

**MINUTES  
NEW DURHAM ZONING BOARD OF ADJUSTMENT  
12 AUGUST 2014**

Chairperson Larry Prelli called the meeting to order at 7:02 pm.

**Roll Call:** Larry Prelli (Chair), Joan Swenson, Wendy Anderson, Dave Shagoury (Alternate), Stephanie Kearns (Alternate), Recording Secretary Laura Zuzgo.

**Others Present:** Atty. John Cronin, Atty. Arthur Hoover, Russell Weldon, Patricia Weldon, Evan Goldner, Mark McKeon (Real Estate Appraiser), Bradford Jones (Jones & Beach Engineering), Stephen Pernaw (Pernaw & Co. Inc.), Bill Bassett, Faith Fenske, Jim Fenske, Tammy Hutchinson, Jan Bell, Dan Bell, Dennis Neyland, Donna Vello, Leonard Nolan, Dorothy Nolan, Adele Haskell, Carol Neyland, Debbie Bonanno, Cathy Allyn (Baysider Reporter), Matt Murphy, Peter Bodwell, Ray Weigle, Patricia Weigle, Terry Chabot, Ernie Ringer,

**Public Hearing Case: 2014-02 – Application submitted by Atty. John Cronin on behalf of Water Monkey Camp, LLC. The applicant is seeking a Special Exception as specified in Article VIII Section A(1)(a) of the New Durham Zoning Ordinance in order to permit a seasonal water ski and activity camp to be rented at the Cove Cottages. The property in question is located at 298 Merrymeeting Road (Tax Map 119, Lots 11& 32) and is owned by Russell Weldon.**

Chair Prelli introduced Board members and designated Mr. Shagoury and Stephanie Kearns to sit in as voting members. Chair Prelli asked Atty. Cronin and Atty. Hoover if they felt there were any Board members who should not sit in on the case due to a conflict of interest. Atty. Cronin and Atty. Hoover stated there is no issue with a conflict of interest. Chair Prelli stated the hearing follows methodical procedures. After the presentation by the Attys. and the experts, the Board members will ask questions. Then the hearing would be opened to the public who will direct all their questions and comments directly to the Board.

Atty. Hoover stepped forward and stated he would be giving the Board an overview of the application. He gave a brief summary of his background and explained who each of the witnesses were who would be presenting evidence to the Board. He stated the property involved is Map 119 Lots 11& 32.

He stated he had a chance to read the two letters submitted to the Board and would like address the concerns mentioned.

- 1) He wanted to point out the ZBA is a land use board and their jurisdiction ends at the water's edge. He stated it is important for people to understand the State owns the Lake and that what happens on the water is under the State's jurisdiction.
- 2) They are not trying to change the ordinance.

- 3) This will not set precedence because this is not a court of law.
- 4) There is no change in the structures. They are equipped with a kitchen and a bathroom and a new septic system has been put in.
- 5) The Water Monkey Camp has been using the lake for three summers for water ski lessons.

Evan Goldner is looking to lease the cottages for his students. The cottages will still be rented for the summer but with only one tenant. Atty. Hoover stated they are seeking a special exception not a variance. BI Arthur Capello sent a letter dated April 5, 2014 to Mr. Weldon stating that in his opinion the proposed use would be permitted as a special exception under Article VIII. In response to that letter the PB sent a letter dated April 17, 2014 stating that Mr. Weldon is under obligation to follow the provisions of Article VIII of the New Durham Zoning Ordinance which is which is confirmation this where they belong. He went on to explain that Article VIII A1(a) Commercial uses of land in the Town of New Durham are permitted as a Special Exception in the areas designated most suitable or moderately suitable for urban growth, as shown on the Land Use Suitability Map. Atty. Hoover informed the Board that Mr. Goldner and Mr. Weldon made a presentation to the Merrymeeting Lake Association (MMLA) in June. It was well attended and a vote was taken with a result of three to one in favor of the Camp. He then handed out a Notice of Conditions of the Lease as agreed upon by Mr. Weldon and Mr. Goldner. Atty. Hoover explained that the Statute states it is a permitted use if the criteria are met.

