

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL CHAMBERS- CITY HALL
Wednesday, September 1st, 2010, at 7:00 p.m.**

MINUTES

Call to Order: The meeting was called to order at 7:03 p.m.

- **Salute to the Flag**
- **Roll Call**

Present: Chuck Farmer, Donna Tully, Marty Russo, Kathlene Fleckenstein, Don Gagnon and Cynthia Styles.

Absent: Floyd Sargent.

Acting Chair Styles sat Member Tully in place of absent voting Member Sargent.

- **Approval of Minutes:** of the August 4th, 2010 Zoning Board Meeting

MOTION: Member Tully moved and Member Russo seconded to approve the minutes of the August 4th, 2010 Zoning Board regular meeting. All were in favor and the motion passed.

New Business

- **Z10-12:** Rosella Grout, Owner; Rosella Grout and William Grout, Applicants, request a Variance for a 168 square foot accessory structure (shed type), built without approvals, to be located 9' from the house, 16' from the northerly side lot line and 8' to the rear lot line on property located at 226 Kendall Street, Tax Map/Lot # 133-068-00, RS Zone (Single Family Residential District). The shed would be moved from its current location, of 7' to the southerly lot line and 12' from the rear lot line to the new location described above.

William Grout was present to speak. He stated that they built a shed to replace an old one that was there six years ago. He stated the shed was built too close to the property lines. He then gave a letter from his neighbor, Richard Morin, to the board which indicated that he had no problems with the application.

Richard Lewis stated that he passed out a memo to the board this evening with pictures taken of the property.

Richard Lewis indicated the structure is currently right on the stone wall on the property. Member Farmer asked if the same shed would be put in the new location and Mr. Grout stated that was correct. Richard Lewis asked if the stairs and second floor level would be put on the proposed structure and Mr. Grout stated there would be no stairs, that there would be second level storage but it will be able to be reached from the ground.

Member Gagnon asked if the structure would be on posts and Mr. Grout stated it would not be and would be on concrete blocks. Richard Lewis asked if the structure could be jacked up and moved and Mr. Grout stated they are in the process of doing that now.

Mr. Lewis stated that item #2 on the memo handed out this evening discusses the concerns of an abutter about the stone wall. He stated there has been damage to the stone wall currently. Mr. Grout stated that he will repair the stone wall. Mr. Lewis indicated he wanted to make sure that the Mr. Grout is aware that he needs to repair that stone wall.

Member Russo asked for clarification from Dick about the second floor and the stairs, he asked if Richard would recommend that there not be second floor storage or outside stairs. Richard Lewis stated he is more concerned about the outside stairs than the storage area. Member Russo asked for clarification from the owner on this building and asked if it was just a single story with rafters and Mr. Grout stated that was correct.

Public Comment

Yanina Chwast, of 121 Chestnut Street, stated the stone wall has significantly disturbed and pushed over the stone wall, which is a boundary line for the property. She stated there is also debris over the stone wall on her property. The building is set into the wall, which has pushed the wall into her land. She stated they use to have cattle and now if she got cattle, this would not keep them in. She stated if they remove the structure, she would like it to meet the setbacks, or she will not agree with their proposal. She stated there are laws in affect regarding stone walls and not being able to touch them.

Board Discussion

Richard Lewis stated that in his memo, regarding item #2, there was an earlier version with a recommendation that a condition be added that the stone wall be restored. He stated the he did not include this condition in this memo, as the damage to the stone wall is a civil matter and the state RSA's describe what an abutter can do in the case that a stone wall is damaged. He stated per this RSA there are fines, penalties and attorney's fees and remedies that can be applied for by the abutter due to the wall being damaged.

Mr. Lewis stated he has included for the board a possible approval and denial motion. He stated he has attached four conditions for approval, and one condition indicates that prior to the building being moved that he would go out and inspect to make sure it is placed in the proper location.

Mr. Lewis stated that on the bottom of page one of the memo submitted with the packet to the board, there are tests and criteria where the issues have been addressed.

Member Russo asked Mr. Lewis if he would like the board to include a condition regarding the wall. Mr. Lewis stated if it were included and nothing was done, there would be nothing that he could do on his end, as it is a civil matter as described in the RSA's.

