

ZONING BOARD OF ADJUSTMENT

MINUTES

October 3, 2023

APPROVED: 10/17/23

AGENDA: CASES:

22SPX05 - Hebert - #215-003 - 166 Hemphill Road
23VAR06 – Goodrum - #219-028 – 179 Ten Mile Brook Road
23SPX09 - Barnard/Kelly - #104-120 - 128-Browns Beach Road
23SPX10 – Littlefield - #115-035 – 30 High Street
23SPX14 - Groark - #104-085 - 33 Lakeview Avenue
23SPX15 – Warwick - #113-057 – 140 N. Main Street
23VAR12 - Tracy - #111-045 - 34 Shore Drive

ATTENDING: Richard LaFlamme (Vice Chair) Larry Denton, Melody Mansur, Andrew Litz and Steve Carten (Alternate)

ABSENT: Lorraine Bohmiller

OTHER: **Staff:** Christina Goodwin (Town Administrator) **via Zoom**, Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant) and Mike Lacasse (Land Use Permit Officer)

Applicants & Public: Ed Groark, David Littlefield, Carmen Cooper, James MacMillan, Alicia Warwick, Jeff Downing, Ben Downing, John Kelly, Susan Gray, Matt Barnard (Representing John Kelly), Noreen and James Richards, Jeff Goodrum, Mary Kay Haines, John Tardiff, James O’Grady, Douglas Williams, and Bradley Shaw (Architect for Kelly)

Attending via Zoom: Susan Tracy, Elizabeth O’Grady, Elaine and John Keough, and Judy McCole

Vice Chair LaFlamme, as Acting Chair opened the meeting at 6 pm. Mr. Carten was seated as full voting member for this meeting in place of Ms. Bohmiller.

NEW BUSINESS:

MINUTES: Ms. Mansur motioned to accept the minutes of September 12, 2023, as submitted. Mr. Denton seconded. The motion carried 5-0-0

CASES:

22SPX05 - Hebert - #215-003 - 166 Hemphill Road – Compliance Issue

Ms. Sullivan introduced the case as one that was approved in 2022 and not yet in compliance with the conditions of the Notice of Decision. The owner was notified to apply for an extension or comply. Mr. Mike Lacasse, Permit Compliance Officer, visited the site on this date and found the container had been moved and the owner is now in compliance and the case is now closed.

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23VAR06 – Goodrum - #219-028 – 179 Ten Mile Brook Road

Ms. Sullivan read the Variance application from Jeff Goodrum into the record requesting variance to height limitations for an accessory building to be erected on his property. She noted all notice postings and stating names of 6 abutters notified. There were no phone or written responses. She stated that Department heads were notified, and no comments were received.

Acting Chair LaFlamme asked the applicant to present his application. Mr. Goodrum stated he was looking to take down an existing 3-bay garage and add an accessory building, a new 3-bay garage, to this property. He showed photos of the existing building to be demolished and the plans for the new building. Questions from the Board included questions about the exact location of the new building which would be at a lower elevation than the old building on the other side of the dwelling. Mr. Denton asked about the width of the building and what would be required for roof pitch. Mr. Goodrum indicated that because he was intending to use a steel roof he could go with a lower pitch as designed but height would still need variance. Mr. Goodrum stated that the location of dwellings and this new building on the 12-acre lot was very private and would not be seen from the road.

At this time, Ms. Mansur motioned to accept the application as complete; Mr. Denton seconded. the motion carried 5-0-0.

Mr. Goodrum was asked to read his responses to the application criteria. He read these and answered questions from the Board.

Acting Chair LaFlamme asked the public if anyone would like to speak in favor of the application. Hearing no response, he then asked if anyone in opposition to the application wished to comment. Hearing no response, he asked if any Board member had further questions.

With no other comment or questions from the Board or audience, the hearing portion of this application was closed, and the Board moved to deliberation on the Variance.

Members reviewed to each criterion response and cited reasons for votes as follows:

#1 - Mr. Denton motioned that the applicant **met** criterion 1 because the property was very private, and the proposed building would not be seen by anyone. Ms. Mansur seconded. The motion carried 5-0-0.

