

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **MARCH 7, 2019**

4 **PRESENT:** Aaron Simpson, Vice Chair; James Lyons, Jr.; William Larrow; George Neuwirt; Jeffrey Claus,  
5 Alternate; Clayton Platt, Alternate; Nicole Gage, Zoning Administrator

6 **ABSENT:** Daniel Schneider, Chair

7 **ALSO PRESENT:** See Sign-in Sheet

8 Vice Chair Simpson called the meeting to order at 7:00 pm.

9 **CASE #ZBA19-02: PARCEL ID: 0106-0005-0000: SEEKING A VARIANCE PER ARTICLE IV, SECTION 4.10 TO**  
10 **PERMIT DOG SITTING BUSINESS. 1002 MAIN ST, GEORGES MILLS; GEORGE & SUSAN NEUWIRT.**

11 Mr. Neuwirt recused himself from the case.

12 Mr. Lyons made a motion to approve Mr. Claus and Mr. Platt to sit in as voting members for the  
13 meeting. Mr. Larrow seconded the motion. The motion passed unanimously.

14 Susan Neuwirt and George Neuwirt presented the merits of the case.

15 Mrs. Neuwirt said that there was some confusion regarding if she needs a Variance because their Zone  
16 permits home businesses. It is a home business that is not addressed in the Ordinance because it is not  
17 a kennel; the Ordinance does not discuss pet-sitting done in someone's home. Vice Chair Simpson said  
18 that the Board does have copies of the correspondence between the Neuwirts and the Zoning  
19 Administrator in which Ms. Gage suggested to the Neuwirt's that if they did not like her decision then  
20 they could appeal. Mrs. Neuwirt confirmed that they chose not to appeal Ms. Gage's decision. Vice  
21 Chair Simpson said that he does not then think that it is relevant to the discussion at this point.

22 Mrs. Neuwirt said that the reason she is requesting a Variance is because dog-sitting is not addressed in  
23 the Ordinance. Mrs. Neuwirt went over the criteria for a Variance per her submitted application.

24 Mrs. Neuwirt said that the proposed use would not diminish the surrounding property values because it  
25 is a low impact business and the majority of it takes place inside her home. There will be no changes  
26 made to the outside of the home and she does not necessarily need signage. When the dogs would be  
27 outside, she has a fenced in area and she would be supervising the dogs; they would not allowed to be  
28 outside barking or be left unattended.

29 Mr. Platt asked how many dogs might be at the property at one time. Mr. Neuwirt said that he would  
30 like Mrs. Neuwirt to be able to present the case and then take questions at the end. The Board agreed.

31 Mrs. Neuwirt said that she does not feel that granting the Variance would be contrary to the public  
32 interest because she does not see how the public would be affected in any way. Everything will take  
33 place inside her home and nothing will be built or altered.

34 Mrs. Neuwirt said that denial of the Variance would result in unnecessary hardship because there are  
35 already several businesses on the street and they all have significantly more impact than what her  
36 business is proposing. Also, she is allowed by right to have a home business and the use that she is  
37 proposing is a very reasonable use.

38 Mrs. Neuwirt said that no fair and substantial relationship exists between the general purposes of the  
39 Zoning Ordinance and the specific restrictions on the property because her proposed use does not affect  
40 the health, safety, or general welfare of the community in any way. It does not threaten the natural  
41 resources or the vitality of the Town or neighborhood. She does not think it will diminish surrounding  
42 property values because nothing is changing on the outside of the building.

43 Mrs. Neuwirt said that the Variance would not injure the public or private rights of others because  
44 someone would be hard-pressed driving by the property to know this business is taking place. There will  
45 probably be no signage and traffic will be extremely limited because this property is located right on the  
46 corner of the road so there will be no traffic going down the road. The dogs are inside the home the  
47 majority of the time and are not left unattended as she works from home and is there all the time.  
48 When the dogs do go outside, the yard is completely fenced in and the dogs would be attended.

49 Mrs. Neuwirt said that granting the Variance would do substantial justice because there is a real need in  
50 the area for people to have a place to leave their dogs that they feel good about. People are very  
51 attached to their dogs and treat them like children and no one feels good about going on vacation and  
52 knowing their dogs are in a cage.

53 Mrs. Neuwirt said that the use is not contrary to the "Spirit of the Ordinance" because the proposed use  
54 is actually less of an impact on the surroundings than many of the uses allowed by right in their district.  
55 A daycare is allowed by right and has more of an impact because multiple parents would be dropping  
56 kids off every morning and then picking them up in the afternoon. She is proposing having people drop  
57 their dogs off for a week or so at a time. There will be far less traffic than a daycare, which is allowed by  
58 right. Also, it is semantics because a daycare is allowed by right and lodging is allowed by right and she  
59 is lodging dogs.

60 Mrs. Neuwirt gave the Board members copies of Wikipedia's definition of a kennel. She said that the  
61 definition is the opposite of dog-sitting, which is what she will be doing. There is a picture on the  
62 document she submitted that shows a caged in area with outdoor runs and she will not be doing that.

63 Vice Chair Simpson said that while this is not a large project it is a use that he thinks could have issues  
64 regarding the neighborhood and the community and he wonders if they should have a joint meeting  
65 with the Planning Board. Mr. Claus asked if there are certain things that Vice Chair Simpson sees that  
66 would lead him to think there should be a joint meeting. Vice Chair Simpson said that traffic is one as  
67 Mrs. Neuwirt said she was on the end of the road and would not cause traffic. However, she is also at

68 the beginning of the road so traffic could be increased going down the road. Another is parking because  
69 if more than one person shows up at the same time there is not a lot of parking available on the site.  
70 These are not Zoning Board issues, however, they are impacts to the neighborhood and he thinks it has  
71 some bearing. Mr. Platt said that he would like to learn the scope of the business. Vice Chair Simpson  
72 said that he was only asking because if someone thinks it is important then it might be better to decide  
73 early rather than go through the whole hearing. Mr. Larrow said that he does not mind going through  
74 the whole presentation.

75 Mr. Larrow asked and Mr. Neuwirt said that he would like to present the case in its entirety before the  
76 Board starts deliberating.

77 Mrs. Neuwirt gave the Board pictures of the property showing the fenced in area. Mr. Neuwirt also gave  
78 the Board copies of a survey showing that the fenced in area is 1,200 sq ft. Mrs. Neuwirt said that the  
79 fence is existing and has been there for a few years.

