

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **DECEMBER 6, 2018**

4 **PRESENT:** Daniel Schneider, Chair; Aaron Simpson, Vice Chair; James Lyons, Jr.; William Larrow; George
5 Neuwirt; Nicole Gage, Zoning Administrator

6 **ABSENT:** Clayton Platt, Alternate; Jeffrey Claus, Alternate

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

8 Chairman Schneider called the meeting to order at 7:00 pm.

9 **CASE #ZBA18-18: GLENN & SANDRA HAWKINS / MARTIN & SARAH LIBERMAN; PARCEL ID: 0128-0020-**
10 **0000 & PARCEL ID: 0128-0018-0000; 29 & 27 GARNET ST.; ZONE RS W/ SHORELINES OVERLAY;**
11 **VARIANCE - A VARIANCE IS REQUESTED FROM ZONING ORDINANCE, ARTICLE III, SECTION 3.20 TO**
12 **PERMIT: TAX MAP 128 LOT 20 (HAWKINS) TO CONVEY 1,112 SQ. FT. TO TAX MAP 128 LOT 18**
13 **(LIBERMAN). AFTER THIS CONVEYANCE TAX MAP 128 LOT 20 (HAWKINS) WILL HAVE 11,940 SQ. FT.**
14 **TAX MAP 128 LOT 18 (LIBERMAN) WILL HAVE 6,388 SQ. FT.**

15 Glen Hawkins and Sarah and Martin Liberman presented the merits of the case.

16 Mr. Hawkins said that he owns part of the Liberman's lawn and driveway and he'd like to give them the
17 square footage. He merged his two parcels of land together in order to allow him to do this for the
18 Libermans because he wants to sell his house. Vice Chair Simpson asked and Mr. Hawkins said that a
19 small portion of the Liberman's driveway will still be on his property. Mr. Larrow asked and Mr. Hawkins
20 explained that he is keeping the top part of the lot. Mr. Hawkins continued that the Liberman's will no
21 longer have a right of way over his property because they will own their driveway. There was further
22 discussion regarding the Liberman's driveway area.

23 The Board asked Mr. Hawkins to read the facts supporting the Variance request from his application.
24 Mr. Hawkins said that the proposed use would not diminish surrounding property values because other
25 than property lines there are no physical changes. Though he technically owns the driveway, the way
26 things are he considers it their property anyways. Mr. Hawkins said that granting the Variance would
27 not be contrary to the public interest because nothing is changing. Vice Chair Simpson asked and Mr.
28 Hawkins said that nothing is being done to hurt public interest because nothing will be done that isn't
29 currently being done on the lots. Chairman Schneider continued to read Mr. Hawkin's facts supporting
30 the Variance request from the submitted application.

31 Chairman Schneider asked and there were no additional questions or comments regarding the
32 application so he closed the meeting to public comments.

33 Vice Chair Simpson made a motion to approve ZBA Case 18-18; Glenn and Sandra Hawkins and Martin
34 and Sarah Liberman; Parcel ID: 0128-0020-0000 and 0128-0018-0000; 29 and 27 Garnet St.; Zone RS w/

35 Shorelines Overlay; a Variance to make a lot line adjustment to allow Hawkins to convey a portion of
36 land between the two lots as indicated on the application and notice. Mr. Larrow seconded the motion.
37 Chairman Schneider said that he thinks that this is a case that does not affect anyone else and there is a
38 good reason to do it; what they are asking for is very specific to the properties involved so it does not
39 set a negative precedence. Vice Chair Simpson said that one lot is becoming more non-conforming but a
40 smaller lot is becoming bigger. The motion passed unanimously.

