

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
April 16, 2014
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John Hutton, Tobin Farwell; David Allen; Frank Reinhold, alternate; Roy Wilson, Alternate, non-voting; Craig Williams, Alternate, non-voting and Peter Hoyt, alternate non-voting.

OTHERS PRESENT: Judy Eitler; Frank Eitler; Susan Chalifoux; John Weaver; Mary Clark; Jean Benoit; Richard Salmon; Judy Strong; Jacqueline McCabe; Tom McCabe; Bill Hawe; Lisa Lentz; Emily Lentz; Marisha Heiderscheidt; Ben Heiderscheidt; Brian Szymanski; Mike Sievert; Robin Wunderlich; David Choat; Randy Hertzog; Liz Shey; Juliet Clark; Sharon Somers and Caren Rossi, Planning/Zoning Administrator.

The Board will consider a motion for rehearing filed by John Weaver, McLane Law Firm, representing Lee Residents for Their Neighborhood. This motion is to a variance that was granted to allow for a Dog Daycare and a Boarding Kennel with support services as well as the existing Profession Office Use currently on sight.

The aforementioned hearing was on December 18, 2013. Although this is a public meeting, the Board will not take any input from the public while deliberating on this matter. Information on the motion for rehearing is on file with the Office of Planning & Zoning.

Jim Banks, Chairman opened up the meeting at 7:00 pm and explained the Board will be going into a non-meeting with Town Council.

The Board returned.

Jim Banks, Chairman stated thank you everyone for your patience and waiting for us to come back. We have met with council and we are going to discuss the merits of the case as to whether or not this hearing was in our jurisdiction or not. Those voting will be the same people that voted on the hearing that occurred in December.

Frank Reinhold, stated well Mr. Chairman I have had more than an opportunity to read all the pages, listened to all of the council, evaluate it and received council and based on my personal review of this, I don't think there is cause to reconsider this hearing.

Jim Banks, Chairman asked discussion by anyone else?

David Allen stated I would agree with that.

Tobin Farwell stated there was proper notification to the abutters

Frank Reinhold state there certainly appears to be plenty of legal input here on both sides of the fence and I think we have received reasonable council on both sides; we have listened to or read it all. I am satisfied with the conclusion that we should not rehear it.

Sharon Somers stated can I just ask that the Board articulate just a bit more of whether they believe that notice was or was not properly issued by the town.

Frank Reinhold stated I think, number one, we have the case where we have the signature on file that is not a debate now right? It's not in this letter here.

Sharon Somers, stated correct, you don't need to get into a whole long detail, it's just important that when you say you don't believe a reconsideration is appropriate you mention somewhere in there whether or not you believe or don't believe that notice was satisfactorily complied with.

Craig Williams stated we covered all three cases adequately, and it appears that adequate notice was received.

Frank Reinhold stated and more importantly it appears based on our interpretation of the law, and the case history that goes with it, that town satisfied its requirement and then we accordingly had authority to act by the Board.

Jim Banks, Chairman stated the mailing was done as required by statue, and the one abutter that is not directly across the road is not directly across the road. It's not an abutter.

John Hutton stated the way I understand it is we have treated the applicant who asked for the relief no different than we did any other person in town and we did not treat the abutters any different than we treat the abutters in our normal mode of operation. I don't think we made any errors.

Jim Banks, Chairman asked any further discussion?

David Allen replied no I am good.

Jim Banks, Chairman are we ready to vote?

Tobin Farwell asked should we name who is going to vote on this, I know I am not voting on this.

Jim Banks, Chairman stated (turned to Caren Rossi) ok, you have the list of the people that voted last time.

Caren Rossi read John Hutton; Jim Banks, Frank Reinhold; David Allen and Roy Wilson.

John Hutton stated Mr. Chairman Id make a motion not to rehear this.

Jim Banks, Chairman asked do I have a second?

David Allen stated second.

Jim Banks, Chairman those in favor please say aye.

Vote: John Hutton; Frank Reinhold; Roy Wilson; David Allen

Jim Banks, Chairman those against, nay. None.

Jim Banks, Thank you

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

John A. Hutton III

David Allen

Frank Reinhold, Alternate

Roy Wilson