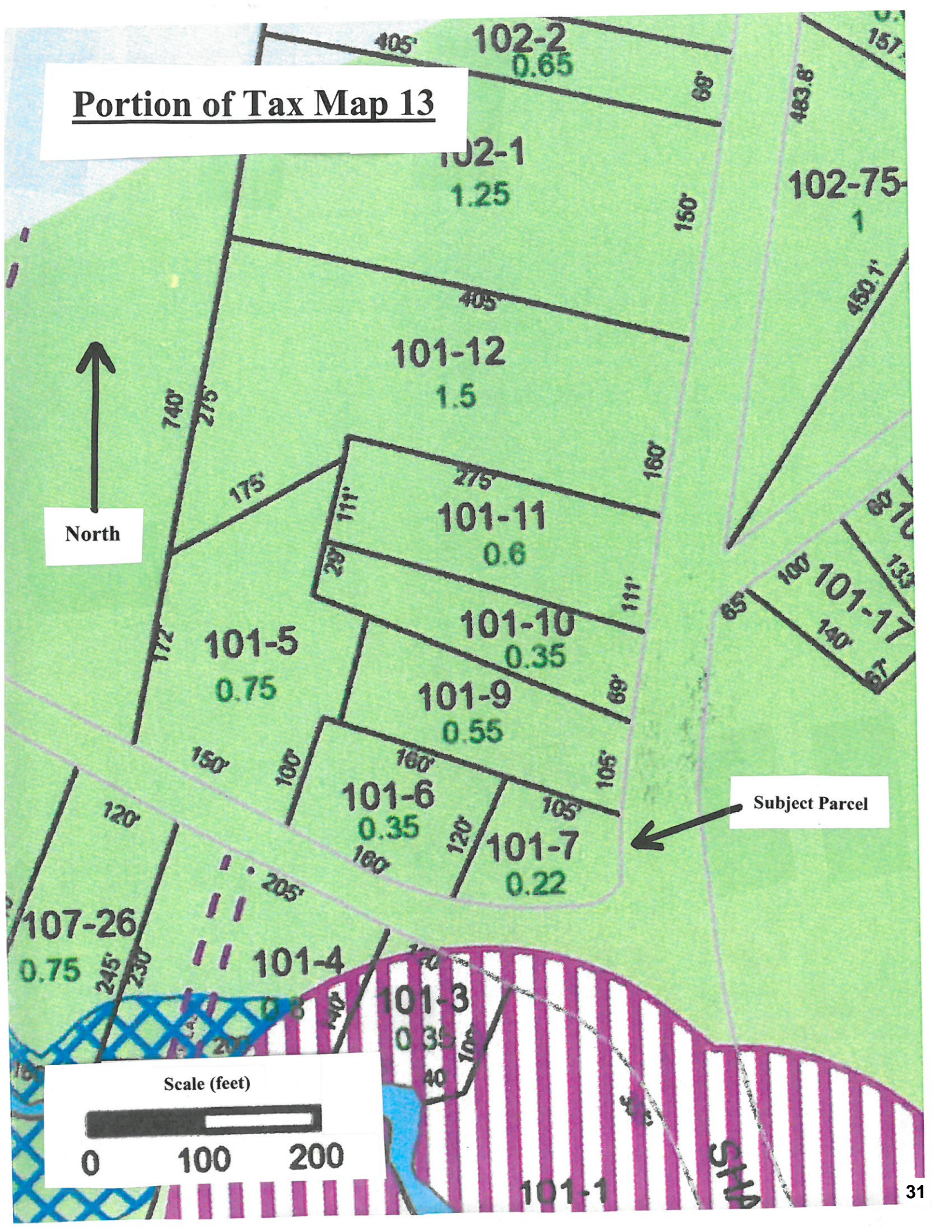


Portion of Tax Map 13

North

Subject Parcel

Scale (feet)



1. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line with the height of eye three and one-half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.
2. Driveway placement shall be such that an existing vehicle has an unobstructed sight distance in both directions meeting the requirements of Table 5.2 unless a waiver is granted by the Town Engineer upon documentation provided by the applicant that safety conditions will be met with shorter sight distances (this review will be covered by the Town requirements for peer review escrows). Commercial driveway entrances and exits not requiring site plan review and serving traffic of over fifteen percent (15%) truck traffic shall meet the Mobility Sight Distance requirements of Table 5.2 (third column).