41 **CASE #ZBA18-19: ROBERT A BONANNO TRUST, JUDITH B BONANNO TRUST; PARCEL ID: 0136-0058-**
42 **0000; 50 BIRCH POINT RD; ZONE RS W/ SHORELINES OVERLAY; VARIANCE- VARIANCE FOR DETACHED**
43 **ACCESSORY DWELLING UNIT (RSA 674:73). REQUEST VARIANCE FROM ZONING ORDINANCE SECTION**
44 **4.90 (C)(4) FOR A STAND ALONE ACCESSORY DWELLING UNIT**

45 **CASE #ZBA18-20: ROBERT A BONANNO TRUST, JUDITH B BONANNO TRUST; PARCEL ID: 0136-0058-**
46 **0000; 50 BIRCH POINT RD; ZONE RS W/ SHORELINES OVERLAY; VARIANCE- VARIANCE FOR AN**
47 **ACCESSORY DWELLING UNIT WITH 1,400 +- S.F. WHERE 1,000 S.F. IS ALLOWED. REQUEST VARIANCE**
48 **FROM ZONING ORDINANCE SECTION 4.90 (C)(4) FOR AN ACCESSORY DWELLING UNIT WITH 1,400 +-**
49 **SQUARE FEET OF LIVING SPACE.**

50 Stephan Nix, an attorney for Robert and Judith Bonanno, presented the merits of the case.

51 Mr. Nix explained that the Bonannos are requested two Variances and one Special Exception. The first
52 Variance application is to have an Accessory Dwelling Unit (ADU) as a stand alone building where the
53 Ordinance requires it to be attached to the main dwelling unit. The second application is to have a
54 1,400 sq ft ADU where the Ordinance allows for 1,000 sq ft.

55 Attorney Nix requested to have the Board hear both Variance applications at the same time because
56 they are essentially the same. The Board agreed and said that they will have to vote separately on the
57 applications.

58 Attorney Nix said that there are three structures on the Bonanno's property. The main house was
59 constructed in 1996, the guest house was constructed some time in the 1950s, and the garage was
60 constructed in 2013. Originally, the guest house was the main house on the property; it is a camp style
61 structure with two bedrooms, a large main living space, a kitchen space, some decks, and an attached
62 garage. There was a brief discussion regarding the number of bedrooms in the main house and the
63 guest house; the main house has three and the guest house has two.

64 Attorney Nix said that in 1996 the owner before the Bonannos received a building permit to construct
65 the main house down by the water. The permit was conditioned on the kitchen facilities being removed
66 from the guest house because they could not have two dwelling units on one lot. At the time, the
67 removal of the stove was enough to qualify the structure as not being a dwelling unit. When the
68 Bonannos purchased the property, there was a small kitchen facility that did not have a stove and they
69 were under the impression that it was a full guest house.

70 Attorney Nix said that the Bonannos wanted to renovate the guest house in 2017 and the Planner
71 determined that they could not renovate the structure with a kitchen because that would be two
72 dwelling units. In 1996, the ADU statute and the section in the Zoning Ordinance did not exist as they
73 were adopted in 2017. However, they looked at the Ordinance for an ADU and determined that there
74 are two issues. The first is that the structure is not attached to the main dwelling unit. The second is
75 that the guest house is bigger than the 1,000 sq ft that is permitted.

76 Attorney Nix said that the ADU is different than another dwelling unit on a lot because in the State
77 Statute they cannot be sold separately. Also, the owners of the property have to occupy one of the two
78 units. The Bonannos currently occupy the main structure but have discussed moving into the second
79 structure as they get older as it is closer to the road.

80 Chairman Schneider said that one of the requirements is that the setbacks for the ADU must meet the
81 same guidelines as a single family structure and asked if it meets the setbacks. Attorney Nix said that it
82 is a pre-existing non-conforming structure and it meets the requirements under the non-conforming
83 statute. Chairman Schneider said that is not what the Ordinance says is required. Vice Chair Simpson
84 said that he thinks that Chairman Schneider is saying that another Variance for the setbacks may be
85 required.

86 Mr. Larrow asked if the Bonannos are going to remodel the structure regardless of the approval of the
87 Variances. Attorney Nix said that the Bonannos are trying to figure out what to do with the structure
88 and this is a key part of what they will do. The Bonannos currently have a pre-existing nonconforming
89 structure, which they currently use as a guest house with no kitchen. If the Variances are denied, the
90 Bonannos will need to determine how much they want to spend on remodeling the structure or if they
91 will just not remodel it.