Atty. Cronin introduced himself and explained his affiliation with this case. He explained the case involves pre-existing structures with a historical use as seasonal rentals. With the associated background the original intent was to seek continued occupancy for residential purposes and the right course of action would be to submit a site plan review. They approached Atty. Hoover to determine if that was the right course. They submitted to the Planning Board (PB) for a hearing to discuss what they thought was a necessary course of action. The PB debated if it was a residential or commercial use. At that point they reserved their rights this type of relief is not necessary but in the spirit of co-operation there was discussion between Atty. Hoover and BI Arthur Capello to get a sense of what the people of authority in the Town thought was the appropriate course to take. He explained that the Land Use Suitability Map was a relatively new concept to him and met with the BI to get a better understanding of it and to discuss if the Town required a variance or a special exception. It was determined by Mr. Capello that based on the maps, they did qualify to pursue a special exception. Atty. Cronin introduced Mr. Pernaw has a long history in the State as a recognized expert in traffic studies and evaluations. Mr. Pernaw was asked to conduct a traffic study and count of the area during the busy season.

Atty. Cronin stated the focus is on what needs to be done to satisfy criteria in the Zoning Ordinance. He stated there are no new structures. Also under the current use there is a maximum capacity of 44 and under the new proposal there will be a maximum limit of 30. Currently there are no restrictions on outdoor hours, parties and noise. Under the proposal there will be a strict curfew from 10:00 PM to 7:00 AM. There is currently no restriction on alcohol or tobacco use and under the proposal there will be no alcohol or tobacco use. Under current use there are unlimited numbers of cars coming and going all hours of the day and night. Under the new proposal there will be drop-offs on Sundays and pick-ups on Saturdays staggered over a

number of hours to reduce congestion. Under the current use there is an unlimited number of boats with no special boat inspections and the possibility of drivers being untrained and unlicensed. There is a condition the applicants have agreed to of a limit of two power boats. The Camp boats are commercially certified and inspected by the State of New Hampshire each year. They carry extra safety equipment and must be operated by a commercially licensed driver. Currently there are no restrictions on boat use, days or hours. The proposed use instruction is limited to week days only from 8:00 AM to 12:00PM and 1:30 to 5:30PM and no weekend classes. Under the current use there are no supervision requirements or limitations on children and teens. Under the proposed use campers are supervised 24/7 by trained staff members. Under the current use there is no mandated life guard or first aid personnel. Under the proposed use staff members are all first aid certified or higher as life guards. Under the current use there are no planned activities during inclement weather and under the proposed use during rainy days campers are engaged in structured programs or taken off site for alternative activities. Under the current use there are different campers each week every year with no real connection to the community whereas with the proposed use there will be a single occupant in control, who has connections to the lake and goals to keep it pristine and give back to the community and will be a source of contact for people in town with any questions or concerns.

He then read the specific criteria in the ordinance: No business, commercial or industrial venture or use shall be permitted which could cause any undue hazard to health, safety or property value or which is offensive to the public because of noise, vibration, excessive traffic, unsanitary condition, noxious odor, smoke or other similar reason. He said the other criteria apply to new buildings of which there are no proposed new buildings and excavation and there is no excavation proposed. He then introduced Mr. Jones.

Mr. Jones of Jones & Beach Engineering then spoke of the locus and the site plan. He presented a color rendering of the site in its current condition. He stated the buildings in the rendering are the ones currently on the property and no new buildings will be added. He explained there is a brand new leach field 250' from the water that has been State approved and that each cottage has a new tank that will pump to the leach field. Atty. Cronin asked Mr. Jones to identify the parking areas. Mr. Jones pointed to the rendering showing an 11 space gravel parking area in front of the meeting house and a gravel parking area in front of each of the cottages. He also stated there is a handicap parking area for the meeting house.

Atty. Cronin introduced Mr. Pernaw. Mr. Pernaw stated Pernaw & Co. is a small engineering firm out of Concord that specializes in traffic & transportation studies and has been doing this for over 25 years. They were asked to conduct a safety evaluation in terms of vehicles and pedestrians for this site. Mr. Pernaw gave an overview of what they did.