80 Mrs. Neuwirt said that she understands that the property is close to the lake and many people are  
81 concerned about dog waste and runoff into the lake. The property is on Town water and sewer and she  
82 did a lot of research on how kennels and the SPCA deal with waste. The EPA and National Resource  
83 Defense Council say that the best way to deal with dog waste is to flush it down the sewer system so it  
84 can be dealt with through the municipal system. It is the safest way because dogs are meat eaters and  
85 have parasites that need to be killed. Mrs. Neuwirt gave the Board copies of the documentation saying  
86 how dog waste should be handled, though it should not be flushed down a private septic system. Mrs.  
87 Neuwirt gave the Board copies of a letter from Dave Bailey, the Water and Sewer Superintendent,  
88 saying that he agreed that the dog waste could go in the sewer system. Mrs. Neuwirt gave the Board  
89 copies of documentation regarding a Powerloo, which is a way to dispose of dog waste; it is like an  
90 indoor toilet but it is installed in the ground outside. Mrs. Neuwirt explained how the Powerloo works  
91 to the Board. Mr. Neuwirt explained that this would be installed to address abutters' concerns  
92 regarding runoff of waste into Muzzey Brook. Mrs. Neuwirt gave the Board copies of a photograph of a  
93 what a big kennel such as the SPCA has inside their facility. Mr. Neuwirt said that Mr. Bailey told him  
94 when they first started the Treatment Plant, they used horse manure to help prevent the waste water  
95 from freezing. Mrs. Neuwirt said that composting is not recommended if there are multiple dogs  
96 because there are parasites and diseases in the dog waste and if it does not get up to 160 degrees the  
97 parasites are not killed. Additionally, it could not be used in a vegetable garden, therefore, composting  
98 is not a good option for the dog waste.

99 Mrs. Neuwirt said that Ms. Gage told her that she received some letters against her proposed business.  
100 However, she has five letters in support of proposal and she gave copies of them to the Board. Mrs.  
101 Neuwirt continued that two of the people live directly across the street from the fenced in area and if  
102 anyone were to object she would have thought it would have been them.

103 Vice Chair Simpson read the letters from the abutters into the record; copies of all the letters will be in  
104 the case file. Vice Chair Simpson first read the letter from Steven and Karen Marshall of 1029 Main St.  
105 Vice Chair Simpson read the letter from Susan Neuwirt to Kenneth P. Burt of 5 Sunny Knoll Rd who

106 replied "OK". Vice Chair Simpson read a letter from Jeffrey and Hilary Roosevelt of 1017 Main St. Vice  
107 Chair Simpson read a letter from Aland and Joan Spahr of 4 Sunny Knoll Rd. Vice Chair Simpson read a  
108 letter from David and Kinam Johnson of 1 Prospect Hill Rd.

109 Vice Chair Simpson said that he will not read the entire letter received from Attorney Hanson on behalf  
110 of Susan Kent. Attorney Hanson has a list of issues not addressed by the application. The first concern  
111 was regarding the disposal of fecal matter; the second issue was regarding dog walking in the  
112 neighborhood and how often that was going to occur; and the third is regarding barking. The letter also  
113 included objections and asked for time to respond to any additional information that the Neuwirts  
114 present. Vice Chair Simpson continued that there were three main objections in the letter. The first is if  
115 the statement regarding "other businesses on the street" is accurate as the neighborhood is mostly  
116 residential. The second is that the applicants suggest that there is no effect on the health, safety, or  
117 welfare; fecal matter was one of Attorney Hanson's concerns, as was noise. The third objection was the  
118 presence of dogs on the property and that the Neuwirts cannot show unnecessary hardship.

119 Vice Chair read a letter from Tony and Muriel Bergeron of 1007 Main St.

120 Mrs. Neuwirt said that the Bergeron's letter regarding barking noise has already been addressed  
121 because she will not be leaving the dogs unattended to be allowed to bark. Mr. Larrow asked how Mrs.  
122 Neuwirt can stop dogs from barking. Mrs. Neuwirt said that dogs bark when they are bored or because  
123 there is an intruder or a threat; if they are left unattended then they will bark. Vice Chair Simpson said  
124 that his dogs bark when they play. Mrs. Neuwirt said that dogs can bark when they play but they will  
125 not be left unattended so if they start to get excited and start barking then she will bring them in. She  
126 also has the option to have the dogs in the garage that is underneath their residence for the dogs who  
127 may be noisy and want to play.

128 Mr. Larrow said that he is sure Mrs. Neuwirt understands the Bergeron's concerns because they do not  
129 know how many dogs there will be and how they will be controlled. Mrs. Neuwirt said that when they  
130 lived on Ryder Corner Rd she had a business where she did pet grooming and dog sitting and neither of  
131 their neighbors knew anything was going on and there were no complaints; it is very easy to not allow  
132 dogs to get out of control. There was further discussion regarding this matter.

133 Mrs. Neuwirt said that regarding the other points in the letters from Attorney Hanson, the fecal matter  
134 has already been addressed. Also, Ms. Kent currently does not live at the residence that Attorney  
135 Hanson is writing about though she may be in the process of moving in. Ms. Kent currently has a tenant  
136 who has been there approximately a year and had a long-term tenant before that and she spoke to both  
137 of them about her dog and neither of them has ever had an issue with hearing the dog. The tenant is  
138 actually very supportive of this venture. Additionally, the Neuwirts and the Kents have had some  
139 ongoing issues for a number of years. There was further discussion regarding this matter.

140 Mr. Neuwirt said that his house blocks the area of concern from Ms. Kent's property. Mrs. Neuwirt said  
141 that the people who wrote the letters of support are the ones who are directly across from the fenced in  
142 area.

143 Mr. Neuwirt said that the letter from the Bergeron's is not accurate because the definition of the Village  
144 Residential District says "the Village-Residential Districts in the Town of Sunapee are areas characterized  
145 by mostly single-family and two-family residential with some low-impact commercial uses". The letter  
146 says that a commercial use of a property in that district is contrary to proper usage of properties, which  
147 is not accurate. Mrs. Neuwirt said that the Bergeron's letter depicts the area as a quiet residential  
148 neighborhood, however, the traffic noise going up and down the hill would make it difficult to hear dogs  
149 barking; it is not a quiet area.

150 Ms. Gage said that in the correspondence between Mrs. Neuwirt and herself she did not make any  
151 written administrative decision regarding this proposed use not being a home business. She stated that  
152 she did not find this proposal to be a daycare. After Mrs. Neuwirt submitted the application, she then  
153 asked Ms. Gage about a daycare. It is the Zoning Board who can decide if a Variance is not necessary;  
154 she did not look at home occupations or home businesses, which are allowed uses. Vice Chair Simpson  
155 said that he was going to address that. In the correspondence Ms. Gage, said that the Neuwirt's could  
156 appeal her decision regarding "daycares" if they disagreed.