92 Mr. Lyons asked and Attorney Nix said that the land disturbance permit that was issued in 2012 was for
93 the garage and it was built by the Bonannos. Mr. Lyons asked and Attorney Nix said that the main
94 structure is closer to the water, the guest house is on the road, and the garage is between the two
95 structures.

96 Vice Chair Simpson asked how the Board can grant Variances for conditions for a use that is only
97 permitted by a Special Exception. Attorney Nix said that he is not asking for a Variance from the Special
98 Exception. Vice Chair Simpson said that Attorney Nix is asking the Board to amend the criteria for the
99 Special Exception he is then going to ask for. Vice Chair Simpson asked if there is any legal authority that
100 says that the Board can grant Variances for conditions of Special Exceptions. Attorney Nix said that is
101 not what is being requested. Vice Chair Simpson said that the Variances are for criteria that pertains to
102 a Special Exception. If all the criteria Special Exception are satisfied then the Board is almost compelled
103 to grant it unless there is a violation of the Ordinance. Attorney Nix said that he is requesting a use
104 variance and a dimensional variance. Vice Chair Simpson said that Attorney Nix is requesting that the
105 Board approve a re-write of the Ordinance and asked if there is any legal authority for giving Variances
106 for criteria set out in a Special Exception. Attorney Nix said that the Ordinance for accessory uses states
107 that an ADU must be attached to the house. The first Variance requests that a stand alone ADU be

108 allowed; the second Variance is to see if the ADU will be allowed to be 1,400 sq ft. If both those
109 Variances are granted, then the application will need to meet the conditions of the Special Exception.
110 Vice Chair Simpson said that the criteria being discussed do not apply to the property without the
111 Special Exception being considered. Attorney Nix said that the Special Exception cannot be requested
112 unless the use Variances are granted. Vice Chair Simpson said that he is looking for some authority that
113 allows the Board to vary the criteria of a Special Exception consecutively with granting a Special
114 Exception. Chairman Schneider asked and Vice Chair Simpson confirmed that he is asking if the Board
115 can grant a Variance for a requirement for a Special Exception. Chairman Schneider said that he
116 believes that the Board can do this. Ms. Gage said that she has the OSI Handbook that does have a
117 section that relates to Variances from the terms of a Special Exception. The section reads "Variances
118 from the Terms of a Special Exception. The question sometimes arises as to whether an applicant for a
119 particular land use can obtain a variance from one of the terms of a special exception in order to qualify
120 for a special exception. Clearly, where a use is allowed by special exception provided certain criteria are
121 met, the special exception could not be granted if any one of the criteria is not satisfied. Similarly, the
122 board could not first grant a variance for the unsatisfied criteria, then turn around and grant the special
123 exception even if all other criteria are met. When a board is considering whether to grant a special
124 exception, it may not vary or waive any of the requirements set forth within the zoning ordinance and
125 while the board may grant a special exception, it cannot waive the requirement for a special exception."
126 Ms. Gage continued that the section goes on to refer to a case titled New London Land Use Association
127 vs. New London Zoning Board of Adjustment. Chairman Schneider said that it does not sound as though
128 the Board can grant a Variance for Special Exception criteria.