Richard Lewis stated an additional condition regarding the debris on the property may be appropriate. He indicated something to the affect of that all debris shall be removed from or stored on the property appropriately. Member Gagnon stated he thinks it should be removed, and not allowed to be stored on the property. It was indicated that some of the debris is necessary for the building of the structure. Richard stated that the condition could read that all construction debris be removed from the property and/or stored properly on the site. Member Gagnon stated the stone wall may be referenced in the deed, and stated that he is concerned about allowing this approval based on a boundary line that ultimately could have been damaged or moved. Richard Lewis stated this is a well established stone wall.

MOTION: Member Russo moved and Member Tully seconded that the Zoning Board of Adjustment approve the variance application request by Rosella Grout, applicant and owner, for a variance to construct a storage structure to be located approximately 9 feet away from the house, and 16 feet from the northerly side lot line and 8 feet from the westerly rear lot line. The property is identified as 226 Kendall Street, tax map/lot 133-068-00, in the RS, Single family residential zoning district, which requires 25 foot setback for the side and rear lot lines. The application is referenced as Z10-12. The Board finds that the application request meets the tests and criteria necessary as outlined in the draft memo provided by the Zoning Administrator and discussed by the Board. This approval is subject to the following conditions:

- 1. The applicant or their designee shall obtain the necessary building permits for the proposed work and a Certificate of Occupancy once the work is completed.**

2. Following the submission of the building permit and before the issuance of the permit, the owner shall stake out the location of the proposed structure. The Zoning Administrator shall be contacted to inspect the location and approve it before any construction work begins.
3. Due to the lack of setback distances to the abutting lot lines and the primary residential structure, the approved storage structure shall not have any second floor storage area and no outside stairs are permitted.
4. No other storage buildings or sheds are allowed on the property without first obtaining the necessary variance and permits.
5. All construction debris shall be removed and/or properly stored on site.

In granting the approval the Board finds that the application request meets the tests and criteria for the issuance of a variance in that:

- a. The Variance will not be contrary to the Public Interest due to the fact that it will provide needed storage for the property owner and will assist in overall property maintenance.
- b. The Spirit of the Ordinance is observed due to the fact that the variance will allow the owner to use the property [meaning to construct and utilize a simple storage structure] in a fashion that is common to residential structures throughout the City.
- c. Substantial Justice is done due to the fact that no harm or adverse impact has been identified during the course of the review and hearing for this application.
- d. The values of the Surrounding Properties are not diminished due to the fact that outside storage of various items will be reduced or eliminated thus keeping the property cleaner and better maintained.
- e. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:
 - i. Unnecessary hardship mean that, owing to the special conditions of the property that distinguish it from other properties in the area, then: i) No fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property; and ii) the proposed use is a reasonable one. This test is achieved since the property is unique for the neighborhood due to its limited size and the lack of depth; further, the house, which is a manufactured house, has limited storage space and having some type of storage for tools, equipment, and assorted items is a common use for residential properties, and to not approve the variance deprives the owner of this common use.
 - ii. If the criteria in subparagraph (I) are not established, 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 it. This criterion is met since there is no place on the property, which is of limited size and depth, where any type of storage structure can be placed without a variance.

All were in favor and the motion passed.

- **Request for a Rehearing:** Brian Nawoj, Applicant, requests a rehearing regarding the August 4, 2010 denial of the Appeal of Administrative Decision, regarding the decision of Richard Lewis, dated June 9th, 2010, to allow a building permit to be applied for and issued based on plans submitted for property owned by Oliver Family Irrevocable Trust, Donald and Eileen Oliver, for property located at 25 North Shore Lane, identified as Tax Map/Lot # 032-049-00, LP Zone (Lake Protection District).

Acting Chair Styles indicated that this discussion is at the board level only. This is a motion for the board to discuss whether there are merits for the rehearing. She stated either the board will move to rehear the application on October 6, 2010, or they will not rehear the application.

Richard Lewis stated that in the packet was the request for the rehearing, as well as Richard Lewis' response and the Oliver's response. He asked if there were any questions from the board. Mr. Lewis then directed the board's attention to the excerpt supplied in the packet regarding rehearsings. He stated the applicant needed to prove there was either an error by the board or brings forth new evidence that was not available at the time of the hearing.

Member Russo asked if the board would need to make a motion. Richard Lewis stated that they would regarding the request for a rehearing and stated there is a sample motion located within the memo. He stated if they vote to rehear the application, then this rehearing will be scheduled for October, with a full public notice, publishing and notice to abutters.