- 1) Researched available traffic data
- 2) Reviewed the proposal by Water Monkey Camp because it is important for estimating traffic and how many trips it will generate
- 3) Installed a traffic counter on Merrymeeting Road at the subject site where there is an existing crosswalk
- 4) Conducted a pedestrian count
- 5) Evaluated site distance for both driveway and crosswalk
- 6) Manual turning movement count on the road at the existing driveway

- 7) Monitored vehicle speeds for a 4 week period
- 8) Additional analysis concerning traffic operations

Mr. Pernaw presented a table summarizing available traffic count data. The data showed that the traffic count is lower during the week than on Saturday or Sunday. The data they collected was in line with this. He explained the really important information is the hourly rate of flow and presented a graph showing the peak is on Saturday midday and a little later in the day on Sunday. The hourly rate of flow at that time of day was 106 cars per hour. Next he showed a chart of the pedestrian count. He explained they ran the count from 10 AM to 1 PM showing a peak of 45 persons. He also said they observed there are pedestrians and bicyclists walking down the road and sometimes in the middle of the road. That is a testament to the fact there is no high traffic volume in that area. They did an intersection count on Merrymeeting Road north & south and the cottage driveway. The highest traffic volume hour was 11:30 AM to 12:30 PM on Saturdays. He showed pictures of the different turns. Ms. Swenson asked what time of day the study was conducted. Mr. Pernaw stated between 10:00 AM and 1:00 PM. She asked why not around 8:00 or 9:00 in the morning.

Mr. Pernaw went on to explain the speed survey which showed the average speed for work days as well as weekends at 23 miles per hour. He explained that engineers use an 85 percentile speed. That is the speed 85% of the people travel at or below. That turned out to be 28 miles per hour. This area is not conducive to high speed travel.

The next chart shows an attempt to compare the number of vehicle trips expected to be generated by the Water Monkey Camp on a daily basis. They attempted to compare it with a generic hotel and a resort hotel. The data comes from the Institute of Transportation Engineers trip generation manual. It is a manual where they can look up different land use categories and come up with an estimate of trips. This is national data. They came up with an estimate of 38 week day trips, 134 Saturday trips, and 112 Sunday trips. They developed their own trip estimate for the Camp at 71 on Saturdays. He said he was confident in saying the proposed use will generate less traffic than a typical hotel or motel. Pedestrian crossing is estimated at 300 crossings.

They did a site distance review at the site. Mr. Pernaw referred to the pictures that were taken and displayed. There were pictures of the site distance from the crosswalk heading to the beach and the water side. There is a site distance of approximately 300 ft. For a vehicle to stop traveling at the 85 percentile rate of speed would take 178 ft. Mr. Shagoury argued that there was 300 ft. of site distance in that area from the crosswalk. They recommend a different pattern for the crosswalk making the longitudinal lines 18 in. wide with 12 in. spaces by 6 ft. long giving a lot more visibility for an approaching vehicle and if the Town chose to, they could put in pedestrian crossing signs. The last recommendation they would make would be to trim some of the foliage.

To summarize, Merrymeeting Road is a low volume road with many pedestrians. Weekday traffic volume will be lower. The site is not going to generate a significant amount of traffic. There is ample site distance and a chance for even more. Mr. Pernaw stated that in his professional opinion this proposed use is not going to create an undue hazard for vehicles or pedestrians.

Atty. Cronin asked that because of a concern of one of the Board members would Mr. Pernaw explain how they measure site distance as opposed to the distance to the shrubbery that may be in the Town's right-of-way. Mr. Shagoury said he was not disputing the traffic site but the pedestrian's site, the fact you do not see the pedestrian until he is in the road. Mr. Pernaw said the camera view shows there is several hundred feet of road when the vehicle comes around the corner. He went on to answer Atty. Cronin's question. He stated they have a target at the crosswalk at the edge of the pavement before they cross. They then go down the road with a wheel to measure to the line of site and start walking up the road until they see the target and then start measuring. Mr. Shagoury said the pedestrian may not appear until the car is within 25 or 30 ft. because the pedestrian is stepping out from behind the shrubs. He does not believe the pedestrian is going to see the car until he is in the road or the driver will see him. Chair Prelli said he would like to hold all questions until the presenters are done.