157 Vice Chair Simpson said that at the beginning of the meeting Mrs. Neuwirt said that there was a  
158 discussion regarding if she should apply for a Variance. Mr. Neuwirt said that the subject was prefaced  
159 by the fact that in the Village Residential District they are permitted by right to have Bed and Breakfasts,  
160 tourist homes, daycares, funeral homes, home businesses, home occupations, multi-family dwellings,  
161 museums and galleries, professional offices and clinics, single-family dwellings, and two-family  
162 dwellings. By Special Exception, provided they meet the criteria for a Special Exception, they can have  
163 banks, churches, municipal buildings and facilities, nursing and convalescent homes, and retail up to  
164 1,000 sq ft. Mr. Neuwirt said that the Village Residential District was meant to allow certain businesses.  
165 Vice Chair Simpson asked why Mr. Neuwirt thinks that the proposed business meets one of those  
166 criteria. Mr. Neuwirt said that the purpose of the Variance is because they do not necessarily fit the  
167 criteria of the permitted uses. However, what they are asking for has less impact than what is permitted  
168 by right.

169 Vice Chair Simpson said that Ms. Gage said that it is the Board's determination if this is a use that is  
170 covered by right. Mr. Neuwirt said that because daycares are not clearly defined in the Zoning  
171 Ordinance it becomes a grey area that is up to interpretation. Vice Chair Simpson asked and Mr.  
172 Neuwirt confirmed that he thinks the proposal is permitted by right. Mr. Neuwirt said that when  
173 daycares were added in 1987 it was probably for children, however, as society has evolved and dog  
174 sitting has become more mainstreamed, he does not see the difference between someone dropping  
175 their children off at a location and picking them up after work compared to a lower impact business  
176 where someone would drop a dog off and pick up the dog days later. Vice Chair Simpson said that  
177 because daycares are not defined, the Board would apply common usage and daycares are not  
178 commonly thought of as dog sitting facilities.

179 Mrs. Neuwirt said that she thinks that it is a home business because it will be a business run out of her  
180 home. Vice Chair Simpson said that the definition of a home business says that the business is  
181 conducted inside the home, not outside in the yard, and Mrs. Neuwirt already acknowledged that the

182 dogs would be outside in the yard. Mrs. Neuwirt said that the majority of the time they will be inside  
183 the home. Mr. Claus read the definition of home business, which says “any business that is conducted  
184 within the home by the inhabitants of the home and no more than three non-resident employees. The  
185 home business shall meet all the requirements of the Site Plan Review Regulations. If the home  
186 business is for retail purposes, it shall be limited to items which are made on the premises or antiques.  
187 The home business shall be subordinate and incidental to the primary residential use of the property  
188 and shall not change the residential character of the dwelling or neighborhood. The home business shall  
189 not generate noise, odor, traffic, or any other negative influence on the community or neighboring  
190 properties.” Mr. Platt asked if this means that if someone has an antique business they cannot put a  
191 table outside the home and said that he thinks it is a very strict interpretation of the definition. Vice  
192 Chair Simpson said that the definition goes on to talk about noise. Mr. Claus said that the definition says  
193 “no noise and no traffic” but if he wanted to run a law office out of his home and had clients visit once  
194 or twice a week it would be generating traffic. Mr. Platt said that if there are employees there will be  
195 traffic. Mr. Claus said that the definition does not say “reasonable traffic or reasonable noise”.

196 Mr. Neuwirt said that what is allowed by right is far more egregious than what they are proposing and  
197 because what they are proposing is not specifically addressed, it does call on the Board to use some  
198 interpretation to determine if what they are proposing makes sense. Mr. Larrow said that the Board  
199 already knows that the proposal does not meet a category that is permitted by right. Usually if someone  
200 wants a new thing to be permitted by right, they would bring it to the Planning Board who would submit  
201 it to the Town Warrant to be voted on. The proposal does not fit one of the listed permitted uses so the  
202 Neuwirt’s are looking at a home business, however, they could request going to the Planning Board to  
203 have it a permitted use. There was further discussion regarding this matter.

204 Mr. Platt asked how many dogs the Neuwirts are proposing to have because, to him, having a certain  
205 number of dogs would be more like a kennel. Mrs. Neuwirt said that she was thinking ten, however, the  
206 numbers are not finite because if a dog is dropped off for a week it might mean that the dog’s last two  
207 days overlap another dog’s first two days. In all likelihood, she will not have ten dogs at one time. Mr.  
208 Larrow asked and Mr. Neuwirt said that the main level of the home is approximately 600 sq ft. Mr.  
209 Larrow asked and Mrs. Neuwirt said that she is proposing to have ten dogs plus her dog. Mr. Neuwirt  
210 said that they also have the lower level of the building, which is another 600 sq ft, that they can use for  
211 the dogs. Mr. Larrow asked and Mr. Neuwirt said that in the winter they park in the garage area but in  
212 the summer they do not. Mrs. Neuwirt said that she has done this before and the dogs were in the  
213 basement and it was less room than they have now and it was fine. Vice Chair Simpson asked and Mrs.  
214 Neuwirt said that it was both dog grooming and pet sitting but she never had ten dogs at once spend the  
215 night.

216 Mr. Larrow said that he would think a reasonable use for a home would be residential and to turn that  
217 same square footage to a business does not seem to be a reasonable use. Mrs. Neuwirt said that this is  
218 different than a normal business as there are pets involved. Vice Chair Simpson said that he thinks Mr.  
219 Larrow’s point is that the density of dogs inside the building will be relatively high and it changes the  
220 primary purpose from a house to a place for dogs. Mr. Claus asked and Mr. Larrow confirmed that he  
221 means that there is not a balance of square footage. Mrs. Neuwirt said that she has done this before, in

222 a smaller space, and it has not been an issue. She understands that the Board is saying that the entire  
223 house will be used, however, they cannot look at it that way because all the dogs could be put together  
224 in one spot so it should not be an issue that they are roaming around the house. Mr. Neuwirt said that  
225 he feels as though the primary use as a single-family residence is still preserved. Mr. Larrow said that he  
226 does not think that having ten dogs, or even five dogs, at one time is a reasonable use. Mr. Neuwirt  
227 asked and Mr. Larrow said that if a daycare was run out of the property the number of children allowed  
228 would be governed by the State. Mr. Platt said that they would be hard-pressed to get through Site Plan  
229 Review to have a daycare on the site as the parking is limited.