MOTION: Member Fleckenstein moved and Member Farmer seconded that the Franklin Zoning Board of Adjustment vote to not rehear the appeal of the administrative decision as put forward in the 8/20/10 request filed by Brian Nawoj [c/o D. Muller, Esquire]. In the opinion of the Board, the request failed to raise any errors that would need to be corrected by the Board through a rehearing, and the request failed to put forward any new evidence or other materials that were not available to the applicant at the time of the original hearing. Further, the Board sees no other valid reasons to rehear the matter as the issues were thoroughly discussed at the original hearing on August 4, 2010. Member Tully was opposed to this motion. All remaining members were in favor and the motion passed by a vote of 4-1-0.

- **Z10-10:** Bronwyn Asplund-Walsh, Owner/Applicant, request an Appeal of Administrative Decision for the denial of a seasonal conversion for a unit within an existing structure, on property located at 296 Webster Lake Road, Tax Map/Lot # 035-402-00, LP Zone (Lake Protection District). The applicant also requests an approval to move the in-law apartment to the ell over the garage and allow the apartment over the carriage house as a seasonal conversion.

At this time, Member Russo recused himself. Acting Chair Styles then seated Member Gagnon as a voting member in place of Member Russo.

Bronwyn Asplund-Walsh asked for clarification on Donna Tully's status. It was indicated that she is an alternate that has been seated in place of Member Sargent for this evening.

Mrs. Asplund-Walsh stated that she wanted to make sure that the procedure for this evening was correct and stated that first the board would be discussing was the administrative denial for the seasonal conversion and if that is denied that they would then hear the Special Exception for the Seasonal Conversion. Richard Lewis stated that his denial was that the request did not fit the Seasonal Conversion criteria and he was administratively denying the Special Exception based on this, thus, if the board upheld his decision then the process would be over.

Mrs. Asplund-Walsh stated that in looking at the ordinance, the only requirement for a Seasonal Conversion is that a Special Exception is required. She stated that Richard Lewis denied her request and she is appealing his denial. She stated that if the board upholds his decision, then the board would hear the request for the Seasonal Conversion via Special Exception. She stated this is the law. She added that the abutters notice has no mention of the Special Exception for the Seasonal Conversion.

The handouts that were given out by Mrs. Asplund-Walsh included:

1. Section 305-29.7 of the Franklin Zoning Ordinance regarding Seasonal Conversions;
2. A Petition from Bronwyn Asplund-Walsh to the Zoning Board (10 pages), from which she read numerous areas;
3. Deed from Charles Aiken to Ruth Edmunds;
4. Deed from Jonas Aiken to Charles Aiken;
5. Deed from Arthur Edmunds and Ruth Edmunds to Charles Asplund and Bronwyn Asplund;
6. Deed from Charles Asplund to Bronwyn Asplund;
7. Deed from Bronwyn Asplund to Frederick J. Walsh;

8. Deed from Frederick J. Walsh to Frederick J. Walsh and Bronwyn L. Asplund-Walsh;
9. Copy of the cover of the manual for "Instructions for Operators of J. B. Aiken's Portable Family Knitting Machine with Illustrations;
10. J. B. Aiken's improvement in rifle cannon and cartridge;
11. "Aiken" Ticket Punch, patented October 9, 1877, manufactured by J. B. Aiken;
12. A copy of a picture taken of Aiken Manor in 1930;
13. A photocopy of pamphlet on Aiken Manor and Cottages;
14. Affidavit of Roger Bruce Johnson, indicating some of the history that he remembers of the building;
15. Affidavit of Chris Edmunds, indicating some history of the property;
16. Map showing location of buildings on the property;
17. Timeline as was provided to her from Richard Lewis. She stated at this time that the previous planner had no problems with what she wanted to do on the property and Mr. Lewis knew about the future use of the area as an in-law apartment. The work was put on hold as her husband was sick. The thought was that the in-law apartment, as it was more conducive and Richard Lewis agreed with this, would be moved to the ell as there is an entrance and exit to the house. Her husband had a massive heartache, the building was put on hold and Mr. Lorch left the City of Franklin and Mr. Lewis was appointed as the zoning administrator. They then applied for finance for a renovation, Mr. Lewis came out and they walked through the buildings and several things were found that were disagreed on. These were subsequently brought to the board. Mr. Lewis stated a variance was need for the guest house, as well as a building permit. He never mentioned the idea of a Seasonal Conversion as a probability, even though the guest house directly fits that category.
18. Sworn Deposition of Wil Corcoran, she stated that Wil Corcoran did an assessment for abatement, and indicated that the area was not useable as there was no plumbing or heating and the abatement was granted.