Atty. Cronin spoke about some of Mr. Pernaw's recommendations. He stated that in respect to marking the crosswalk, Mr. Weldon would be willing to update the striping of the crosswalk and if the Town officials want signs Mr. Weldon would be willing to help with that as well. In regard to the shrubs in the Town's right-of-way, Mr. Weldon would be willing to contribute to the cost of cutting them back. He told the Board that he would submit a copy of Mr. Pernaw's report to them.

Atty. Cronin then addressed issues raised with the fish hatchery. Mr. Glenn Normandeau was asked to submit a letter explaining the impact to the fish hatchery. Mr. Dow stated in his letter that both the house and the moving of the meeting house had no detrimental impact on the water quality at the fish hatchery. Atty. Cronin provided the Board with a copy of the letter.

Atty. Cronin introduced Mr. McKeon explaining he is a licensed appraiser in the State of New Hampshire and is qualified as an expert witness in the Superior Courts and the Board of Tax and Land Appeal. Atty. Cronin said they asked Mr. McKeon to do a physical inspection and to render his opinion on the impact to the market value taking into consideration its current use and proposed use and those restrictive covenants proposed. Mr. McKeon has rendered his opinion that as one user running a water ski camp compared to unlimited rentals to a number of people would not have a detrimental impact to market values of properties in the area. Atty. Cronin asked Mr. McKeon to explain what he did and how he reached his conclusion. Mr. McKeon stated he owns and operates a residential real estate business in Bedford, New Hampshire. He has been a residential appraiser since 1988 and has made a career out of studying what buyers and sellers do and why they do it. He reviewed both the current and proposed uses of the property and went through all the material presented at the meeting. It is his opinion that there would be no impact to the value of area properties with this change in tenant. He stated based on the fact that there would be a better controlled environment with the Water Monkey Camp with no alcohol, no tobacco, and a curfew it was entirely likely that the property values would be enhanced rather than hurt by the change in tenant.

Atty. Cronin made one last point. He asked Mr. Jones to calculate the square footage of parking spaces as the requirement is 3000 sq. ft. Mr. Jones stated there is a total of 29 parking spaces 18 ft.x9 ft. and there is 4700 sq. ft. of parking. Atty. Cronin said that was the end of their presentation.

Chair Prelli explained the procedure that would be followed. First the Board members would ask questions of the panel and then the Board would hear from abutters and then would open the floor to the general public.

Chair Prelli asked Mr. Weldon for clarity of the understanding that the change in use would remain with the property. Mr. Weldon stated he understood that to change the use would require going through the process again. He said he spoke at the Merry Meeting Lake Association meeting about Mr. Goldner about renting the cottages for his water skiing camp. Mr. Weldon stated he thought it would be a benefit to the area. There would be one renter with a maximum of 30 occupants and there would be only two boats instead of six. Mr. Weldon stated he feels the water ski camp would be a benefit to the area. Chair Prelli asked if it was commercial use or residential use. Atty. Cronin stated they started the process as residential use and that BI Capello defined it as commercial use and Town council also felt it was commercial use because it is tied with a camp. The applicant stated he is following the direction recommended by the Town building official.