230 Mr. Claus said that he does appreciate the definition of dog sitting verses a kennel. He has done some  
231 research and looked at the State Statutes and found one that says that the owner or keeper of five or  
232 more dogs must obtain a license to keep the dogs on the premises; essentially it is a kennel license.  
233 Mrs. Neuwirt said that she thought that pertained to people who breed dogs. Mr. Claus said that it is  
234 not a commercial kennel license, it is for people who own or keep more than five dogs. Therefore, to  
235 him, if there are four dogs or less the kennel license is not needed. Mrs. Neuwirt said that she does not  
236 think that it applies to a private person. Mr. Claus said that the RSA says that a person is required to  
237 "obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the  
238 license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall  
239 not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a  
240 commercial kennel as defined under RSA 466:4, III". Mrs. Neuwirt said that she thinks that they are  
241 referring to a kennel owner or breeder, not a homeowner. Mr. Claus said that it does not talk about  
242 either of those things.

243 Mr. Claus said that he has a lot of friends who do not like to keep their dogs at a kennel, they are kept at  
244 a dog sitter's. He does not know enough if the Town needs to incorporate dog sitting into the  
245 Ordinance, however, he thinks that this falls into the kennel category.

246 Mr. Platt said that kennels are allowed in the Rural Residential Zone by Special Exception and he does  
247 not think anyone would have an objection to having a dog sitting business that Zone. Vice Chair  
248 Simpson said that the minimum lot size in the Rural Residential District is 1.5 acres. Mr. Larrow asked  
249 and Mr. Neuwirt confirmed that their lot is non-conforming and it is 0.14 acres. Vice Chair Simpson  
250 asked and Mr. Larrow said that the minimum lot size for this Zone is 0.5 acres.

251 Vice Chair Simpson asked about signage because the application says that they will not have a sign but  
252 Mrs. Neuwirt has said that she may have one. Mrs. Neuwirt said that her intent is that if a sign makes or  
253 breaks the decision she does not need a sign. Vice Chair Simpson asked and Ms. Gage confirmed that  
254 the proposal will need to go to Site Plan Review if the Variance is approved.

255 Vice Chair Simpson asked what businesses are on the street that have more impact than what this  
256 business will have. Mrs. Neuwirt said that the old medical building is being used for a business. There is  
257 also the museum / art gallery as well as the shoe store, which the Board said that they believe is closed.

258 Mrs. Neuwirt said that she does not have a problem telling her customers to only go in and out of her  
259 property on her side of the road so that traffic does not go up and down Main St. There was further  
260 discussion regarding this matter.

261 Vice Chair Simpson asked and Mrs. Neuwirt explained that they have two parking spots in front of their  
262 house. They also have parking spots on the side of the house where the new retaining wall was built;  
263 they also have a driveway by the fire hydrant. Mr. Neuwirt said that Ms. Gage has a letter on file  
264 regarding the history of that driveway. Ms. Gage said that there is also a letter on file asking for that  
265 driveway to be removed. Mrs. Neuwirt said that when she did this before there was never two people  
266 picking up or dropping off their dogs at the same time. There was further discussion regarding the  
267 parking.

268 Vice Chair Simpson said that he hates to talk about a Statute he does not know about. However, he  
269 thinks that the kennel licenses are probably driven by health and safety concerns and this would  
270 increase the potential for communicable diseases between dogs to be spread. Mrs. Neuwirt said that  
271 she would require papers from veterinarians that the dogs have received their vaccinations including  
272 kennel cough, rabies, etc.

273 Vice Chair Simpson asked and Mr. Neuwirt said that the fence is approximately 4 ft tall. Vice Chair  
274 Simpson asked and Mr. Neuwirt said that their dog cannot jump over it. Vice Chair Simpson said that his  
275 dog can jump a higher fence. There was further discussion regarding this matter.

276 Ms. Gage asked if the Variance gets granted and remains with the property, could the residential part  
277 cease and the site become a dog sitting business because it is not a home business and would be a new  
278 type of business. Vice Chair Simpson said that this is something that can be considered and conditioned.  
279 There was further discussion regarding this matter.

280 Mr. Lyons said that the Village Commercial District allows Veterinarians by Special Exception.  
281 Veterinarians will often keep animals for days or weeks while they recuperate. Vice Chair Simpson said  
282 that they are discussing the Village Residential District. Mr. Lyons said that if Veterinarians are only  
283 allowed to be in the Village Commercial District by Special Exception, this is a more residential district  
284 and it seems that this type of business has been excluded. Mrs. Neuwirt said that a Veterinarian's Office  
285 is much more of a commercial application than what she is trying to do. Mr. Lyons said that he is talking  
286 about noise. Mrs. Neuwirt said that there was not a lot of noise when she did it before.

287 Mr. Claus asked if the Board is considering this to be a home business. Mr. Platt said that if there were  
288 three or four dogs it might be a home business but ten dogs brings it beyond that. Vice Chair Simpson  
289 said that the number of dogs is his issue and as well as the noise. Mr. Neuwirt asked the Board how  
290 many dogs they think is acceptable. Vice Chair Simpson said that there is obviously a reason that the  
291 State has regulations with the licenses. Mr. Claus said that he looked it up because he wanted to know  
292 if the State cared about how many dogs someone had. Mrs. Neuwirt said that she read a lot about that  
293 and the whole context is regarding breeding and selling animals. Vice Chair Simpson said that would be  
294 stated in the Statute. Mrs. Neuwirt said that she read the Statute and did not take it to mean that it was  
295 a private person needing a license; that is something governed by local ordinances. Vice Chair Simpson



296 said that given the health and safety concerns that he has he would like to know more about the Statute  
297 and the reasons for the license. Mr. Neuwirt asked if the Board can make an approval conditional upon  
298 getting any licenses that are needed. Vice Chair Simpson said that by-passes his health and safety  
299 concerns because the State does not regulate where they are getting the license. Mrs. Neuwirt said that  
300 if she was breeding dogs the State would inspect her facility. There was further discussion regarding this  
301 matter.

302 Vice Chair Simpson asked if the Neuwirts would be averse to continuing the case in order for the Board  
303 to find out if the Statute is applicable and what the health and safety concerns would be. Mr. Neuwirt  
304 said that his fear is that the body of the presentation will be forgotten. Mr. Larrow said that the Board  
305 has continued cases in the past. Vice Chair Simpson said that there is an election between meetings.  
306 Mr. Platt said that there will be no one new coming on but they will be losing Mr. Larrow. Mr. Larrow  
307 said that he has not said that he would or would not be an alternate.