The applicant's presentation included the following:

Mr. Lewis stated in a letter that a building permit was needed for the guest house, as records indicated there was no plumbing and heating located within this building. Member Farmer asked if Mrs. Asplund-Walsh was speaking about the carriage house and she indicated that she was not and this is the guest house. Mrs. Asplund Walsh stated that the timeline states there was no existing plumbing and heating; but Mr. Corcoran in his deposition stated that the plumbing and heating was not useable, and not that they were not visible.

A building permit was issued in 1990, for the electrical work in the guest house, but under the Zoning Ordinance, there is an ordinance called in-kind replacement. If you are replacing in-kind items, you don't need a building permit and we didn't need a building permit, that was misleading to the zoning board and that was not accurate. It was indicated for the board, that in-kind work was a recent addition to the ordinance, being added just a few years ago and wasn't in place in 1990. Mrs. Asplund Walsh then indicated that this is 2008 that she is talking about and not 1990; and it was indicated that she just was referring to a building permit issued in 1990. Mrs. Asplund Walsh stated they were told that they did not, in 1990 they applied for a building permit for the electrical and it was issued.

Mrs. Asplund-Walsh began to refer to a letter dated May 12, 2009 from Richard Lewis, but then stated that she is not going to give the board copies of these letters as they are part of the record, but she did however request that these letters be forwarded as part of the file if this case is not resolved tonight.

Mrs. Asplund-Walsh stated that on May 12, 2009, a letter from Richard Lewis to me indicated that as far as moving the in-law apartment to the ell, if the board upheld the decision that the carriage house needed to be converted back to non-residential. She stated that the 2nd floor of the carriage house has always been designed and used for residential occupancy. She stated that you could see that based on the letter from Bruce Aiken Johnson. Chris Edmunds used it as residential. She stated to gut the dwelling and turn back to non-residential would be unfair

and unrealistic. She stated they were approved for all building permits, got their Certificate of Occupancy's, worked with the city and did everything according to the City.

On July 10, 2009, Mr. Lewis wrote a letter to her, stating she needs to apply for a use variance for the apartment above the carriage house. The previous zoning administrator had mentioned a special exception and a seasonal conversion to me. In this letter, his recommendation to the board was that the board table any request for a special exception hearing on the ell. She stated she was asked by City Council why she didn't request a special exception, as she was not denied a special exception.

She stated she relied on Mr. Lewis for the best resolution to her case. On October 27, 2009 the ZBA held a tape recorded hearing for my application for a variance, where Mr. Lewis stated what I was telling them was smoke and mirrors. At this hearing, Mr. Lewis stated the only use allowed in the zone is a single family home and an in-law apartment by special exception. The seasonal conversion, which directly applies to the lake properties, was part of the ordinance; but, he told you the only thing allowed was a single family home and an in-law apartment by special exception.

She stated the subject property qualifies as a seasonal conversion, which was amended 09-14-98 by Ordinance 98-4. She stated the seasonal conversion is: "the act of changing the original and/or current use." She indicated it doesn't say the current use and when this was changed if they didn't want to include Aiken Manor, they shouldn't have had the original or current use. She stated there is no abandonment clause in this ordinance, which was specifically written to state the original and/or current use of the structure. If there was any time that those apartments were not used, it doesn't mean that they were abandoned. She indicated that the ordinance states, "Such structures may include but are not limited to summer camps, cabins, lake cottages, etc." Certainly, these apartments at Aiken Manor fall under the seasonal conversion category. They were tourist apartments.

Referring to Richard's memo that was sent out to the board, dated August 25, 2010, where he states, "What matters is the clear and concise language that was approved by the Planning and Zoning Board and the Franklin City Council." It went on to say that the definition for the Seasonal Conversion was approved February 7, 2005. He stated there are no historic uses of the property that would apply to the matter and give this residential space any vested protection. She indicated this is against the language of the ordinance that states original or current use, where abandonment does not apply. Mr. Lewis states in this memo that under the definition of structure, the process is not intended to apply in an individual unit in a larger residential structure setting, which is not correct. She asked the board to look at the definition of a structure, passed by the City, which indicates: anything built for shelter of any kind, as well as anything constructed or erected for support with a fixed location on or in the ground, exclusive of fences. This definition includes, but is not limited to houses, garages or barns.

