

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **APRIL 14, 2016**

4 **PRESENT:** Edward Frothingham, Chair; Daniel Schneider, Vice-chair; Aaron Simpson; Clayton Platt;
5 George Neuwirt, Alternate; Roger Landry, Zoning Administrator

6 **ABSENT:** William Larrow

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

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

9 **ELECTION OF OFFICERS**

10 Mr. Schneider nominated Mr. Frothingham to continue as Chair. Mr. Platt seconded the nomination.
11 The nomination was passed unanimously.

12 Chairman Frothingham made a motion to have Mr. Neuwirt sit as a voting member for the meeting in
13 place of Mr. Larrow. Mr. Schneider seconded the motion. The motion passed unanimously.

14 Mr. Platt nominated Mr. Schneider as Vice Chair. Chairman Frothingham seconded the nomination. The
15 nomination passed unanimously.

16 **MISCELLANEOUS**

17 Mr. Landry explained that there will be an informational Right to Know meeting held on May 17th at 7:00
18 pm. It is recommended that the Board members attend.

19 Mr. Landry said that he has a copy of the signed final plat for the Lemieux property that was discussed at
20 the last Zoning meeting.

21 **CONTINUATION: CASE #16-02: PARCEL ID: 0120-0025-0000: SEEKING A VARIANCE OF ARTICLE III,**
22 **SECTION 3.40-C REDUCING LAKE FRONT SETBACK FROM 50 FT TO 2.9 FT ALLOWING CONSTRUCTION**
23 **OF A SCREEN HOUSE IN PLACE OF AN EXISTING BOAT HOUSE. 15 NILSEN LANE, DONALD & GABRIELLE**
24 **MCCREE.**

25 Charlie Hirshberg of CLD Engineers presented the case.

26 Mr. Hirshberg showed the State Shoreland Plan to the Board and explained the current boathouse
27 structure is mostly on the land but does have its feet sit out over the water. The Wetlands Bureau has
28 said that if the new building is not going to be used as a boathouse they want it moved it back so that it
29 does not sit on the water. If it goes back from the water, it then becomes a Shoreland Structure for
30 permitting. Mr. Hirshberg continued that he spoke to Craig Day at Shoreland and Kirsten from the

31 Wetlands Bureau and was told that the structure needs to be moved beyond the “top of bank”, and that
32 the can keep the square footage of the structure but not keep it over the water.

33 Mr. Hirshberg said that what he is proposing is moving the structure back 2.9 ft, which gets them
34 beyond “top of bank” and not over the water. He has worked out the plan with Shoreland and is in front
35 of the Zoning Board because the structure will no longer be on the same footprint. Also, the structure is
36 being shifted a little bit towards the decking that is there. The net result is that the structure is still in
37 the side setback. The current structure is 12.1 ft to the water from the sideline and when the structure
38 is slid back, the chimney is 12.1 ft from the sideline. It is essentially the same side setback, but it is non-
39 conforming so it needs a Variance.

40 Mr. Hirshberg said that the proposed square footage of the structure is the same as the existing. The
41 existing structure is 14.3 ft by 20.3 ft and the proposed structure is 14 ft by 22 ft, but it has a chimney
42 that is associated and part of it is outside the structure so the square footage is essentially the same.

43 Chairman Frothingham asked and Mr. Hirshberg said that he does not have the Shoreland Permit yet.
44 He did work out the plan with Craig Day at Shoreland but the permit has not been issued yet, one of the
45 reasons being is because Shoreland wanted to know if the Zoning Board wanted any changes made to
46 the plan. Then he could modify the Shoreland Permit, which could be approved in two weeks.

47 There was a discussion regarding what would happen if the application is not approved as submitted to
48 Shoreland.

49 Chairman Frothingham asked why the structure cannot be built in the current footprint. Mr. Platt said
50 that the State wants the structure to come back off the water. Mr. Landry said that the new structure
51 could still be built within the footprint, it would just be smaller.