308 Mr. Larrow said that if the application is approved, the case will need to be heard before the Planning  
309 Board and he does not think that it is a bad idea to have a joint meeting. Mr. Platt said that he thinks  
310 that if there are conditions that the Zoning Board would like to set for an application then they need to  
311 do that because the Planning Board is limited at what they can do. There was further discussion  
312 regarding this matter.

313 There was another discussion regarding the number of dogs as well as the State Statute.

314 Mr. Claus said that if the State defines having more than four dogs as being a kennel then it does not fall  
315 under the home business category and the Board would be looking at this as a true Variance. Mr.  
316 Larrow said that he thought the Board was looking it as at a Variance. Mr. Platt said that he would be  
317 more inclined to support a home business. Mr. Larrow said that is not what has been presented.

318 Vice Chair Simpson said that the Statute talks about needing your dog licensed every year and to be  
319 vaccinated. Then it says that an owner or keeper of five or more dogs shall annually obtain a group  
320 license through the Town. Vice Chair Simpson said that it looks as though a commercial license is  
321 needed if more than 40% of a person's gross annual income comes from the sale or transfer of dogs.  
322 There was further discussion regarding this matter.

323 Vice Chair Simpson asked if the Neuwirts would be opposed to having a joint session with the Planning  
324 Board. Mr. Neuwirt asked what the purposed would be as each Board would vote separately. Vice Chair  
325 Simpson explained that it would allow both groups to hear the presentation at the same time and then  
326 vote. Mrs. Neuwirt asked what aspect of the application needs the Planning Board's input. Vice Chair  
327 Simpson said that he believes that Ms. Gage has said that they will need a Site Plan Review because they  
328 will be running a business. Mrs. Neuwirt asked why this is not a home business. Vice Chair Simpson said  
329 that a home business still requires a Site Plan Review. Ms. Gage said that a home occupation does not  
330 require a Site Plan Review but a home business does. Mr. Platt said that he does not support having a  
331 joint meeting because he would condition an approval in such a way that it would be a home business.  
332 Mrs. Neuwirt said that it seems excessive to involve the Planning Board when there are no changes to

333 the structure. Mr. Neuwirt said that the Planning Board wants to know where the customers will park,  
334 the location of the signage, how the walkways are lit, etc.

335 Mr. Platt asked, given the concerns of the neighbors and the small nature of the house, if there is a  
336 smaller number of dogs that would work. Mrs. Neuwirt said that the dogs may overlap but eight might  
337 be the maximum. Vice Chair Simpson asked if they could have eight dogs for multiple days such as  
338 around Thanksgiving. Mrs. Neuwirt confirmed that there will be higher traffic times and she could have  
339 eight dogs in her house for longer than an overlapping period during those times. Mr. Claus asked how  
340 all eight of the dogs will be housed. Mr. Platt asked and Mrs. Neuwirt said that she does not have  
341 kennels or cages, the dogs are treated like part of the family and there are dog beds and they are  
342 allowed to run around.

343 Mr. Platt asked about Attorney Hanson's letter asking about additional time if information was brought  
344 to the Board. Vice Chair Simpson said that he thinks that Attorney Hanson could have been at the  
345 meeting to hear the discussion. There was further discussion regarding this matter.

346 Vice Chair Simpson closed the meeting to public comments.

347 Mr. Claus said that he has only been on the Board for a short time and he feels like he has a lot to learn.  
348 He looks at the wording in the Ordinance regarding how the Zoning Board can grant a Variance and it  
349 says that "a Variance can be granted by the Zoning Board of Adjustment only if it finds that each and  
350 every one of the following conditions are met". He does not think that the Board has seen any cases  
351 that have met all of the conditions; he goes down line by line to determine if each condition is met.

352 Mr. Claus said the first criteria says "no diminution in value of surrounding properties would be suffered  
353 by the granting of the variance". He does not believe that there would be any diminution in value for  
354 surrounding properties, but some people perceive eight dogs running in a yard differently than other.

355 Mr. Claus said that he believes that the business would be a benefit to the public interest because it  
356 would be providing a service to the community.

357 Mr. Claus said that regarding how denial of the permit would result in unnecessary hardship to the  
358 owner he thinks that it could be because if it was not done on the property the Neuwirts would need to  
359 rent a facility. Vice Chair Simpson asked about the unique setting of the property as that is a hardship  
360 but financial hardship is not the interpretation. Mr. Claus asked and Vice Chair Simpson said that the  
361 hardship criteria language is in the application for a Variance, not in the Ordinance. Vice Chair Simpson  
362 asked and Mr. Claus confirmed that he would like to move on to the other conditions before discussing  
363 hardship.

364 Mr. Claus said that he would need to see a case where substantial justice would not be done. Mr.  
365 Larrow said that what the criteria is talking about is that granting the Variance would do substantial  
366 justice and that the intent of the Ordinance will be observed, which is what is stated in the definition of  
367 an Ordinance. Vice Chair Simpson asked and Mr. Claus said that he is reading directly from the  
368 "Conditions to be Met" for the Ordinance. Vice Chair Simpson said that the "Conditions to be Met" in

369 the Ordinance says that the Board should be looking at RSA 674:3, which is the law. The application is  
370 somewhat closer to the law than what is in the Ordinance. Mr. Claus said that there are some  
371 requirements that seem clear to him, however, he struggles with the last three.

372 Mr. Claus said that, reading the Neuwirt's application regarding the hardship requirement 3(b), he does  
373 see how their arguments pertain to hardship; the noise is a concern but they do not live in a quiet area.  
374 Regarding 3(c) he does agree that the traffic will be minimal and will not be every day like a daycare.  
375 Mr. Lyons said that they could potentially have cars there every day. Mr. Larrow said that they are  
376 making judgements on something that they do not know. Mr. Claus said that they are taking Mrs.  
377 Neuwirt's word that they are going to have people who are going on vacation, however, they could have  
378 people who drop off their dog every morning and pick them up every night. Vice Chair Simpson said  
379 that would be 16 cars at the site every day.

380 Vice Chair Simpson said that he is concerned about the private rights of others because having eight  
381 dogs barking is more than two dogs barking and it could be enough to create a nuisance. One of the  
382 concerns he has with the private rights of others would be having people complain about the dogs  
383 barking and the Town needing to explain that the business is permitted by the Zoning Board. There was  
384 further discussion regarding this matter.