129 Attorney Nix said that he does not think that the Board understands what is occurring with this case.
130 Vice Chair Simpson said that the criteria do not apply to the property because the Special Exception is
131 not being presented first. Attorney Nix said that he can change the order of the presentations. Vice
132 Chair Simpson said that he thinks that they should all be heard as one case. However, his question was
133 if the Board can grant Variances to the conditions of a Special Exception. Attorney Nix said that he is not
134 asking for that. Chairman Schneider said that if that is not being requested then he does not understand
135 what is being requested. The Variances are being requested for the criteria to the general requirements
136 for a Special Exception. Attorney Nix said that the Special Exception criteria are: is it appropriate for the
137 location, is there adequate and safe highway access and off street parking, etc. Chairman Schneider said
138 that those are not the Special Exception requirements, the requirements are under 4.90 (c)(4), which
139 says that the ADU cannot be larger than 1,000 sq ft and it must be within or attached with heated space
140 to the single family dwelling and there must be a connecting door between units. Attorney Nix said that
141 these are not the Special Exception criteria, they are the dimensional and use requirements in the
142 Ordinance. The Special Exception criteria are in the other Section of the Ordinance and they must be
143 met after the allowance of the ADU. Chairman Schneider said that the first requirement is that an ADU
144 will be permitted in all districts by Special Exception. Chairman Schneider asked if Attorney Nix is not
145 asking for a Variance from the criteria for the Special Exception then what is he asking for. Attorney Nix
146 said that he is asking for Variances from the criteria for an ADU; a Special Exception is different. Mr.
147 Larrow said that if the Board agrees to the changes with the Variances then it fits the Special Exception
148 criteria and they have not said that they agree to them. Vice Chair Simpson said that they don't

149 currently apply to the property but Attorney Nix said that the criteria for a Special Exception are laid out
150 under Section 4.15. Chairman Schneider said that there is additional criteria for Special Exceptions for
151 ADUs under Section 4.90.

152 Chairman Schneider said that he does not understand why they are going through this rather than
153 looking at a Variance to have more than one dwelling unit on a property. Attorney Nix said that another
154 dwelling unit would be allowed to be sold and an ADU is covered by a State Statute that does not allow
155 different ownership.

156 Ms. Gage said that Attorney Nix is saying that the requirements under Section 4.90 (c) are not Special
157 Exception requirements for an ADU. Chairman Schneider said that they can agree to disagree.

158 Attorney Nix said that he is struggling with how the Board is going to treat this because the applications
159 have been done as two Variance requests and he has gone over the criteria for them but if the Board is
160 going to treat them differently then he doesn't know what he is going to do. Vice Chair Simpson asked
161 and Attorney Nix agreed that a Variance is a request for something that a property does not have.
162 Attorney Nix said that the first Variance is from Section 4.90 (c)(4) to allow for a stand alone unit.

163 Attorney Nix said that there are five criteria under RSA 674:33 (1)(2) that need to be met and began to
164 go over the reasons for the Variance per the submitted application.

165 Vice Chair Simpson asked if Attorney Nix is requesting a Variance based on the State Statute or the
166 Ordinance. Attorney Nix said that he is asking for a Variance to the Ordinance but the Statute requires
167 the five criteria under RSA 674:33. He is citing from NH Supreme Court Cases that have interpreted
168 what the language means. Vice Chair Simpson said that he assumes that Attorney Nix wants to convince
169 the Board to grant the Variances but asked how this is within the "Spirit of the Ordinance" for Section
170 4.90 as the "Spirit of the Ordinance" is that you have to comply with the criteria of the Ordinance.
171 Attorney Nix said that the Special Exception would need to determine that the site is appropriate for the
172 application. This is a residential neighborhood and ADUs are permitted under the Ordinance in a
173 residential neighborhood. The issue is that the structure is not attached to the main dwelling unit.
174 There is adequate and safe highway access to the site, there is adequate off-street parking, and there is
175 adequate sewage disposal; these are all criteria for a Special Exception under Section 4.15. Attorney Nix
176 continued that the proposal is consistent with the Spirit of the Ordinance because it allows for an ADU.

177 Mr. Lyons said that the Birch Point community was once on a communal sewer and asked if they are
178 now part of the Town's sewer system. Vice Chair Simpson said that the property is on Town Sewer.