#2 - Mr. Denton motioned that the applicant **met** criterion 2 because there would not be any impact to view or visibility to abutters or public. Ms. Mansur seconded. The motion carried 5-0-0.

#3 - Mr. Denton motioned that the applicant **met** criterion 3 because the design and plans for the new building will suit the property and location with no impact to others. Mr. Litz seconded. The motion carried 5-0-0.

#4 - Ms. Mansur motioned that the applicant **met** criterion 4 because no others can see the building. Mr. Litz seconded. The motion carried 5-0-0.

#5 A I - Mr. Denton motioned that the applicant **met** criterion 5A(I) because the lot is large, private and the location of the new building will not impact any views from other properties. Ms. Mansur seconded. The motion carried 5-0-0.

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#5 A II -Ms. Mansur motioned that the applicant **met** criterion 5A(II) because the proposed plan to demolish one building and build a new one will not impact others and will improve the situation for owners. Mr. Denton seconded. The motion carried 5-0-0.

5 B - Ms. Mansur motioned that the applicant **met** criterion 5B because if variance was not granted, the owners would need to add more buildings on property. Mr. Denton seconded. The motion carried 5-0-0.

Mr. Denton motioned to grant the Variance; Ms. Mansur seconded. The motion carried 5-0-0.

Mr. Goodrum was cautioned about the 30-day appeal period and that the Notice of Decision would be available later in the week.

23VAR12 - Tracy - #111-045 - 34 Shore Drive

Ms. Sullivan read the Variance application to build a 10' X 14' shed within the property line setbacks into the record. She noted the notices posted and stated the names of 5 abutters that were notified. There were no phone calls or written comments received from abutters or the public. Department Heads were notified, and no comments were received.

The Board reviewed the application for completeness. Mr. Denton motioned to accept the application as complete; Mr. Carten seconded. The motion carried 5-0-0.

Acting Chair LaFlamme asked the applicant Susan Tracy, who was attending via Zoom, to speak to her application.

Ms. Tracy stated that she would like to replace a shed that burned down recently with a new shed and place it adjacent to the dwelling. The new location would place it within the 15-foot setback at 12 feet 6 inches from a neighboring property line. She indicated that original building that burned down was within 4 feet from the property line. She stated that she originally thought set back was 20 feet.

Mr. Denton pointed out that moving the shed out by a few feet would make it in compliance with the 15-foot setback. To clear up some confusion, Ms. Goodwin commented that because lot is private well and septic the setbacks are 20 feet all around.

Ms. Tracy was asked to read her responses to the criteria for the record.

The Board asked questions about the placement in other areas.

Acting Chair LaFlamme asked if anyone from the audience would like to speak in favor of the application.

Mr. Doug Williams spoke in favor of granting the Variance stating that he felt it would allow them to have more green space and enhance the property and look better.

Acting Chair LaFlamme asked if anyone would like to speak in opposition to the Variance. Hearing no response, he closed the hearing portion of the meeting.

Mr. Denton commented that the lot could accommodate the shed in a location in compliance with setbacks. Ms. Tracy stated that it could be done, but it would then be in the middle of the yard.

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Mr. Denton was asked to read the applicant criteria and responses individually for comment and deliberation on the application.

#1 - Mr. Denton motioned that the applicant **met** criterion 1 because the location would enhance the property and be aesthetically pleasing to the community. Mr. Litz seconded. The motion carried 5-0-0.

#2 - Mr. Denton motioned that the applicant **met** criterion 2 because the spirit of the ordinance is met with trying to place shed in best location for their use of property. Mr. Litz seconded. The motion carried 5-0-0.

#3 - Mr. Denton motioned that the applicant **did not meet** criterion 3 because the Board has been relatively stringent on setbacks and even though applicant's plans may enhance the property, it can be located elsewhere on the lot. Ms. Mansur seconded. The motion carried 4-1-0.