Ms. Swenson asked if all the buildings are represented in the site plan. Mr. Jones said that everything on the plan is there today and will not be changed. Ms. Swenson said she saw heavy equipment on the property. Mr. Jones said there was an elaborate septic system put in in the spring and the meeting house was moved to the property in June. Ms. Swenson asked Mr. Pernaw how he came up with the 10AM to 1PM time period to use for the study. Mr. Pernaw said the peak time was Saturday mid-day. He explained they did a study for 7 consecutive days 24 hrs. a day and determined Saturday mid-day was the peak time. Ms. Swenson asked what dates they conducted the study. Mr. Pernaw stated they conducted the study from July 8 through July 14. Ms. Swenson asked Mr. Weldon about why boat route rotation was not in the agreement. Mr. Weldon stated it was not in the agreement and was not in the original agreement. Atty. Cronin said it is his fault that issues involving the water were left out because the Board has no jurisdiction over the water. Ms. Swenson asked Mr. Weldon if he knew what the current average of occupants is now. He stated he did not. Ms. Swenson asked how many weeks would be involved. Atty. Cronin stated it is for the season which could have a varying number of weeks. Ms. Swenson asked what the curfew for the counselors is on Saturday nights. Mr. Goldner stated the curfew, no alcohol and no tobacco are for the campers and counselors. He also pointed out that not all of the children go home because some choose to stay an additional week so there are children in the camp on Saturday nights. Ms. Swenson asked if there is ample parking if the parents did not follow the drop-off and pick-up schedule. Mr. Weldon stated there is a grassy area with no septic that can be used for parking if necessary. Ms. Swenson stated if this is approved she would want the restrictions to go with the property if it is sold.

Mr. Shagoury asked if the restrictions would be included in the deed. Atty. Cronin stated it would typically be shown on the conditions of approval and would appear in the official notice of decision and the Town could record the notice at the registry of deeds and it runs in perpetuity with the use. Mr. Shagoury asked if the property is going to sit empty during the off season. Mr. Weldon stated the cottages are uninsulated and have small wall space heaters. There is no foundation on the cottages. Mr. Shagoury asked if it is going to be used for boat storage or anything else. Mr. Weldon said no. Ms. Swenson asked for clarification on the item "keep the

lake pristine and give back to the community” as found in the ‘supplement to application for Special Exception’ dated 21 July 2014 as in it is not found in the notices of conditions of lease. Mr. Weldon answered stating for every 20 children in the camp one scholarship per week is given to the Town in each session which they can use for fundraising or give for specific Town use by the Parks & Recreation Department to give to a needy person they want to award it to. Mr. Goldner answered the second part about keeping the lake pristine. He said that since he first started running a camp he has taught and practiced recycling. They use carbonfund.org to offset and plant trees.

Ms. Kearns asked if the giving back to the community was in the agreement. Mr. Weldon stated it is not in the agreement presented to the Board but is in the agreement between Mr. Goldner and himself. Atty. Cronin said it is not a land use component and that is why it is not in there.

Chair Prelli opened the public input at 8:37 PM. He invited the abutters to speak first. Ms. Hutchinson said she is an abutter to Cove Cottages and after reading everything available feels it is a great thing.

Ms. Bonanno stated she has flower gardens and a catwalk and big swells of water wash her off the catwalk. She also wondered what the impact would be on the retaining walls on the lake. They will wear and people will have to pay to replace them. She does not understand why they want to do this on such a small lake and she is uncomfortable with it.

Ms. Weigle asked what the size of the boats would be.

Ms. Chabot asked who the applicant was Mr. Goldner or Mr. Weldon. She also asked if Mr. Weldon wanted to sell the property to Mr. Goldner or another person how does the zoning go. Chair Prelli said the decision would go with the property.

Mr. Snow read statement he had written and gave a copy to the Board for consideration and inclusion in their files.

Ms. Bell commented on the handout received at the Merrymeeting Lake Association meeting, the current use versus the proposed use. She said you are comparing a group of teenagers to a group that is largely parents. It implies the parents do not supervise their children and let them run all over the place. It implies that vehicles are leaving at all hours of the night and she does not believe that to be true. The property has a 56 sq. ft. dock. She does not think it can hold six boats because it cannot hold more than two. Two regular boats are not equitable to two wake board boats. Those boats will be out there 40 hrs. a week each so she does not believe they are comparing equal things.

Mr. Neyland read a statement about the land use of each of the lots and the notice of hearing for this meeting. He gave the Board a copy of his statement to place in their files.