52 Mr. Simpson asked and Mr. Hirshberg said that there is a dock currently at the end of the boathouse.
53 They are leaving the decking and the walkway, which goes to steps that goes down to a dock and all of
54 this would remain.

55 Mr. Simpson asked if the owners have been using the current structure as a boathouse. Mr. Hirshberg
56 explained that the current structure is like a shed and they really have only been using it to sit in it.

57 Mr. Hirshberg said that the proposal is for a slightly elaborate screened porch.

58 Mr. Landry asked if the concrete pad will remain in the water. Mr. Hirshberg confirmed that it will
59 because it holds the dock. Mr. Landry asked for the size of the pad. Mr. Hirshberg said that it is large; it
60 is a trapezoidal shape so what is in the water is much larger than what is on the surface. What is on the
61 surface is the width of the walkway.

62 Vice Chair Schneider asked and Mr. Hirshberg confirmed that there is no plumbing in the current
63 structure and that there will not be plumbing in the proposed structure; there will be electricity. It is a
64 screened porch, so it will be open to the outside.

65 Mr. Neuwirt said that he is confused as where the Board stands on approving permits without a
66 Shoreland Permit. Mr. Simpson said that he does not believe that the Board can withhold approvals on
67 that basis, though they can put conditions on approvals. Vice Chair Schneider said that an approval can
68 be made subject to the approval of a Shoreland Permit. Mr. Landry said that they can also put a
69 condition on an approval that Mr. Hirshberg return to the Board at the next meeting with the approved
70 Shoreland Permit so that the responsibility is not put on him. There was further discussion regarding
71 this matter and the fact that if there is a change to a plan, it has to go back to DES to obtain an amended
72 permit; if the plan changes, Mr. Hirshberg will need to come back to the Board.

73 Vice Chair Schneider asked about the height of the proposed structure. Mr. Hirshberg said that the
74 height is the same as the existing structure.

75 Mr. Simpson asked what assurance the Board has that this will not turn into an ancillary residence. Mr.
76 Hirshberg said that DES won't allow it to be living space. Mr. Simpson said that a law was just passed
77 which basically says that accessory dwelling units are a matter of right if it is a residential property. Mr.
78 Hirshberg said that if the Zoning Board approves this proposal, he would include that the structure shall
79 not be used as living space in the approval.

80 Vice Chair Schneider asked and Mr. Hirshberg confirmed that the property line has been surveyed.

81 Mr. Neuwirt said that this looks like a reasonable use to him. Mr. Platt said that it looks like there is no
82 expansion, they are just shifting away from the Lake, which is good.

83 Mr. Simpson asked Mr. Hirshberg for an explanation of the hardship. Mr. Hirshberg said that even
84 though the structure is moving, there is already a structure there. It is a little different than if there is
85 not anything there. The hardship is that they could not construct this structure at its location. Mr.
86 Simpson asked if the walls could be taken out the current structure be turned into a screened building.
87 Mr. Hirshberg said that DES wants it off the water. There was further discussion about the current
88 structure.

89 Chairman Frothingham asked and Mr. Hirshberg confirmed that if they stayed in the original footprint
90 and brought the structure back, they would just need to make the proposed structure smaller.
91 Chairman Frothingham said that it is not like there is that big of a hardship compared to if they wanted
92 to build another boathouse.

93 There was a brief discussion regarding the Wetlands Bureau.

94 Mr. Platt said that the proposed structure is further back from the Lake and for the most part is further
95 back from the sideline, except for the chimney. He does not think that it makes sense to have a
96 footprint guide everything that is done because things are torn down and destroyed and new structures
97 are not always built on the same foundation most of the time.

98 Mr. Landry said that it is too bad that they cannot leave the building as is and just replace the sides with
99 screening materials. Mr. Hirshberg said that the current structure is sitting on a variety of things and the

100 sills are rotting out. The proposed structure will sit on piers and they will also be stabilizing the area as it
101 is washing out.

102 Vice Chair Schneider said that he agrees that it is less non-conforming and that as long as they comply
103 with DES and the structure is not made into a dwelling unit, he thinks that it is consistent with the spirit
104 of the regulations.