#4 - Ms. Mansur motioned that the applicant **met** criterion 4 because property values would most likely not be diminished should shed be located as proposed. Mr. Denton seconded. The motion carried 5-0-0.

#5 A I - Ms. Mansur motioned that the applicant **did not meet** criterion 5A(I) because the proposed shed could be located on this property without encroaching on setbacks. Mr. Denton seconded. The motion carried 5-0-0.

#5 A II - Mr. Denton motioned that the applicant **met** criterion 5A(II) because the location of proposed shed would be more convenient and enhance property. Ms. Mansur seconded. The motion carried 5-0-0.

Mr. Denton read criterion #5B and the applicant's response and asked for clarification of requirements when finished. He asked if the applicant was grandfathered or would need a Variance to locate new shed in exact location of the burned shed. It was determined that no Variance would be needed for this.

#5B - Mr. Denton motioned that the applicant **did not meet** criterion 5B because as stated the property has enough land to locate the shed without encroaching on setbacks, the shed could be placed where the original shed was without a Variance, and the relocation request was more for convenience. Ms. Mansur seconded. The motion carried 5-0-0.

Mr. Denton motioned to **DENY** the Variance; Ms. Mansur seconded. The motion carried 5-0-0. The applicant is not limited to the space she proposed for the shed. There is plenty of room on her lot to fit it without encroaching on setbacks.

Acting Chair LaFlamme informed the applicant that the Variance was denied, and she had 30 days to appeal.

23SPX10 – Littlefield - #115-035 – 30 High Street

Ms. Sullivan read the application for Special Exception to allow short-term rental of their property located at 30 High Street. She noted the public notices posted and stated the names of 5 abutters notified. There were no phone calls or written comments from abutters and no public or Department Head responses.

The Board reviewed the application for completeness. Following review, Mr. Denton motioned to accept the application as complete. Mr. Carten seconded. The motion carried 5-0-0.

Acting Chair LaFlamme asked the applicant, Mr. David Littlefield, to speak to his application.

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Mr. Littlefield indicated that he and his wife Brenda purchased the duplex property as a second home and use one unit primarily in the summer months but do come other seasons as well. They are residents of Ohio presently. They have rented space at this location but were notified about short-term rentals needing a Special Exception. He stated that they were asking for a Special Exception to continue renting out the property with Air B & B.

Mr. Denton asked if the Land Use Office contacted the applicant because there were issues with use of property for short-term rental other than it was not permitted without Special Exception.

Ms. Bailey commented that there were no issues with the property other than the need for a Special Exception permit to operate as a short-term rental.

Mr. Littlefield stated they continue to update the property and made the downstairs unit handicap accessible. He indicated they use this property themselves, as short-term rental and also by other family members when they come to visit.

Mr. Denton and the Board asked about longer term renters, parking, the number of bedrooms in each unit, and the maximum occupancy with rentals. Mr. Littlefield stated that they have been doing the rentals since July of 2021, but his understanding was the zoning has now changed and they want to honor the need for Special Exception.

More questions were asked about the rental history of the property for those staying for Air B & B time limits and those staying longer term. Mr. Littlefield stated the short-term rental allows for convenience of having space for family that visits and rentals when not needed for family or themselves.

Acting Chair LaFlamme asked if anyone present wished to speak in favor of the application.

Mr. MacMillan spoke in favor of granting the Special Exception as he has seen no issues and has no problems with it.

Acting Chair LaFlamme asked if anyone present wished to speak in opposition to the application. There were no responses.

Acting Chair LaFlamme asked Mr. Littlefield to read the application criteria and his responses to each of the criterion into the record.

Mr. Littlefield complied and read the criteria and his responses.

Acting Chair LaFlamme asked if the Board had further questions.

Mr. Denton responded that he had a question for the abutter, Mr. MacMillan. He asked him if he was aware that the applicant was using the house as a short-term rental. Mr. MacMillan responded that he had been aware of this and supports this.

The Board moved on to the deliberations on the application. At the Chair's request, Mr. Denton read each of the criterion and responses. The Board voted individually on each criterion.