179 Attorney Nix continued to go over the criteria for the proposal as submitted in the applications.

180 Chairman Schneider asked how the change in the law created a hardship. Attorney Nix said that before
181 2017 there was not an ADU Ordinance. If the Ordinance had been in existence at the time the house
182 was constructed it might have been taken into consideration because the architecture of the main
183 house does not allow for an ADU to be added. Mr. Lyons said that the garage was built after the house
184 was constructed. Attorney Nix said that the garage was constructed before the Ordinance was passed.

185 Mr. Larrow asked if when the main home was constructed if there was consideration into tearing down
186 the guest house and making the main structure bigger. Attorney Nix said that the Bonannos were not
187 the owners at that time. The Statute has changed to allow ADUs by right. Mr. Larrow said that they are
188 allowed by right if the criteria is met.

189 Attorney Nix said that there is a main house and a stand alone guest house and that is creating the
190 hardship. Additionally, the lot narrows and it doesn't architecturally make sense to try and attach an
191 ADU to the main house.

192 Chairman Schneider asked and there were no questions or comments from anyone in the audience
193 regarding the cases. Chairman Schneider asked and there were no questions for Attorney Nix from the
194 Board. Chairman Schneider closed the hearing to public comments.

195 Mr. Neuwirt asked if there are any letters from abutters regarding the proposal. Ms. Gage said that they
196 have not received any letters from any abutters. Mr. Neuwirt said that Attorney Nix did as well a job
197 that he could have given the circumstances but that the waters get murky quickly. His concern is that
198 there is nothing that would prevent this building from being rented. If you look at the criteria for an
199 ADU, it was designed for children moving back home or parents moving in with their children; this was
200 the State's answer to the dilemma as to what to do with the issues with density requirements. The
201 issues that arise is that people like to rent these units out and is why he asked about the abutters. If
202 people are already using the structure as a guest house, it is a technicality that someone removed a
203 stove in order to meet the criteria; he does not see the big deal if someone stays there and cooks or
204 stays there and does not cook. His concern is if the structure is to be rented.

205 Mr. Larrow said that reading Section 4.90 and the Statutes, he does not see the hardship the same way
206 that it was presented. He does not think that the ADU Ordinance was meant to do what these
207 applications propose. He understands that the State says that this can be granted, however, the
208 municipality is able to say no. He does not feel as though the criteria has been met.

209 Chairman Schneider said that this meets very few of the Variance criteria. The proposal may diminish
210 property values because a second dwelling unit is being added to a property where the Ordinance does
211 not support two dwelling units. It is contrary to the public interest because if the Board grants the
212 request, which clearly does not meet the ADU requirements, then other people with separate structures
213 could make the same request. He does not see how the Zoning restriction as applied to the property
214 interferes with the reasonable use because the reasonable use of the property is as a single family
215 dwelling. He thinks that granting the request would be contrary to the Spirit of the Ordinance because
216 the request is contrary to the ADU requirements in the Ordinance and there has not been any specific
217 reasons given for this particular piece of property why this request should be granted.

218 Vice Chair Simpson said that on some level he agrees with Mr. Neuwirt as it is a pre-existing building and
219 it was a house. He thinks that this may have been entertained as a Variance request from the conditions
220 of one dwelling unit per lot as it may have been more appropriate. He also wonders about the
221 restriction on the kitchen as it sounds like something someone would do if they didn't want to pay for a
222 second hook-up for water and sewer. Chairman Schneider said that he believes that it was a

223 requirement for the main structure to be built. Ms. Gage said that the Certificate of Zoning Compliance
224 was given the condition that the structure had to convert to a non-dwelling unit by removing the
225 kitchen. Vice Chair Simpson said that he agrees with what Chairman Schneider said regarding the
226 criteria and would adopt his reasoning in its entirety.

227 Mr. Lyons said that he agrees with the other members of the Board. Additionally, public interest is
228 decided by the voters in the Town of Sunapee. The voters specifically adopted the wording of this
229 Ordinance that says that the ADU must be attached and he thinks that they need to go with that criteria.