Mr. Fenske stated he believes there is a definite safety hazard at that corner. There are three streets coming together along with a boat ramp. He pointed out that the pictures did not show the trailers and trucks and cars that are usually parked there. They back up and pull forward into the lanes of traffic and that is a safety hazard that has not been considered. Secondly he does not

believe the camp is going to stop the campers from going down to the marina to get ice cream or soda and they are going to have to walk on the highway and he thinks that is safety hazard. He believes there is safety hazard for injury with this kind of sport. He mentioned an incident where an adult was injured. He also believes there is a property value impact. People living on the lake are saying the lake is changing. He feels if there is a commercial enterprise operating out of a residential area it will accelerate that change and the change will be a detriment to property value. He feels the camp could impact the tax rate which will affect the value. The camp will not be paying any more in taxes but will demand greater services such as police, fire, and EMT response. He would like the Board to consider section D of the Article.

Ms. Vello said she was at the MMLA meeting. The vote was approx. 100 affirmatives to 31 negatives and feels it is important to put the numbers in perspective. The members of the association generally represent less than 50% of the property owners on the lake. There were two ballots allotted per membership so each household had two votes, which means only about 65 households participated in the vote. The meeting was not well publicized. Many association members and non-association members were not aware of the meeting. It is clear the vote in favor of the camp using the cottages represents a small percentage of the Association members and an even smaller percentage of the property owners on the lake. With the short and long term impacts of the proposed change unknown, it is hard to see how anyone could benefit other than the applicant and the owner. There are roughly 400 households on the lake that will be affected by this change. Ms. Vello would urge the Board to put the best interest of the Town and its taxpayers first and not approve this change in use. She said that a lease agreement can be changed. In the Notice of Conditions it says the applicant has the right to an occupancy rate of 44 persons. If this doesn't legally change the occupancy rate to 30 maximum, the Town will not be able to enforce it. She stated the boats are in front of her house a lot of the time with megaphones and for her she does not want them on the lake on weekdays because it is going to create more damage. She also said the fact that the drivers are going to be licensed and the boats registered should not have been brought up. All boats have to be registered and drivers licensed.

Mr. Bodwell stated his concern is that it is going to continue to get bigger and where is the preservation in cutting down the pines and clearing land. He is worried about the growth and is afraid the lake will lose its appeal.

Mr. Bell stated the position right now is going to set precedence. He does not like it. He believes if the Board allows this use it will set precedence for future commercial use on the lake. He told Ms. Swenson that it was indicated by Mr. Goldner at the MMLA meeting that he would probably go from one boat 8 weeks to two boats ten weeks.

Mr. Booth stated he has seen the commercialization of this area expand over the years. He gave a brief history of the area and the changes he has seen. He stated that Mr. Weldon owned several parcels of land and that Mr. Weldon uses two of them for boat storage. He said excavators have decimated the land. He said it is across the lake from his place and is ugly to look at yet he is assessed a view tax. He wanted to know who is going to be responsible for trash removal. He feels it should be written in the covenants that Mr. Goldner is responsible for his own trash removal and cannot use the Town dump. He does not agree with the traffic study and he feels the Town should hire an independent engineer to conduct a study. His other concern was that

they spoke of no alcohol and no tobacco but made no mention of drugs. He also said he had not heard it stated that there would be a counselor assigned to each cottage. He said it could be an added liability to the Town. If the Town did not respond quickly enough to a call there could be liability issues.

Mr. Murphy stated that one of the things about the proposal is that they will know what they are getting by having just one tenant with restrictions instead of various tenants with no restrictions. He would encourage the Board to approve the proposal.

Atty. Cronin responded to the comments. He stated that many of the comments were about the water. There is unlimited public access to the lake. Anyone can put a boat in the water. The concern about the number of boats being 6, there is no proposal for 6 boats. The concerns about the bullhorns, Mr. Goldner assures that will not be the case. He stated the Board is not able to set precedence; each is a case by case decision. The only court that can set precedence is the Supreme Court. He stated that the Zoning Ordinance and the Suitability map the Town adopted at Town Meeting. They were following the ordinance and maps in place at the time they submitted the application. The Town officials at that time determined this to be commercial and the applicant could apply to the ZBA for a special exception. They have brought in experts who have a responsibility and duty to do their job. There have been no other experts to speak at this meeting. He would ask the Board to consider what has been submitted and make a decision to grant the special exception.