385 Vice Chair Simpson said that regarding if granting the Variance would do substantial justice, he does  
386 think that it is a needed service. Mr. Claus agreed that it is needed. Mr. Platt said that a kennel business  
387 could be opened in most other zones in Town because most of the Town is more rural. Vice Chair  
388 Simpson said that one of his concerns is that the lot is only 0.14 acres, however, most of the neighbors  
389 have said that they are fine with the proposal. Mr. Platt said that the two closest neighbors are the ones  
390 who wrote letters against the proposal.

391 Mr. Platt said that, regarding that the use is not contrary to the spirit of the Ordinance, he does not  
392 want to compare it to a daycare but it is almost like a group home with dogs being there for a day or  
393 more. Vice Chair Simpson said that a daycare still needs to go through Site Plan even if it is permitted in  
394 that Zone. However, if you take care of a certain number of children or less, it is not a licensed daycare  
395 as it is not regulated by the State. Mr. Lyons said that if there is an upset neighbor next to a daycare  
396 there could be serious implications that could happen to the daycare provider. There was further  
397 discussion regarding this matter.

398 Mr. Claus said that he thinks that the Neuwirts are trying to say that the permitted uses could have  
399 more impact, for example, a daycare would have more traffic. Mr. Larrow said that all of the permitted  
400 uses would need to go to Site Plan Review. Mr. Claus said that he is trying to go through the Variance  
401 requirements knowing that it will go to the Planning Board.

402 Mr. Larrow asked and Vice Chair Simpson said that he thinks that the Board can condition the approval  
403 to ensure that the property remains primarily a residential structure. Mr. Larrow asked and Vice Chair  
404 Simpson said that the business could stay with the property if the property sells, however, the business  
405 should not subsume to the residential nature of the property. Mr. Larrow said that a home business  
406 says that the business is incidental to the residence and to him having eight dogs in 500 – 600 sq ft is

407 more than incidental. Vice Chair Simpson asked and Mr. Larrow agreed that this could be addressed by  
408 limiting the number of dogs. Mr. Claus said that he thinks that there are many Board members with the  
409 same concerns regarding a limit on the number of dogs, whether it is based on the size of the house or  
410 the size of the yard. Mr. Larrow said that there may be a State regulation that says that if you are going  
411 to have a dog sitting business it should meet certain criteria much like for a daycare. Vice Chair Simpson  
412 said that he feels the same way, which is part of his concerns regarding the health and safety. Mr.  
413 Larrow said that he does not want to make anything up regarding how many square feet is conducive to  
414 family living and a certain number of dogs. Vice Chair Simpson said that these issues might be more of a  
415 Planning Board issue. Mr. Platt said that he thinks the Zoning Board must make a determination as to if  
416 this is an appropriate use of the property and the details for parking and signs is a Planning Board issue.  
417 Vice Chair Simpson said that the Board must determine if the criteria for a Variance are met. Mr. Claus  
418 said that there should be a State requirement regarding kennels but it might be a Planning Board issue.  
419 There was further discussion regarding this matter.

420 Mr. Lyons said that Mrs. Neuwirt is well intentioned with regards to how she will handle the animals.  
421 However, he questions what would happen if the property is sold and the next owners are not as  
422 attentive. Mr. Lyons said that one of the abutters brought up this issue as the Variance for the dog  
423 sitting business stays with the property. Vice Chair Simpson asked and Mr. Larrow said that he did not  
424 believe that the intention for a Variance was to be grandfathered if they stop running the business. Ms.  
425 Gage said that if the business ceases to be run for a certain period of time they lose the Variance. There  
426 was further discussion regarding this matter.

427 There was a discussion about conditioning an approval so that the Variance is only good for a certain  
428 period of time as well as for the number of dogs permitted. Vice Chair Simpson said that if the Board  
429 conditioned the length of time for the approval, it would allow the neighbors who are concerned about  
430 the noise an opportunity to then come back to the Board with any issues. Mr. Platt was concerned  
431 about the initial financial investment.

432 Vice Chair Simpson said that he is concerned about the dogs barking, but the Powerloo device could be a  
433 good solution for the fecal matter. He is also concerned about the health risks of having a certain  
434 number of dogs and wonders how that can be enforced as well as if it is even a Zoning Board issue. He  
435 is also having a hard time finding hardship because it is not like the property cannot be used; though it is  
436 different from a standard Variance such as for a setback. Vice Chair Simpson continued that he is at a  
437 loss as to how to define a use hardship as related to the property. Mr. Platt said that for a usage  
438 hardship it is difficult because the biggest issue is that the Ordinance does not allow them to do what  
439 they want to do. There was further discussion regarding this matter.

440 Vice Chair Simpson asked and Mr. Platt confirmed that they would like the meeting reopened in order to  
441 discuss with the Neuwirts their investment into the business. Mr. Larrow asked and Mr. Platt explained  
442 that he was concerned about the Neuwirts having a substantial investment into the business and then  
443 the Variance only being permitted for one to two years. Vice Chair Simpson opened the meeting to  
444 public comments.

445 Mrs. Neuwirt asked and Mr. Platt explained that he would like to know if the Board grants a conditional  
446 Variance that the business can be open for a year and then they need to return back to the Board, if  
447 initial investment would make them object. Mrs. Neuwirt said that she does not object to it, however,  
448 there is an initial investment for insurance and a license if one is required; there is also an investment in  
449 advertising and getting people aware of the business. Mr. Neuwirt asked and Mr. Platt said that the  
450 Board would be asking them to come back before the Board in a year or two. Mr. Neuwirt said that  
451 there are certain neighbors who will never be happy. Mrs. Neuwirt said that she is very confident in the  
452 way that the business is going to be run but agreed that there is a neighbor who will never be happy.  
453 Mr. Larrow said that Mr. Platt is concerned about the expenses such as the Powerloo or to build an  
454 access inside the house to go into the garage. Mrs. Neuwirt said that the access to the garage is outside  
455 but it is where the fenced in area is located. Mr. Neuwirt said that requiring them to come back before  
456 the Board presents a series of checks and balances to ensure that the decision was reasonable; if there  
457 are complaints about noises or such, the Board has a chance to ensure that the decision was right. Mr.  
458 Claus said that the Board is concerned about the amount of initial investment. Mr. Neuwirt said that he  
459 owns all the equipment and would be doing any necessary work to the property himself. Mrs. Neuwirt  
460 said that it still is not ideal, especially after she develops a customer base. Mr. Claus said that the Board  
461 is trying to understand their investment because if it is substantial then the Board would hate for them  
462 to walk away from that. Mr. Neuwirt said that it is not a big investment to them. Mr. Claus asked and  
463 Mrs. Neuwirt confirmed that the Powerloo should be installed to protect the lake. There was further  
464 discussion regarding this matter and Mr. Neuwirt said that he thinks that they would be more inclined to  
465 want a two-year approval than a one year approval to allow time for the business to get up and running.