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#2 - Mr. Denton motioned that the applicant **met** criterion 2 because the home is well maintained, has adequate parking, neighbors are informed and not in opposition to the use as short-term rental. Mr. Litz seconded. The motion carried 5-0-0.

#3 - Mr. Denton motioned that the applicant **met** criterion 3 because, based on the abutter response, the use has not changed the character of the neighborhood. Mr. Litz seconded. The motion carried 5-0-0.

#4 - Mr. Denton motioned that the applicant **met** criterion 4 because there is adequate parking onsite. Ms. Mansur seconded. The motion carried 5-0-0.

#5 - Mr. Denton motioned that the applicant **met** criterion 5 because the property has continued as public water and sewer set up separately. Mr. Litz seconded. The motion carried 5-0-0.

#6 - Mr. Denton motioned that the applicant **met** criterion 6 because the applicant maintains the property well and neighbors have no issues with the use as short-term rental. Mr. Litz seconded. The motion carried 5-0-0.

Mr. Denton motioned to grant the Special Exception. Mr. Litz seconded. The motion carried 5-0-0.

Mr. Littlefield was cautioned about the 30-day appeal period and told his Notice of Decision would be available in the Land Use Office later in the week.

23SPX15 – Warwick - #113-057 – 140 N. Main Street

Ms. Sullivan read the application for Special Exception for short-term rental as an Air B & B into the record. She noted the public notices posted and stated the names of 6 abutters notified. There were no phone calls or written comments from abutters and no public or Department Head responses.

The Board reviewed the application for completeness. Following review, Ms. Mansur motioned to accept the application as complete. Mr. Denton seconded. The motion carried 5-0-0.

Acting Chair LaFlamme asked the applicant to present the application. Ms. Alicia Warwick explained that she owns 140 N. Main Street and has been renting it to long-term renters for many years. She was applying for short-term rental Special Exception because she felt it was a great location for this and would generate more income. Her plans were to keep one unit as long-term and have the other unit serve as short-term rental. The maximum occupancy would be 6 people in this unit. With Air B & B guests would be vetted and it should not impact the community. She has been using this as short-term since July not knowing that she was in non-compliance with zoning.

Questions followed from the Board about occupancy for the whole building and with specifics asked about occupancy of short-term to date. Other questions were asked about the difference between long-term rental and short-term rental benefits. She indicated that there was a need for income from the property and the consistency of good paying long-term renters was not working well. More discussion followed about parking and if it was sufficient for the renters that she would be targeting such as snowmobilers who have trailers. She stated that they would have the right to decline anyone if they did not meet parking or other criteria.

Following this, Acting Chair LaFlamme asked the audience if anyone wished to speak in favor of the application. Ms. Mary Kay Haines spoke in favor of granting the Special Exception because she saw no

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issues with use as short-term rental as it has always been a rental property. With no other favorable responses, Acting Chair LaFlamme asked if anyone wished to speak in opposition to the application. Hearing no responses, Acting Chair LaFlamme asked Ms. Warwick to read the criteria and her responses into the record.

Ms. Warwick read each of the criterion and her responses.

With no other questions or comments from the Board, Acting Chair LaFlamme and the Board move into deliberation on the application. He asked Mr. Denton to read each criterion and response so the Board could vote on whether the applicant has met the criteria.

#2 - Mr. Denton motioned that the applicant **met** criterion 2 because the property has been rented continually and its location is close to town. Mr. Litz seconded. The motion carried 5-0-0.

#3 - Mr. Denton motioned that the applicant **met** criterion 3 because the use is a continued rental use and now one unit will be used for shorter term rental. Ms. Mansur seconded. The motion carried 5-0-0.

#4 - Ms. Mansur motioned that the applicant **met** criterion 4 because there is adequate parking for occupancy as long as parking use for snowmobilers and trailers is monitored. Mr. Denton seconded. The motion carried 5-0-0.