105 Mr. Simpson said that he read that they want to put the structure on "top of a bank" and asked for
106 clarification. Mr. Hirshberg said that the Wetlands Bureau has jurisdiction to what they call "top of
107 bank" and it is defined that if there is a grade change that starts to level off, that edge is "top of bank."
108 The 2.9 ft. brings them back to that edge and Wetlands agreed.

109 Chairman Frothingham asked if anyone in the audience had any questions or comments and there were
110 none.

111 Vice Chair Schneider made a motion to approve Case #16-02: Parcel ID: 0120-0025-0000: seeking a
112 Variance of Article III, Section 3.40-c reducing lake front setback from 50 ft. to 2.9 ft. allowing
113 construction of a screen house in place of an existing boat house, 15 Nilsen lane, Donald and Gabrielle
114 McCree, under the conditions that a DES Shoreland Permit be secured and complied with and that the
115 building not have additional improvements such as plumbing and be utilized as a dwelling unit. Mr. Platt
116 seconded the motion. The motion passed with four in favor and one opposed (Mr. Simpson).

117 **CONTINUATION: CASE #16-03: PARCEL ID: 0120-0025-0000: SEEKING A VARIANCE OF ARTICLE III,**
118 **SECTION 3.10 REDUCING SIDE SETBACK FROM 15 FT TO 12.1 FT ALLOWING CONSTRUCTION OF A**
119 **SCREEN HOUSE IN PLACE OF AN EXISTING BOAT HOUSE. 15 NILSEN LANE, DONALD & GABRIELLE**
120 **MCCREE.**

121 Mr. Hirshberg presented the merits of the case.

122 Mr. Hirshberg said that the 12.1 ft. setback is the same as the existing; the existing is to the actual
123 structure, versus the nearest edge of the chimney for the proposed structure. The wooden structure is
124 actually further, but it still does not meet the 15 ft. setback.

125 Mr. Neuwirt said that it is strange to him that the applicant is seeking a Variance for the chimney. Mr.
126 Landry explained that it is for the structure as it is a couple of feet wider because of the chimney than it
127 was before and is being moved over so it is a new footprint. Mr. Hirshberg said that it is his
128 understanding that the chimney is part of the building. Vice Chair Schneider asked and Mr. Landry
129 confirmed that if the chimney was not part of the structure, they would still require a Variance as the
130 footprint is changing and it is still within the setback. Mr. Hirshberg said that the wooden structure does
131 not meet the 15 ft. setback. Mr. Neuwirt asked about the dotted line on the plan and Mr. Hirshberg
132 explained that it is the overhang, which is not 1.5 ft., so it is not counted as part of the structure. Mr.
133 Landry said that the new structure does not meet the setback.

134 Mr. Neuwirt asked and Mr. Landry confirmed that he did not receive any letters in support of or against
135 the proposal.

136 Vice Chair Schneider made a motion to approve Case #16-03: Parcel ID: 0120-0025-0000: seeking a
137 Variance of Article III, Section 3.10 reducing side setback from 15 ft. to 12.1 ft. allowing construction of a
138 screen house in place of an existing boat house, 15 Nilsen Lane, Donald and Gabrielle McCree, with the
139 conditions that a DES Shoreland Permit be secured and complied with and that the building not be
140 improved or used as a dwelling unit, as per the Plan as submitted by CLD. Mr. Neuwirt seconded the
141 motion. The motion passed with four in favor and one opposed (Mr. Simpson).

142 **CASE #16-04: PARCEL ID: 0106-0021-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION 3.40 (C) TO**
143 **REDUCE LAKEFRONT SETBACK FROM 50 FT TO 20 FT ALLOWING RELOCATION OF THE EXISTING**
144 **GAZEBO. HK SUNAPEE COVE, LLC, 1250 ROUTE 11, GEORGES MILLS.**

145 Mr. Hirshberg presented the merits of the case.

146 Mr. Hirshberg said that HallKeen, who owns Sunapee Cove, went through Site Plan Review for
147 expansion, which was approved. Unfortunately, they let their permit go a year and two days before
148 asking for an extension so they have to go back to the Planning Board to go through Site Plan Review a
149 second time. Mr. Landry said that they also need State Fire Marshall review, which has not been done
150 yet. Mr. Hirshberg said that they have applied to the State Fire Marshall's office.