230 Vice Chair Simpson made a motion to approve Case #ZBA18-19: Robert A Bonanno Trust, Judith B
231 Bonanno Trust; Tax Map Lot Number 0136-0058-0000; 50 Birch Point Rd; Zone RS w/ Shoreline Overlay;
232 Variance for detached accessory dwelling unit (RSA 674:73); request Variance from Zoning Ordinance
233 Section 4.90 (c)(4) for a stand-alone accessory dwelling unit. Mr. Lyons seconded the motion. The
234 motion failed unanimously because the proposal does not meet the Variance criteria; it would be
235 contrary to the public interest, it does not do substantial justice, and hardship has not been
236 demonstrated.

237 Chairman Schneider asked and Attorney Nix said that he would like the Board to vote on the second
238 Variance. Vice Chair Simpson asked and Attorney Nix said that he would like to protect his client's
239 interests so after the Board votes on the second Variance he will withdraw the application for the
240 Special Exception.

241 Chairman Schneider asked if Attorney Nix has any comments regarding the second Variance. Attorney
242 Nix said that he has discussed renting the ADU with the Bonannos and wishes that question had been
243 asked during the public session. The Bonannos were willing to have a condition placed on the approvals
244 that the units could not be rented. Vice Chair Simpson said that he does not agree with Mr. Neuwirt
245 regarding renting the property.

246 Vice Chair Simpson said that he questions whether this is a de facto attempt to seek Variances to the
247 criteria for a Special Exception. He believes that the Statute sets out criteria as part of the Special
248 Exception that must be considered in Section 4.90 (c). The conditions for a Special Exception for an ADU
249 are only considered for ADUs, not for any other aspect of a property. Therefore, they would not be
250 applicable to the property under the Ordinance unless it was already an ADU. Attorney Nix said that the
251 Board is setting it up so that no one can ask for a Variance to any of the criteria in the ADU Statute. Vice
252 Chair Simpson said that he did ask if Attorney Nix knew of any legal authority that the Board can do that.
253 Attorney said that the Board is incorrect by saying that the Bonannos are requesting a Variance from the
254 Special Exception criteria. Zoning Ordinances layout certain criteria for certain uses. If it rises to the
255 level of needing a Special Exception, then it states that it is allowed by Special Exception; the Special
256 Exception criteria are completely different but that is the way the Board reads it. Chairman Schneider
257 asked and Vice Chair Simpson said that he thinks that Attorney Nix means that Section 4.90 (c) is not the
258 Special Exception criteria. Chairman Schneider said that it says "general requirements" so he does not
259 know how they are not criteria. Vice Chair Simpson asked and Attorney Nix said that he thinks that the
260 Board should be focusing on the criteria in 4.15 for a Special Exception. Vice Chair Simpson asked if

261 Attorney Nix thinks that the Board should consider the criteria under 4.90 as part of a Special Exception
262 for an ADU. Attorney Nix said that they are not the criteria for a Special Exception under Sunapee's
263 Ordinance. The Ordinance lays out the criteria for a Special Exception. Vice Chair Simpson said that the
264 Board's last vote was not based on that interpretation, it was based on the criteria the Board needs to
265 consider for a Variance. He does concede that the Ordinance may need some work, but he does believe
266 that it says what can be considered for the Spirit of the Ordinance when considering a Variance.

267 Chairman Schneider asked and there were no additional questions or comments regarding the case.

268 Vice Chair Simpson made a motion to approve ZBA18-20: Robert A Bonanno Trust and Judith B Bonanno
269 Trust; Tax Map and Lot 0136-0058-0000; 50 Birch Point Rd; Zone RS w/ Shoreline Overlay; a Variance for
270 an accessory dwelling unit with 1,400 +/- sq ft where 1,000 sq ft is allowed; request Variance from
271 Zoning Ordinance section 4.90 (c)(4) for an accessory dwelling unit with 1,400 +/- sq ft of living space.
272 Mr. Larrow seconded the motion. The motion failed unanimously due to the reasons listed in the
273 previous case.