#5 - Mr. Denton motioned that the applicant **met** criterion 5 because utilities are metered for two units and no change to this is indicated with change to short-term for one unit. Mr. Litz seconded. The motion carried 5-0-0.

#6 - Ms. Mansur motioned that the applicant **met** criterion 6 because the short-term rental would have no further impact than long-term renters. Mr. Denton seconded. The motion carried 4-1-0.

Mr. Denton motioned to grant the Special Exception. Ms. Mansur seconded. The motion carried 4-1-0.

Acting Chair LaFlamme announced the Special Exception is granted and the applicant was cautioned about 30-day appeal period and notified that the Notice of Decision would be forthcoming.

23SPX14 - Groark - #104-085 - 33 Lakeview Avenue

Ms. Sullivan read the application for a Special Exception to demolish an existing single-story dwelling and replace it with a one and half story dwelling which would be 13 feet higher than original height requiring a Special Exception. She noted the public notices posted and stated the names of 5 abutters notified. There were no phone calls or written comments from abutters and no public responses. Department Heads were notified, and the Water/Sewer Department responded with a request for notification to remove the meter at time of demolition.

The Board reviewed the application for completeness.

Mr. Litz asked about adding bedrooms. Mr. Denton responded that the Planning Board would address the additional bedrooms and septic design. He said this Special Exception application was for height issue only. Following review, Mr. Denton motioned to accept the application as complete. Ms. Mansur seconded. The motion carried 5-0-0.

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Acting Chair LaFlamme asked the applicant to speak to the application.

Mr. Edward Groark presented his application with the comment that he and his wife Suzanne have owned this home for about ten years and were looking to replace it with a one and a half story dwelling now with full foundation and a new septic system. He explained that he has a single lot rather than a double lot as seen with neighbors which is why he needs to build up rather than out. He is looking to make it accessible with bedrooms and 3-foot-wide doorways for handicapped family members with a total of 3 bedrooms when finished.

He was asked about the square footage. He stated that the footprint will be smaller than what exists now. He stated that he will meet all setbacks and the 30% requirements. The height will not block anyone else's views. He has shown plans to all the neighbors. He was asked if he received approval from The Spruce Woodlands Association. He stated that the Association was in full approval.

In response to questions, Mr. Groark stated that other items like septic design will follow if a Special Exception is granted.

Acting Chair LaFlamme asked if anyone in the audience wished to speak in favor of the application. Hearing no response, he asked if anyone wished to speak in opposition to the application. There was no response.

He asked Mr. Groark to continue by reading the application criteria and his responses to each criterion into the record. Mr. Groark complied and read each of these.

With no other questions or comments from the Board, Acting Chair LaFlamme asked Mr. Denton to read each criterion individually for the Board to vote on each. Mr. Denton complied, and the Board voted as follows:

#2 - Mr. Denton motioned that the applicant **met** criterion 2 because the replacement one and half story building will not impact setbacks or other's views. Ms. Mansur seconded. The motion carried 5-0-0.

#3 - Ms. Mansur motioned that the applicant **met** criterion 3 because the proposed home is similar to other homes in the area and will not impact other property owners. Mr. Litz seconded. The motion carried 5-0-0.

#4 - Ms. Mansur motioned that the applicant **met** criterion 4 because there would be no increase to traffic on a private road. Mr. Carten seconded. The motion carried 5-0-0.

#5 - Ms. Mansur motioned that the applicant **met** criterion 5 because the new proposed dwelling will not change or impact further town services. Mr. Denton seconded. The motion carried 5-0-0.

#6 - Mr. Denton motioned that the applicant **met** criterion 6 because the proposed dwelling was approved by the Association and neighbors. Mr. Carten seconded. The motion carried 5-0-0.

Mr. Denton motioned to grant the Special Exception. Mr. Litz seconded. The motion carried 5-0-0.

Mr. Groark was cautioned about the 30-day appeal period and told the Notice of Decision will be available and he could move forward with the Planning Board and other requirements for the project.