Mrs. Asplund-Walsh stated that regarding the arguments for denial, Mr. Lewis stated the definition of structure does not include individual units within the walls of a larger building, he asserts that this type of view could allow for individual rooms within a larger camp or cottage type structure to be converted. She stated she is not proposing a seasonal conversion for individual rooms. These were apartments, they were tourist units. This is a request for a separate living unit. She stated there is no merit to the comment made about an apartment not being a structure.

Mrs. Asplund-Walsh indicated that in the original hearings, it was indicated by the board that the units would not diminish the public or private rights of others. She stated none of her neighbors have been in to disapprove of her requests. She stated she was sent back to request the Seasonal Conversion by Merrimack County Superior Court.

She added that she has given the evidence that the use existed for a period of time. They want to move the already approved in-law apartment to the ell and allow the unit in the carriage house to be rented out.

She then showed the board the approved septic plan. She added that her proposal meets the requirements of Seasonal Conversion, the CO has already been granted, and if they agree or disagree with Richard Lewis, then the next step in the process is to go forth with the Special Exception for the seasonal conversion.

Mrs. Asplund stated that it is unclear how Mr. Lewis can pass information to the board in the form of memo's and motions, or how the board would fall under the attorney client privilege, when the board is suppose to be "quasi-judicial in nature", and she turned the boards attention to the 1984 case Winslow v. Town of Holderness. She stated that a ZBA member can be disqualified if they are not impartial. The ZBA administrator has provided assistance and has misguided the board instead of allowing the board to make up their own mind. She added that the board needs to come to a decision and then direct the administrator to draft up a motion to that affect.

Mrs. Asplund-Walsh again indicated that even if the board upholds Mr. Lewis' decision, that the board would then hear the Special Exception request for a Seasonal Conversion.

Richard Lewis, Planning and Zoning Administrator, was present to speak. He stated in his letter to the applicant, dated June 18, 2010, of which a copy was given to the board, his determination was that the Seasonal Conversion approval/permitting process is not applicable to or appropriate for the proposed use and activity that you present in your letter/application. Therefore he had dismissed her request for a seasonal conversion. He stated that the applicant submitted the application and he administratively indicated that this process for a Special Exception for a Seasonal Conversion was not appropriate. Thus, if the board upholds his decision, then the discussion is completed and there is no further discussion by the board this evening.

Mr. Lewis stated there is an abandonment clause in the Zoning Ordinance. He stated he appreciates the history lesson, but stated these uses are history and have been abandoned. He added that the applicant talked about variances and variances are applied for regarding land and regarding uses. He stated the variance applied here and stated the Seasonal Conversion is not a use, it is a process.

Mr. Lewis stated the clear and concise language of the Zoning Ordinance states that you cannot change the use to a more extensive use. This is an individual unit in a larger structure and his determination and decision was based on this. The seasonal conversion is based on a structure and not a use within a structure. The process of a Seasonal Conversion is not appropriate and stated though her approach is creating it is not appropriate. This unit has been approved as an in-law apartment, and was not intended for a rental apartment.

Mr. Lewis indicated that his letter of the 18th to the applicant made an administrative decision, and his August 25th memo highlighted this decision. His decision was that the Seasonal Conversion was not an appropriate step and if the board upholds his decision, then they are ultimately indicating that it is inappropriate to apply for a Seasonal Conversion, thus the hearing would be over. Mr. Lewis stated that when you look at the language of the ordinance there is an administrative process and all conditions apply, and the proposed project would have to adhere to all provision of the ordinance and the use of a rental unit is not an allowed use and does not meet the provisions of the zoning ordinance, thus this use clearly violates the ordinance.

Mr. Lewis stated that whereas the rental unit issue is currently in Superior Court he believes that if the board overturns his decision on this matter that this would be a contradictory action to the ongoing court case. The information presented is not relative; the bottom line is that this is a historic use, that expired a long time ago, and that it is also an individual unit and not a structure. The unit was issued a CO in 2002 for an in-law apartment; the use is not seasonal and is year round use allowed by the ordinance.