274 **CASE #ZBA18-21; ROBERT A BONANNO TRUST, JUDITH B BONANNO TRUST; PARCEL ID: 0136-0058-**
275 **0000; 50 BIRCH POINT RD; ZONE RS W/ SHORELINES OVERLAY; SPECIAL EXCEPTION- SPECIAL**
276 **EXCEPTION FOR AN ACCESSORY DWELLING UNIT UNDER ZONING ORDINANCE SECTION 4.90.**

277 Attorney Nix formally withdrew the application for a Special Exception.

278 Vice Chair Simpson made a motion to accept the applicant's withdrawal of ZBA18-21. Mr. Larrow
279 seconded the motion. The motion passed unanimously.

280 **MINUTES**

281 Changes to the minutes from October 4, 2018: Change Lines 56-60 to read "...considering the unique
282 setting of the property in its environment. Vice Chair Simpson asked..." Change Line 239 to read
283 "...experience a reasonable use..." Change Line 251 to read "Vice Chair Simpson asked and..." Change
284 Line 284 to read "...that he wanted to add on to..." Change Line 291 to read "Mr. Spaulding said that..."

285 Vice Chair Simpson made a motion to approve the minutes of October 4, 2018 as amended. Mr. Larrow
286 seconded the motion. The motion passed unanimously.

287 There was a brief discussion regarding the McLaughlin property and the NH Department of
288 Transportation.

289 There was a discussion regarding one of the Variances that the Board approved that the Police Chief was
290 not happy about because it created more parking at the road. The Board asked about putting a
291 requirement that the Department Head sign offs on applications in their Rules and Procedures or having
292 Ms. Gage ensure that it happens.

293 Changes to the minutes from November 1, 2018: Add "Clayton Platt recused himself" between Lines 8
294 and 9. Change Line 17 to read "...appears as though a pin..." Change Line 18 to read "...which changed

295 the 50 ft setback.” Change Line 81 to read “...that they did do a foundation....” Change Line 156 to read
296 “...increases the impervious area by...” Change Line 171 to read “...indicated on the Tax Map sideways
297 from the actual direction.” Change Line 192 to read “...beautiful house that is used extensively.”
298 Change Line 212 to read “...he has no problems...” Change Line 251 to read “...some towns who have
299 it...”

300 Vice Chair Simpson made a motion to approve the November 1, 2018 minutes as amended. Mr. Larrow
301 seconded the motion. The motion passed with four in favor and one abstention.

302 **MISCELLANEOUS**

303 The Board discussed the Zoning application where the building was demolished and the new
304 construction started before they received approval. If someone wants to maintain their grandfathered
305 rights to a structure they have up to two years to do that and there must be clear documentation as to
306 what was on the site. There was also a discussion regarding if Ms. Gage or the Board should measure
307 house heights or the locations of structures on properties.

308 There was a discussion regarding the kitchen facility in the Bonanno’s house as there were pictures that
309 showed a sink, coffee maker, and dishwasher. The prior owners only took out the stove and the Board
310 does not know how that means it is no longer a kitchen. Ms. Gage said that she needs to follow up to
311 determine if there is a Zoning violation on the property. There was further discussion regarding this
312 matter.

313 The Board discussed the definition of a dwelling unit and about the definition of height.

314 Ms. Gage gave a copy of the 2019 Zoning Board schedule.

315 **ZONING AMENDMENTS**

316 The Board discussed that the public hearing for the Zoning Amendments will be held on December 13,
317 2018.

318 Mr. Larrow made a motion to adjourn the meeting at 8:46 pm. Vice Chair Simpson seconded the
319 motion. The motion passed unanimously.

320 Respectfully submitted,

321 Melissa Pollari

322

323

324

325

326 Zoning Board of Adjustment

327 _____

328 Daniel Schneider, Chair

Aaron Simpson, Vice Chair

329 _____

330 James Lyons, Jr.

William Larrow

331 _____

332 George Neuwirt

Clayton Platt, Alternate

333 _____

334 Jeffery Claus, Alternate