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23SPX09 - Barnard/Kelly - #104-120 - 128-Browns Beach Road

Ms. Sullivan read the application for Special Exception to replace an existing dwelling with another that is higher than the existing dwelling. She noted the public notices posted and stated the names of 5 abutters notified. There was one phone call from Noreen Richards expressing some concerns. No other calls or written comments from abutters and no public responses were received. Department Heads were notified, and the Water/Sewer Department responded with a request to notify them when demolition starts to turn off water.

The Board reviewed the application for completeness. Following review, Ms. Mansur motioned to accept the application as complete. Mr. Denton seconded. The motion carried 5-0-0.

Acting Chair LaFlamme asked the applicant to speak to the application. Mr. John Kelly presented his plans. He stated that he and his wife Patricia own the property and want to demolish the existing 2-bedroom dwelling to replace it with a new 2-bedroom dwelling with a roof higher than that of the existing dwelling height. He stated that the side setbacks will be met, and the height increase would not impact any neighbors' views.

The Board reviewed the plans with Mr. Kelly and Matt Barnard, agent for the applicant. They spoke about the improvements to be made to the garage, parking and other aspects of the new build. Mr. Denton asked about the movement of location from existing footprint to diminish the height impact. Mr. Barnard spoke about the proposal and site information. He stated that the Kelly's have State Septic Design approval and Shoreland approvals for the project. The setbacks were discussed for sidelines and wetlands and right of way access for others. Height increases for the dwelling and garage were discussed and measurements stated.

Mr. Kelly stated that the design of the new proposed dwelling is similar to other homes in the area.

Acting Chair LaFlamme asked if anyone wished to speak in favor of the application.

Mr. Bradley Shaw, architect for the project, spoke to the home design and location to allow for a second floor with lowest pitch allowed and crawl space only.

Hearing no other responses in favor, Acting Chair LaFlamme asked if anyone wished to speak in opposition to the project.

Ms. Noreen Richards spoke against granting the Special Exception because the new dwelling will block her lake views from the north side of her house. She submitted pictures to show these views. She had further issues to comment on. She spoke about the height restrictions of the zoning ordinance and that she felt they should be adhered to for this project as it impacts others. Stressing that the towns people felt strongly that a Lake District Zoning should be stressed and that in her opinion it meant the towns people wished the Lake District area to be preserved and protected. She stated that most of the cottages in the area are one story cottages and she mentioned runoff and the impact on the beach as well as private deeded right of way restrictions which would be impacted by this project. She cited the Shoreland Permit conditions and stated that the right of way should not be considered as part of the percentages to be impacted. She stated that this project would impact the value of her house.

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Mr. Denton stated that the application is an application for height so other issues would not be addressed by the Board. He asked her to keep the comments in opposition to the height impacts only. Mr. Denton asked specific questions about the proposed height and building location with moving house closer to lake to reference impact on Ms. Richards views. Ms. Richards showed her photos.

Mr. James O'Grady spoke against granting the Special Exception and shared an email from his wife regarding the height impacts. He read the email into the record with some items not necessarily relevant to the height issue. He confirmed that the existing house is 13 feet, and the new house will be 16 feet over that. Moving the proposed house forward will make this totally within his view where now he only sees trees.

Acting Chair LaFlamme reiterated that other issues would not be entertained for the deliberations on the Special Exception criteria for the Height restriction.

Mr. John Keough spoke against granting the Special Exception via Zoom. He stated that they have a home to the rear of the Richards home and this project would directly impact them by the increase to the height.

Ms. Elizabeth O'Grady spoke against granting the Special Exception via Zoom stating that the height increase would impact other homes' views and their property values.

Mr. Doug Williams spoke against granting the Special Exception stating that he also built a new home recently and he was held to the 1-foot mark for height, and he felt there was a reason for it to protect views and if we have a rule why do we have exceptions.

Mr. Kelly spoke to rebut the property values decrease comments, but he stated as someone in the real estate profession property values always increase from renovating a property or new construction. He also stated that in placement of the new proposed dwelling, no primary views will be impacted. He added that what they are proposing is like others in the area with crawl spaces and two stories.