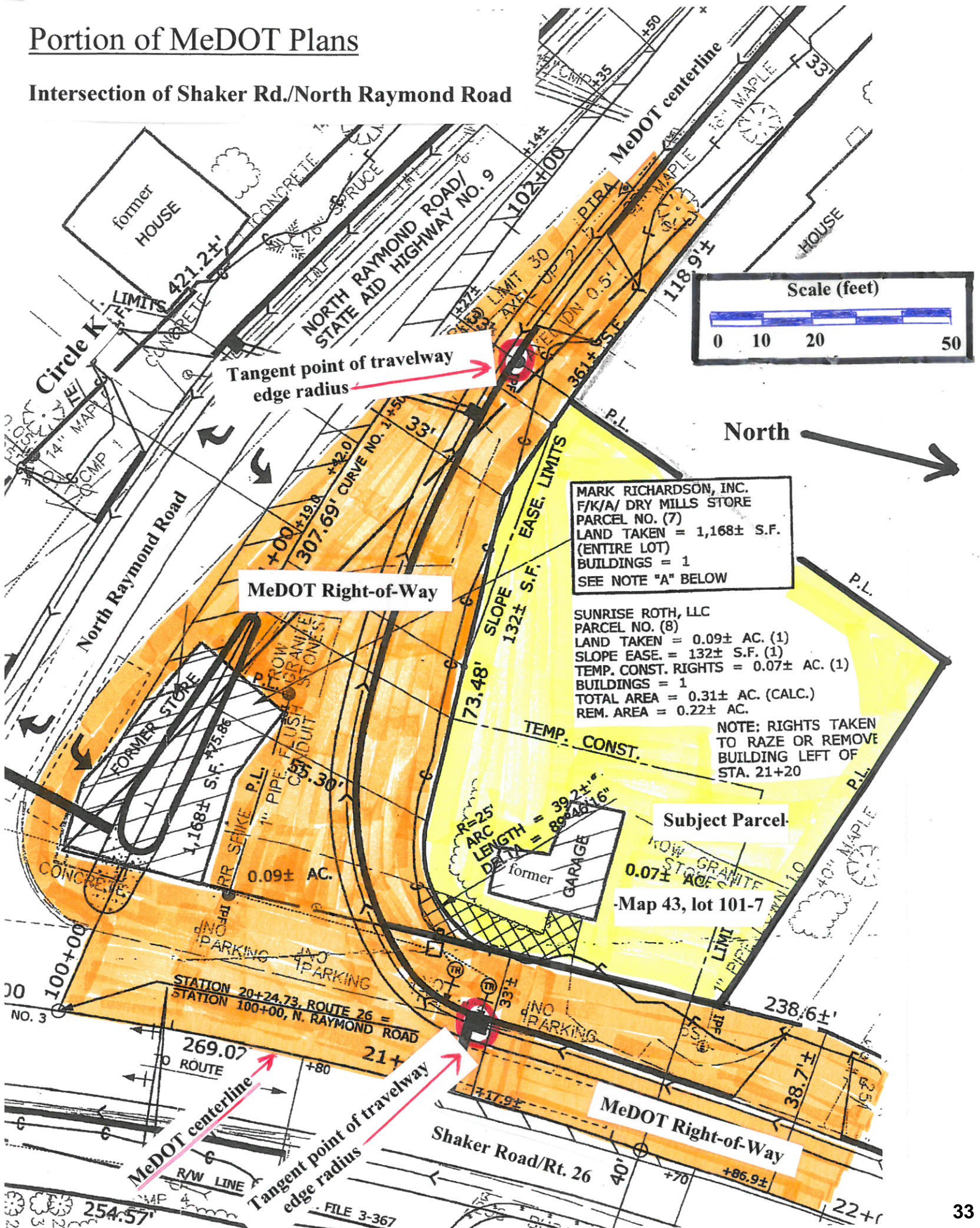
Posted Speed (MPH)	Sight Distance (Feet)	Mobility Sight Distance ¹
20	155	225
25	200	300
30	250	380
35	305	480
40	360	580
45	425	710
50	495	840

- C. All private driveways shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion:
 1. When the Public Works Director determines that a culvert is necessary, culverts shall be of adequate size and depth to convey ditch water flows and shall be shielded with stone rip rap at inlet and outlet to prevent washouts when the ditch flow capacity is exceeded in major storms.
 2. Irrespective of the travel surface material, the intersection of the Private Driveway with the roadway shall be designed, constructed, and maintained to prevent surface drainage from flowing onto or across the roadway. The entrance surface shall slope away from the road at a rate of not less than one quarter inch (.25"/ft.) per foot, nor more than one inch (1"/ft.) per foot for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4') feet from the edge of the travel way surface.
- D. Private driveways shall be located not less than fifty (50) feet from the tangent point of the travel way edge radius of any intersection of streets.
- E. When a corner lot is bounded by streets of two different classifications, private driveways to the corner lot shall gain access from the street of lower classification unless, in the opinion of the Town



Portion of MeDOT Plans

Intersection of Shaker Rd./North Raymond Road



I) MEETING COMMENCES

PRESENT: Brad Fogg, Georgia Woodbury, Derek Shirley, Tammy Munson, Martin Meaney, and Anthony Grabarz.

EXCUSED: None.

ABSENT: None.

II) NEW BUSINESS

On motion by Brad Fogg, seconded by Georgia Woodbury, to Approve that the item tabled at the 11/29/23 Zoning Board of Appeals meeting be removed from the table. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

On motion by Georgia Woodbury, seconded by Derek Shirley, to Approve the decision wording as corrected, that was arrived at in granting the Practical Difficulty Variance for William Chapman and Greg Rand on 11/29/2023. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

On motion by Derek Shirley, seconded by Georgia Woodbury, to Approve Nomination of Brad Fogg as Chair of Zoning Board of Appeals. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

On motion by Brad Fogg, seconded by Derek Shirley, to Approve Nomination of Georgia Woodbury as Vice Chair of Zoning Board of Appeals. Motion unanimously passed 4 - 0. Yes: Brad Fogg; Georgia Woodbury; Derek Shirley; Anthony Grabarz.

III) ADJOURNMENT