

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
September 4, 2013
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; Philip Sanborn; Roy Wilson, Alternate; and Peter Hoyt, Alternate.

OTHERS PRESENT: Lena McClellan; and Caren Rossi, Planning/Zoning Admin.

Jim Banks, Chairman opened up the meeting at 7:10PM.

Jim Banks, Chairman explained to the applicant that there were only 4 board members here tonight and she is entitled to 5. If the application is denied, lack of a full board is not a reason for an appeal.

The applicant understood and agreed to proceed.

Phil Sanborn clerked and read the notice and abutters into the record.

The applicants are Thomas Poland & Lena McClellan they are requesting a Special Exception to Article V- D, Special Exception. The request is to have a Bed & Breakfast in an existing outbuilding. The property is known as Lee Tax Map # 13-09-0600 and is located on 6 Radford Drive.

Jim Banks, Chairman asked the applicant to present her case.

Lena McClellan explained that she would like to put a Bed & Breakfast in her existing workshop. The former owners lived in this space while they built the home on the property. It has a septic system; a bathroom; heat and central air-conditioning now. It is an extra building that they have and they only currently use it for storage. There is plenty of parking. She would like to put in two bedrooms, living room, dining room and small kitchen. She would like this to help offset the property taxes. Where there is only one bathroom she doesn't see it being rented to two couples, but a family. She will do the cooking and laundry in her home. She will be using all local products. She provided a Google earth aerial showing the buildings. She doesn't feel there will be any traffic issues as she had 2 teenage daughters and their guests who produced more traffic than she feels this use will.

Jim Banks, Chairman opened up the floor to public comment.

Being none, the floor was closed.

The Board deliberated.

Jim Banks, Chairman stated he feels it is a very secluded location, very quiet use, no noise other than the cars.

Philip Sanborn and Peter Hoyt agreed as well.

Caren Rossi read for the Board the Special Exception Ordinance.

3. Authorize Upon Appeal Such Special Exception: *as may be permitted under the terms of this ordinance if the following criteria can be satisfied:*

- a. That the use will not be detrimental to the character or enjoyment of the neighborhood or to future development by reasons of undue variation from the kind and nature of the other uses in the vicinity, or by reasons of obvious and adverse violation of the character or appearance of the neighborhood or cause diminution in the value of surrounding properties;*
- b. That the use will not be injurious, noxious or offensive and thus detrimental to the neighborhood;*
- c. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk of life and property unsanitary or unhealthy emissions or waste disposal or similar adverse causes or conditions.*

The Board determined the Following Findings of Facts.

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board **has (all)** sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on _____.

For Special Exceptions permitted under Article V:

The use is specifically permitted under the terms of Article V for a Special Exception.

Yes: (all)

Satisfactory arrangements have been made for the following as required by Article V of the Zoning Ordinance:

1. Ingress and egress to the property and proposed structures or uses with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and in case of fire or catastrophe;

Yes (all)

2. Off-street parking and loading areas where considered necessary by the board;

Yes (all)

3. Control of noise, glare, odor or other potentially adverse effects of the proposed use on nearby property and screening or buffering to alleviate such effects;

Yes (all)

4. Refuse and service areas; **NA**
5. Control of drainage and erosion; **NA**
6. Lighting must be installed with due regard to glare, traffic safety and compatibility and harmony with adjoining property and the character of the area.
NA

In addition, the following criteria have been satisfied:

1. A landscaped buffer zone must be maintained between the Special Exception and any residential lot line.
Yes (all)
2. Signs must conform to requirements of Article XVII of this ordinance.
Yes (all)
3. Only one (1) residential structure and/or one (1) business shall be permitted for that use on each lot.
Yes (all)

For all Special Exception requests, findings and rulings.

After reviewing the above, the Board has determined the following findings of fact, all of which must be satisfied to grant a special exception as required by Article XXII.3 of the Zoning Ordinance.

- 1) The proposed use **will not (all)** be detrimental to the character or enjoyment of the neighborhood or to future development by reason of undue variation from the kind and nature of other uses in the vicinity or by reasons of obvious and adverse violation of the character or appearance of the neighborhood or cause diminution in the value of surrounding property.
- 2) The use **will not (all)** be injurious, noxious or offensive and thus be detrimental to the neighborhood.
- 3) The use **will not (all)** be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk of life and property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions.

Philip Sanborn made a motion to GRANT the request from Thomas Poland & Lena McClellan they are requesting a Special Exception to Article V- D, Special Exception. The request is to have a Bed & Breakfast in an existing outbuilding. The property is known as Lee Tax Map # 13-09-0600 and is located on 6 Radford Drive.

Roy Wilson second.

Vote: all

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

Philip Sanborn

Peter Hoyt, Alternate

Roy Wilson, Alternate