466 Mrs. Neuwirt said that she thinks that it is unlikely that anyone else would want to purchase the  
467 property and have eight dogs in the house and she has no intentions on moving.

468 Vice Chair Simpson asked Mr. Neuwirt how he thinks that the Board should analyze hardship based on a  
469 use Variance. Mr. Neuwirt said that there is a difference between this property and any other property.  
470 They have done a lot of work to get the land usable; the hardship now is the size of the property and it is  
471 unique because it is the smallest parcel on the street.

472 Mr. Platt asked to discuss possible conditions with the Neuwirts before closing public comments as it  
473 can be difficult for an applicant to have things discussed and not be able to comment on them. Mr. Platt  
474 said that he has five conditions he would like to place on an approval. The first is that the primary use of  
475 the property will remain residential. Mrs. Neuwirt said that she does not have an issue with that. Mr.  
476 Platt said that his second condition is that the Variance will be good for two years. The third is that the  
477 there will be the installation of proper fecal disposal as presented. Mrs. Neuwirt said that would not be  
478 an issue. Mr. Platt said that the fourth would be that the dogs are not kenneled or penned. Mrs.  
479 Neuwirt said that was fine. Mr. Platt said that the fifth condition is that there will be full time  
480 supervision of the animals. Mrs. Neuwirt said that would be done. Vice Chair Simpson asked if there  
481 should be a condition regarding the number of dogs. Mr. Platt said that Mrs. Neuwirt said that there  
482 would be eight animals total. Mrs. Neuwirt said that she will not necessarily have eight dogs outside at  
483 one time; a dog would go out when they need to, it would not be a free-for-all. Ms. Gage asked and Mr.  
484 Platt confirmed that the fecal matter disposal system will need to be hooked up to Town Sewer as

485 presented. Vice Chair Simpson asked about Site Plan Review and Mr. Platt said that is a given, though it  
486 can be added as a condition. Vice Chair Simpson asked if there should be a condition that the animals  
487 are licensed and vaccinated. Mr. Claus asked if that would be handled through the State and the Town.  
488 Vice Chair Simpson said that the Town requires a dogs to be registered and the registration requires  
489 proof of rabies shots. Mrs. Neuwirt said that proof of vaccination shots, including kennel cough, would  
490 be on file or the dog would not be able to be boarded, however, being licensed is not necessarily a  
491 requirement. Vice Chair Simpson said that the dog needs to be vaccinated before it is licensed. Mrs.  
492 Neuwirt confirmed this and said that a dog can have all their inoculations but not be licensed with the  
493 Town as there are many people who do not license their dogs. Mr. Platt said that he thinks that the  
494 condition of eight dogs should be the total number of dogs, including the dogs that the Neuwirts own.

495 Vice Chair Simpson closed the meeting to public comment.

496 Mr. Claus said that he has not sat through a case where the Board opens the case up to discuss  
497 conditions but he thinks that they should do it every time. Mr. Larrow said that the Board closes and  
498 opens meetings quite often.

499 Vice Chair Simpson said that he still has a hard time quantifying how hardship pertains to use. Mr. Claus  
500 asked if Ms. Gage has any insight. Ms. Gage said that her only question would be when the two-year  
501 period would begin and end and if it would be after the Site Plan approval. Vice Chair Simpson said that  
502 he thinks that it would be from the start of operation. Mr. Platt said that he thinks that it would be two-  
503 years from the approval because the Board is going from one year to two years. Vice Chair Simpson said  
504 that the approval could only be for one year; he appreciates that the Neuwirts would like it to be longer,  
505 however, there could be impacts that the Board would like to know. Mr. Larrow said that he would limit  
506 the approval to one year; if something is going to stand a test they will know in one year. Mr. Claus said  
507 that he would agree with one year seeing as there will not be a big investment. Mr. Larrow said that he  
508 thinks that the Board will hear any objections within the year. Additionally, if Mrs. Neuwirt does not  
509 think that eight dogs is enough she will ask to expand. Mr. Lyons said that he is still concerned with the  
510 number of dogs. Mr. Larrow said that they have pretty much covered everything such as the number of  
511 dogs, barking, neighbors, other businesses within the area, traffic, etc. Anyone who lives in that area  
512 knows that you can hear everything going up and down the hill, no dog could make more noise than  
513 that.

514 Mr. Larrow said that he is unsure that a Variance does not stay with the property forever. Mr. Lyons  
515 said that he thinks a Variance does stay with the property. Mr. Larrow said that means that the  
516 Variance would be approved for whomever owns the property. Vice Chair Simpson said that the Board  
517 would be giving a time limit on the approval. Mr. Platt said that a time limit cannot be done for  
518 something like a setback Variance but this is different. Mr. Larrow said that this is a use Variance and he  
519 would like to know if, legally, the Variance goes with the property; Ms. Gage would need to answer that  
520 question. Ms. Gage said that the Zoning Board Handbook refers to a two-year window that the Variance  
521 must remain valid. Vice Chair Simpson said that refers to a Statute that says that a Variance is lost if the  
522 business is not started within two years. Ms. Gage asked why it does not mean that it would remain  
523 open because it says "unless further extended". She wonders if the Board can make an approval for less

524 than a two year window. Vice Chair Simpson said that he thinks Ms. Gage is mis-reading what that  
525 Statute intends. Mr. Platt said that this refers to if someone is granted a Variance and does not act upon  
526 it. Vice Chair Simpson suggested that Ms. Gage ask the Town's attorney about this matter. Mr. Larrow  
527 said that he has always thought that a Variance went with the property. Vice Chair Simpson said that a  
528 disability Variance does not necessarily run with the land. Mr. Larrow said that a disability Variance is  
529 for an individual and goes with the person, not the property. Mr. Claus asked how the Variance stays  
530 tied to the property and if it goes on the property card. Vice Chair Simpson said that it becomes a use  
531 granted by a Variance. Mr. Claus asked how anyone knows a Variance has been granted on the  
532 property. Mr. Platt said that there is a sheet that goes in the file. Mr. Larrow said that usually when  
533 people sell it becomes part of the selling agent's listing. There was further discussion regarding this  
534 matter.