The LP Zone is the lake protection district, there are already multiple uses on the property, the guest house is not an allowed use, but the variance was approved some time ago.

Mrs. Asplund-Walsh stated that the abandonment clause does not apply, as the seasonal conversion ordinance states the original or current use. She stated that the board cannot rule out individual units when looking at Seasonal Conversion and stated that if the board upholds, then the second step in the process is that they still need to hear the request for the Special Exception for the Seasonal Conversion.

Mr. Lewis stated the applicant is correct in stating that the Seasonal Conversion has two paths; however, how it is managed is controlled by the language of the ordinance. The seasonal conversion process is the act of changing the use of a structure. Types of structures does not include individual units within a larger structure. Mr. Lewis added that if the board allows this they are creating a path they do not want to go down.

Mr. Lewis stated that based on the Seasonal Conversion, the board must look at the definition and the ordinance. The ordinance states: "The proposed project must adhere to all other provisions of the Franklin Ordinance, including any appropriate overlay districts." This project does not adhere to all other provisions of the Ordinance, as the use is not an allowed use within the zone. He then urged the board to uphold the decision and put the matter to rest.

Attorney Paul Fitzgerald then asked for a point of order from the board. He stated that the board has heard both sides of the case, from the applicant and the Zoning Administrator. He stated they could continue to go round for round and asked that the board only allowed on final comment.

At this time, Mr. Lewis continued by adding that the Seasonal Conversion is for a structure and this is not a structure, but is a use within a primary structure.

Mrs. Asplund-Walsh stated you must look at the Seasonal Conversion ordinance and the structure definition. Neither of them excludes separate units. She stated the board needs to think about whether they would want more extensive uses to the property, such as a bed and breakfast and needs to look at how to protect the property from falling in disrepair.

Public Comment

Mrs. Kathy Russo, an abutter, was present to speak. She stated she is there to support Attorney Walsh, and indicated she has no issues with the change, there is plenty of parking and she is not creating anything new, just looking to utilize existing space.

Member Fleckenstein asked about the additional rooms and asked how many bedrooms total there would be. Mrs. Asplund-Walsh indicated there would be 9 with the ell and the septic would be improved.

Member Gagnon asked for some clarification. He stated the issue is that the in-law exists in this space; the applicant wants to move the in-law to the ell and use this space as rental. Richard Lewis stated that this is correct and that rental units in this zone are not allowed.

Member Farmer stated that when looking at the ordinance two families and multi-families are not allowed within the lake protection zone. With the in-law apartment, the single family home, that guest house and now the carriage house this would be a multi-family, being four units on one property.

There was further discussion by the board. The board discussed the number of units, abandonment clause, and the ordinance regarding seasonal conversions.

MOTION: Member Tully moved and Member Farmer seconded that the Zoning Board of Adjustment moved to uphold the decision of the Planning and Zoning Administrator as outlined in his letter of June 18, 2010 regarding property at 296 Webster Lake Road, tax map/lot 035-402-00. The Board supports and agrees with the reasons and rationales for denying the request for an administrative approval of a seasonal conversion as outlined in the 6/18/10 letter. Further, with the Board voting to uphold the decision of the Administrator, the Board is also finding that the special exception application filed by the applicant, Attorney Bronwyn Asplund-Walsh is not applicable or appropriate for the matter at hand and the Board therefore votes to dismiss the application. All were in favor and the motion passed.

Mrs. Asplund-Walsh indicated this is a three part process, and asked if the board was denying her right to give the information regarding to the Seasonal Conversion. Richard Lewis again reiterated that his denial was that the Seasonal Conversion did not apply and the board has upheld his decision.

At this time, the board indicated that they have upheld Mr. Lewis' decision and that the applicant can request a rehearing; however, the case is complete this evening.

Mrs. Asplund-Walsh then objected for the record.

Old Business: None.

Planner's Update

Mr. Lewis stated that a modification to the OEP handbook was placed on the desk this evening for the board. He stated these were the only changes to the handbook and should be placed with the old handbooks.

Other Business: None.

Public Comment: None.

Adjournment

MOTION: Member Fleckenstein moved and Member Russo seconded to adjourn the September 1st, 2010 meeting of the Zoning Board of Adjustment, at 9:30 p.m. All were in favor and the motion passed.

Respectfully submitted,

Angela M. Carey
Planning and Zoning Administrator