

~~Dec.~~ 16, 2010 - Unapproved, unamended.

8. **Building Permit Business – Andy Chalmers, Building Inspector**

- a. Levitt, Daren & Melanie (Map R12, Lot 100B) Septic System Town Engineer Burr Phillips was asked if the septic system could be approved for the accessory apartment in the carriage house and his response was that the parcel is not big enough to accommodate the accessory apartment; the Levitts would need 134,000 square feet of property. It is his recommendation that the Board deny this; Daren would then go to the ZBA and could request an equitable waiver of dimensional requirements which is easier than a variance. Daren noted Engineer Phillips had issued a memo stating he was not enforcing 9.2 because the permit was issued. Selectman Dougherty noted the issuance of the permit may have been in error to begin with. Chairman Mason noted the Board can't approve the permit because it doesn't meet the Zoning Ordinance but Daren can't get the state to review the plan unless it's approved by the town. That approval will have to come from the ZBA. Selectman Dougherty noted that's the simple version; the Board can put conditions on the permit stating that we'd use the Occupancy Certificate to make sure the septic system is appropriate. Daren is just trying to get this plan to the state; he noted the Board is looking at this like it's a development. Chairman Mason thinks Randy Cooper is wrong in his letter; the point is that the Board of Selectmen can't approve this because it doesn't meet the requirements. If the ZBA grants a waiver then he can bring the plan to the state. Selectman Dougherty asked if the Board is denying this on the basis of 9.2 as it doesn't apply to this situation and the Board needs to clarify what it's basing its decision on. Chairman Mason noted that in denying this the Board will make sure it is noted it's not due to 9.2. The Board members agreed that their ultimate goal is to get Daren his permit. Selectman Dougherty feels the Board should be able to approve the permit now; all the state needs is a stamp saying the plan meets the requirements of the Zoning Ordinance. Daren noted that not every town has prior approval of septic systems; Jackson is on the list. In the 70's Jackson terminated its right to prior approval but didn't notify the state of this. All he's trying to do is get the plan to the state; the contingency is what the Board placed on the permit; this isn't a subdivision. The Board of Selectmen can send it to the state without considering 2.3 in order to get state approval. It was agreed the Board would deny the permit on the basis of Section 2.3.4.1.2 of the Zoning Ordinance with Selectman Dougherty noting this motion moves the process along so he'll do it even if he thinks this was done in the wrong way. **Selectman Dougherty, seconded by Selectman Davis, made a motion to deny the permit on the basis of Section 2.3.4.1.2 of the Zoning Ordinance. The motion passed unanimously.**
- b. Dame-Moser, Lisa – (Map VI, Lot 15) Waiting for Andy's Recommendation Inspector Chalmers recommends issuing a permit;