535 Mr. Claus said that a Variance to a setback stays with the property but he does not know how a use gets  
536 carried over. Mr. Larrow said that he has never known a Variance not to go with a property. Vice Chair  
537 Simpson said that they did a time limit for the gravel pit. Mr. Larrow asked if the approval was for a  
538 Variance or for a Special Exception. Vice Chair Simpson said that a Special Exception would be granted  
539 by right. Mr. Platt said that it was a Variance. There was further discussion regarding this matter as Ms.  
540 Gage said that the original approval was to clear the site and they have not had to come back before the  
541 Board because the Town's attorney said that they should be allowed to continue to clear the land.

542 Vice Chair Simpson said that he would like the Town's attorney to weigh in on if the Board is allowed to  
543 put a time limit on an approval. He would also like input regarding hardship for a use. Mr. Larrow said  
544 that he would feel better about making a good decision with input from the Town's attorney so that the  
545 Board would not be creating a nuisance. Vice Chair Simpson asked and the Board agreed that they  
546 would like input from the Town's attorney. Vice Chair Simpson opened the meeting to public  
547 comments. Mrs. Neuwirt said that she is fine with the Board discussing this with the Town's attorney  
548 and Mr. Neuwirt agreed as well.

549 Mr. Platt made a motion for Case #19-02: Parcel ID: 0106-0005-0000: seeking a Variance per Article IV,  
550 Section 4.10 to continue the case to the next meeting, which should be April 4<sup>th</sup>. Mr. Larrow seconded  
551 the motion. Mrs. Neuwirt asked what would happen at the next meeting if Chairman Schneider is back  
552 and has not heard the case and Mr. Larrow is gone. It is a disadvantage to them for Chairman Schneider  
553 to have not heard the case. Mr. Larrow said that there was a case that was heard before the Town vote  
554 and then the Board members who were no longer on the Board were brought in for the continued  
555 meeting. For the case he is discussing, there were two members who were no longer on the Board who  
556 sat in for the meeting and decision. Vice Chair Simpson said that he believes that it does not matter if a  
557 member has not heard all the discussion for a case that has been continued. Any five Board members  
558 can vote on a decision and if someone has not heard the entire case they can review the record and the  
559 applicants can repeat information if needed. Vice Chair Simpson said that he would prefer Mr. Larrow  
560 be an alternate for a month. Mr. and Mrs. Neuwirt said that they would prefer that as well. Mr. Larrow  
561 said that he would be an alternate for one month if that would help. The motion passed unanimously.

562 Mr. Neuwirt said that the problem with continuing the case is that Mr. Claus is an alternate member and  
563 if Chairman Schneider is at the meeting then he would not get a vote. Vice Chair Simpson said that he  
564 has no problem asking Chairman Schneider to recuse himself so that the five members who have heard  
565 the case can vote on it. There was further discussion regarding this matter.

#### 566 MISCELLANEOUS

567 Ms. Gage said that she has been asked to not have the Board write on the green copy of the minutes as  
568 edits to the minutes are acknowledged in the next meeting's minutes. Vice Chair Simpson asked and  
569 Ms. Gage said that Ms. Vaughn made the recommendation as the Zoning Board is the only Board writing  
570 on the green copy of the minutes, which then go into the permanent record. Vice Chair Simpson said  
571 the minutes should be sent back to the Board as amended and the Board should be signing those. Ms.  
572 Gage said that the legal minutes are the ones available after five business days. Vice Chair Simpson  
573 asked and Ms. Gage said that in New London the Chair and she both review the minutes and they make  
574 sure they are available in five business days; at the meeting, the minutes are physically altered and then  
575 signed. Sunapee's minutes that are posted on the Town's website do not show any edits because they  
576 are not the minutes with the handwritten changes. The Board determined to continue making edits on  
577 the green copy of the minutes.

#### 578 MINUTES

579 Changes to the minutes from February 7, 2019: Change Line 64 to read "Chairman Schneider said  
580 that..." Change Line 77 to read "...is to protect occupants from snow falling off the roof." Change Line  
581 100 to read "...relationship to the roof's..." Change Line 101 to read "...he knows the apartment has  
582 been there..." Change Line 133 to read "...the Board did not know..." Change Line 165 to read "...and if  
583 there was a possibility,..." Change Line 179 to read "...are a couple of provisions that can..." Change Line  
584 181 to read "...pre-construction Variance. Then what incentive does anyone have to..." Change Line  
585 2019 to read "...a Permit by Notification means..." Change Line 245 to read "...looking if the Board..."  
586 Change Line 259 to read "in the area". Attorney Hanson's argument is that..." Change Line 273 to read  
587 "...done on a case by case basis as some..." Strike Line 293.

588 Mr. Larrow made a motion to approve the minutes as amended. Mr. Platt seconded the motion. The  
589 motion passed unanimously.

#### 590 MISCELLANEOUS

591 Ms. Gage asked how the Board would like to contact the Town's attorney as they could have a  
592 conference call before the next meeting or she could ask them in writing and get something back. Vice  
593 Chair Simpson said that there is probably case law that is specific to a use Variance; unless anyone wants  
594 a conference call he would accept something in writing. Mr. Lyons said that he would prefer a  
595 conference call because it allows for some interaction with the Town's attorney. The hardship issue is  
596 one that the Board debates all the time and he thinks that it needs to be discussed. Vice Chair Simpson  
597 asked and the Board agreed that the time limit issue is fairly cut and dry and can be done in writing. Ms.  
598 Gage asked and the Board said that they could do a phone conference at 6:30 pm the night of the



599 meeting. Mr. Lyons asked if 30 minutes would be enough time to talk with the attorney. Vice Chair  
600 Simpson suggested and the Board agreed to have Ms. Gage email the attorney the Board's questions  
601 and then if any of the members have additional questions and would like to speak with the Town's  
602 attorney they can arrange a phone conference before the next meeting. There was further discussion  
603 regarding this matter.

604 Vice Chair Simpson adjourned the meeting at 9:45 pm.

605 Respectfully submitted,

606 Melissa Pollari

607

608

609

610

611 Zoning Board of Adjustment

612 \_\_\_\_\_

613 Daniel Schneider, Chair

Aaron Simpson, Vice Chair

614 \_\_\_\_\_

615 James Lyons, Jr.

William Larrow

616 \_\_\_\_\_

617 George Neuwirt

Clayton Platt, Alternate

618 \_\_\_\_\_

619 Jeffery Claus, Alternate