151 Mr. Hirshberg said that he is before the Zoning Board regarding the gazebo. The submitted plan #C3
152 shows a walkway from the building that goes down to the water and, originally, in one of the curves of
153 the walkway there was a patio area. HallKeen has asked to move the gazebo there instead of having the
154 patio area. Mr. Hirshberg continued that the gazebo will sit on blocks and there will be a stone drip
155 edge around it so whatever goes off the roof infiltrates into the ground. They had already impacted the
156 area and had a Shoreland Permit for it. They have amended the Shoreland Permit to relate to the
157 gazebo. Mr. Hirshberg showed the Board the amended Shoreland Permit that includes the relocation of
158 the gazebo.

159 Mr. Simpson asked if Mr. Hirshberg needs another Variance for the walkway. Mr. Hirshberg said that
160 the Board did approve a Variance for a walkway before they were going to do the addition as it was
161 much more involved with retaining walls and such. This walkway is much less environmentally
162 impacting and is pervious. Mr. Simpson asked and Mr. Hirshberg explained that they are allowed to
163 build a walkway, the previous design had retaining walls over 48 in high and there were items that
164 required a Variance; the new design does not. The new walkway is ADA accessible and is built at grade.

165 Mr. Simpson asked about the VC / VR line that is shown on the plan. Mr. Hirshberg explained that the
166 property was in two different Zones. HallKeen purchased the second piece and merged both parcels so
167 it is now all Village Commercial. Mr. Landry said that they are allowed 80% lot coverage of impervious
168 surface.

169 Mr. Platt asked about the hardship. Mr. Hirshberg said that they would not be able to put something
170 with some protection within the 50 ft. area. This is a facility for older people that may be debilitated
171 and they need some protection for them. For example, if it starts to rain, this can help protect them.

172 Mr. Landry asked how far the gazebo will be from the mouth of the brook and if the 50 ft. is measured
173 from the Lake. Mr. Hirshberg confirmed that the 50 ft. is measured from the Lake. Mr. Hirshberg
174 explained this from the plans submitted to the Board. Mr. Landry said that the brook is not classified as
175 a Class IV and is not a waterbody according to the official waterbodies map. Mr. Hirshberg said that
176 they are within 20 ft. of the Lake.

177 Mr. Hirshberg said that the gazebo is 150 sq. ft. and they are asking for a Variance for the 150 sq. ft.
178 roofed over gazebo within the 50 ft. setback.

179 Mr. Platt made a motion to approve Case #16-04: Parcel ID: 0106-0021-0000: seeking a Variance of
180 Article III, Section 3.40 (c) to reduce the lakefront setback from 50 ft. to 20 ft. allowing relocation of the
181 exiting gazebo, HK Sunapee Cove, LLC, 1250 Route 11, Georges Mills conditional on all construction
182 proceeding in accordance with Shoreland Impact Permit #2015-00594. Vice Chair Schneider seconded
183 the motion. The motion passed with four in favor and one opposed (Mr. Neuwirt).

184 **CASE #16-05: PARCEL ID: 0149-0013-0000: SEEKING A VARIANCE OF ARTICLE VI, SECTION 6.40 TO**
185 **ALLOW A PREEXISTING NON-CONFORMING LOT TO BE MORE NON-CONFORMING FROM .350 ACRES**
186 **TO .343 ACRES FROM THE ANNEXATION OF .007 ACRES TO LOT #0148-0025-0000. KATHLEEN GRIFFIN,**
187 **HAMEL RD.**

188 Mr. Landry said that he received a fax from Mrs. Griffin requesting that the case be withdrawn as she
189 has sold the property as of Monday, April 11th.