Mr. Carten asked for confirmation of existing and proposed heights with shifting property downhill.

Hearing no other comments, Acting Chair LaFlamme closed the public hearing.

Acting Chair LaFlamme asked Mr. Denton to read the criteria individually with applicant responses for the Board to vote on each. Mr. Denton complied with votes as follows:

#2 - Mr. Denton motioned that the applicant **met** criterion 2. The motion was withdrawn due to lack of second.

Mr. Carten motioned that the applicant **did not meet** criterion 2 because the use remains the same, but the change of location does not. Ms. Mansur seconded. The motion carried 4-1-0.

#3 - Ms. Mansur motioned that the applicant **did not meet** criterion 3 because the abutters have demonstrated that the new height will impact their views. Mr. Carten seconded. The motion carried 5-0-0.

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#4 - Mr. Denton motioned that the applicant **met** criterion 4 because the parking is improved with adding driveway and garage changing the fact of current parking on road. Ms. Mansur seconded. The motion carried 5-0-0

#5 - Mr. Denton motioned that the applicant **met** criterion 5 because there will be not increased impact Town services as a single-family home. Ms. Mansur seconded. The motion carried 5-0-0.

#6 - Ms. Mansur motioned that the applicant **did not meet** criterion 6 because height increase does impact the neighbors negatively. Mr. Carten seconded. The motion carried 3-2-0.

Ms. Mansur motioned to **DENY** the Special Exception because the proposed size and location of the new dwelling will change the neighborhood to such a degree that surrounding homes will lose their quality of living close to the lake that they currently enjoy. Mr. Carten seconded. The motion carried 5-0-0.

Mr. Kelly was informed of the Denial and of his right to appeal and that the Notice of Decision would be forthcoming.

COMMUNICATIONS: None

OTHER BUSINESS:

There was discussion about the need to elect new officers. This could be postponed but there was a full Board seated so it could be decided at this time.

ELECTION OF OFFICERS:

Mr. Denton nominated Richard LaFlamme as Chair. Ms. Mansur seconded. The motion carried 4-0-1.

Mr. Litz nominated Melody Mansur as Vice Chair. Mr. Carten seconded. The motion carried 4-0-1.

LAND USE:

Special Exception Trends and Other Concerns

There was discussion about the increase of short-term rental Special Exception applications. The Board was wondering why this was the case. Ms. Mansur stated she was worried that this trend was changing neighborhoods and the community. Ms. Bailey added that some of the applications are due to these being found advertised on Air B & B and VRBO sites and not already having received Special Exceptions.

More discussion followed about criteria questions and whether the Board is asking the right questions. Ms. Goodwin stated that these are defined by statute and that variance to these is not allowed.

For Variances, the need to address hardship is necessary and the Board has been effective with consideration of these. For Special Exceptions it was felt that the criteria made it trickier.

For other criteria, the discussion about a house replaced with a house would be is easy to decide and safety to pedestrians and traffic is easy but some issues are not easily defined and how can this Board address any enforcement issues or consideration of greater community with the criteria. It might be harder for certain special exceptions to be considered with the stated criteria.

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Some specific examples were discussed to address how critical the Board might be able to get with the projects vs. criteria components. For the Air B & B trend, it was mentioned that as a tourist community this may be a better income source for folks.

Training Opportunities

ZBA training opportunities were mentioned by Chair LaFlamme and discussed for new members and others to attend.

Acknowledgement

Ms. Bailey thanked the Board for their expeditious and mindful consideration of all the cases at this meeting.

NEXT MEETING: October 17, 2023

Chair LaFlamme will be away for this meeting and Ms. Sullivan will be on vacation. Ms. Bailey and Ms. Goodwin will be present to assist as staff and Ms. Mansur will Chair the meeting. There are four cases scheduled.

ADJOURNMENT:

With no other business before the Board, Chair Laflamme motioned to adjourn at 9:47 pm. Mr. Denton seconded. The motion carried 5-0-0.

Respectfully submitted,

Janet F. Cote
Land Use Associate