Mr. Fenske asked what happens next. Chair Prelli said he closes the public portion and the Board members deliberate and make a decision.

Atty. Cronin said there were a couple of issues that had been brought up that he had failed to address and Mr. Weldon would like to address. Mr. Weldon said it was brought up about 44 people in two boats which is an impossibility. The reason for 21 kids and two boats is because that will fit the standard boat of 21 ft. He said the other issue was staffing. There is one staffer for every three children and there is one staffer in every cottage at night. The other clarification was to the crossing of the road. He said there has never been one incident in the 60 years of cottage rental. He stated he checked with the police on this.

Ms. Bell asked how perpetuity is enforced and what happens if the camp closes and another business wants to move in. Chair Prelli said the new business would have to come before the Board for a special exception.

Ms. Weigle asked if they were going to be specifying the exact size of the boat in the restrictions. Ms. Swenson responded by saying any restrictions that are designated go with the property as long as it is a camp. The ZBA can add some of its own restriction requirements.

Ms. Vello stated she wanted to clarify that one piece of property is on the lake side and zoned residential.

Ms. Chabot asked who would enforce the restrictions. Chair Prelli answered it would be the Code Enforcement Officer.

Chair Prelli asked for clarification on the third property which is where they get water access. Cove Cottages is across the street away from the lake and is there are tax map references on the notice. He asked why the lake side piece of property was not on there. It was pointed out that it is. (It was clarified there are only 2 lots.)

Mr. Weldon gave a history of the property explaining that the two properties have been commercial for 60 years. He clarified there will not be campers in the building on the water side. The camp runs strictly on the other side of the road. Chair Prelli said there have been concerns raised and he does not have any evidence about the status of that particular property. He asked if they were going to be making a different use of it. Mr. Weldon stated no. There is no different use. It is a clubhouse where people can eat and there is a bathroom. Chair Prelli asked if it was the water access for the boats. Mr. Weldon said it was one of three. There is the public boat ramp and the marina as well as the property.

Ms. Bell stated the Water Monkey website talks about their own private beach which is also located on the property at 299 Merrymeeting Road.

Mr. Bell reiterated that the dock is residential and commercial boats cannot use the dock. Ms. Vello state the owner stated the property has been commercial forever. That is not true. The property is zoned residential and is taxed as residential property.

Chair Prelli closed the public input at 9:26 PM.

**Chair Prelli made a motion to approve the special exception as specified in the public statement. Wendy Anderson seconded the motion.** Discussion: After a lengthy discussion the Board members determined they needed more information and clarification from the Planning Board as to whether or not both pieces of property were considered commercial. Chair Prelli withdrew his motion.

Chair Prelli said the Board has voted to continue the meeting until August 26<sup>th</sup>, 2014. He stated the Board has made good progress but needs to solicit more information. Atty. Hoover said he thought he might be able to provide some of the information the Board is looking for. Ms. Swenson said that after hearing everyone speak and reading all the documents, the Board should give careful consideration as to whether there are any conditions they want to add to what the applicant has submitted. Atty. Cronin requested the same panel for the meeting and if by chance someone can't make it, they might exercise their right to recess it again to a date everyone can get together. Chair Prelli said they received a considerable amount of information that was not included with the application and this would give the members a chance to review it.

The Board took a two minute break.

#### **Approval of the Minutes:**

**David Shagoury made a motion to approve the minutes of July 8<sup>th</sup>, 2014 as amended. Joan Swenson seconded the motion. The vote was 3-0 with Wendy Anderson and Stephanie Kearns abstaining.**

**Joan Swenson made a motion to recess the meeting until August 26<sup>th</sup>, 2014 at 7:00 PM at the Town Hall. Wendy Anderson seconded the motion. The vote was unanimous.**

The meeting recessed at 11:09 PM.

*Respectfully Submitted by  
Laura Zuzgo*