190 Mr. Simpson made a motion to accept the withdrawal. Vice Chair Schneider seconded the motion. The
191 motion passed with four in favor and one abstention (Mr. Platt).

192 **CASE #16-06: PARCEL ID: 0106-0005-0000: SEEKING A SPECIAL EXCEPTION AS PER ARTICLE III,**
193 **SECTION 3.50 (I) TO ADD A SECOND STORY TO A PREEXISTING NON-CONFORMING STRUCTURE. THE**
194 **ADDITION WILL BE UNDER 10 FT IN ADDITIONAL HEIGHT. EDWARD & DAVID BAILEY, 1002 MAIN ST,**
195 **GEORGES MILLS.**

196 Mr. Neuwirt recused himself from the case.

197 Mr. Neuwirt and Edward Bailey presented the merits of the case. Mr. Landry said that both Mr. Bailey
198 and Mr. David Bailey, the current owners of the property, have signed a letter allowing Mr. Neuwirt to
199 present the case on their behalf.

200 Mr. Neuwirt said that the purpose of the Special Exception is the structure as proposed to be modified is
201 non-conforming. Therefore, under the Zoning Ordinance Section 3.50-(i), the structure needs to meet
202 certain criteria in order for the Board to consider it for the Special Exception.

203 Mr. Neuwirt said that the point of the project is to allow himself and his wife to purchase the property
204 pending the outcome of the Special Exception. The old house that was there was not savable and has
205 been torn down to create a flat area where they have put their campers. Their plan is to take the roof
206 off the existing garage and add a second story. Mr. Neuwirt continued that the plan is included with the

207 permit so that the Board can see what they are proposing. There may be some variations but the
208 footprint will stay the same.

209 Mr. Neuwirt said that he is proposing a modest residence for himself and his wife. He thinks that it is a
210 tasteful project in relation to the other houses in the neighborhood and that it will be a great addition to
211 the neighborhood.

212 Vice Chair Schneider said that they do not have a full Board. Chairman Frothingham said that if Mr.
213 Neuwirt wants to postpone the hearing then he can. Mr. Neuwirt said that he does not want to
214 postpone.

215 Mr. Neuwirt said that the purpose of the Special Exception is that the front of the building does not
216 meet the minimum 40 ft. setback to the middle of the road, they are at 36 ft., which makes it a
217 preexisting non-conforming structure. Mr. Landry said that they are raising the roofline from 13.8 ft. to
218 23 ft. Mr. Neuwirt confirmed this and said that the Zoning Ordinance requires less than 10 ft. in height
219 on a non-conforming structure. There will be no enlargement of the structure in the non-conforming
220 direction. It is also less than 24 ft. in height so it qualifies for a Special Exception.

221 Vice Chair Schneider asked if Mr. Neuwirt has a plot plan as the lot is 0.14 acres and has two structures
222 on it. Mr. Neuwirt said that the lot only has one structure on it now. Mr. Platt asked and Mr. Neuwirt
223 confirmed that he has no intention of rebuilding the house.

224 Vice Chair Schneider asked if adding a dwelling unit to a non-conforming property would require a
225 Variance rather than a Special Exception. Mr. Landry said that the application is to add a second floor
226 and there will only be one dwelling unit as the other has been removed. Currently, Mr. Neuwirt is living
227 in a travel trailer and Mr. Neuwirt has until October 1st before he has to move out of the travel trailer.
228 Vice Chair Schneider asked and Mr. Landry confirmed that the building can be converted to a dwelling
229 unit and that Mr. Neuwirt has already hooked up with water and sewer. He cannot put two dwelling
230 units on the lot as it is not large enough. The use of the garage can be changed to a dwelling unit as
231 there is no other dwelling unit on the lot and it is preexisting non-conforming. Chairman Frothingham
232 said that they could rebuild the house in the same footprint if they wanted to. Vice Chair Schneider
233 asked and Mr. Landry confirmed that a dwelling unit can be built on a property without a Variance. The
234 reason this needs a Special Exception is that the building is non-conforming and Mr. Neuwirt will be
235 building on the second floor. Mr. Landry said that Mr. Neuwirt wants to put a residential unit on the
236 second floor, the garage portion will remain a garage, and when the residence is occupied he will no
237 longer be occupying the travel trailer that he is currently occupying so there will only be one residence
238 on a preexisting non-conforming lot.

239 Mr. Neuwirt went over the criteria for the Special Exception for the Board. Mr. Neuwirt said that under
240 Article III, Section 3.50 (i), the ZBA may allow a preexisting non-conforming structure to be enlarged,
241 replaced and / or the roofline altered provided that such enlargement or replacement will not increase
242 the horizontal dimensions of the structure unless such horizontal increase would ordinarily be permitted
243 by the Ordinance and the area that the building is non-conforming there will be no increase. The
244 building does meet setbacks on all the other sides, it is the front that is governing how that side is

245 treated. Mr. Neuwirt continued that the existing structure is a house (living area only), garage, or
246 commercial building and that he thinks that it does meet that criterion. The existing structure is less
247 than 24 ft. in height at 13 ft. 8 in. Mr. Neuwirt said that the enlarged or replaced structure will be no
248 more than 10 ft. additional in height that the preexisting structure and that it shows on his plans that it
249 will be 23 ft., which is shy of the 10 ft. The roof changes are within the height requirements set forth in
250 the Ordinance as the 10 ft. governs in the non-conforming area and in the conforming area the building
251 will not be more than 40 ft. tall. Mr. Neuwirt continued that criterion six is that in the judgement of the
252 ZBA, no abutter will be adversely affected by the enlargement (loss of view will not be considered an
253 adverse impact). He feels like his proposal meets the criterion as there was an old dilapidated building
254 there that was rotted and he is going to put up a new structure. Mr. Neuwirt said that all State and local
255 permits are acquired to insure compliance with Article VII of the Ordinance and that there are no State
256 permits required as they are not within the Shoreland, all they need is the granting of a Special
257 Exception from the Board and a building permit. Mr. Neuwirt continued that criterion eight is that such
258 enlargement or replacement, in judgement of the ZBA, is consistent with the intent of the Ordinance,
259 which he feels that the intent of the Ordinance that the property will support a single family residence
260 as it once did. He feels like the project meets all the criteria for the Board to consider it.

261 Mr. Simpson said that criterion seven has to do with whether there is sewer or septic available. Mr.
262 Landry said that there is Town water and sewer.

263 Chairman Frothingham asked if there were any comments or questions from members of the audience.

264 Tony Bergeron, an abutter of the property, said that this is a Residential Zone and asked if after October
265 1st Mr. Neuwirt can remain living in the fifth wheel. Mr. Landry confirmed that he cannot. Mr. Bergeron
266 asked if Mr. Neuwirt will be allowed to keep more than one fifth wheel on the property. Mr. Landry said
267 that the Ordinance allows for up to two such trailers on the property per Article III, Section 3.40 (m).

268 Mr. Bergeron asked if, after the construction is complete, commercial equipment is allowed to be stored
269 on the property. Mr. Simpson said no as that would turn it into a Contractor's Yard.

270 Mr. Simpson asked why Section 3.40 (m) (3) does not apply. Mr. Landry said that it does and that the
271 travel trailer that Mr. Neuwirt is living in meets setbacks and it is being used as temporary sleeping
272 quarters until October 1st or occupancy of the new dwelling unit, whichever comes first.

273 Mr. Platt said that the Selectmen are the enforcers of the Zoning Board, the Zoning Board just hears
274 individual cases as to whether applications meet the criteria for Special Exceptions. The impact to the
275 neighborhood is one of the criteria and the Board should look at this.

276 Chairman Frothingham said that Mr. Neuwirt can have the two trailers on the property but cannot have
277 any construction equipment stored there after the construction is complete. Mr. Neuwirt said that the
278 Board is not voting on the two trailers.

279 Muriel Bergeron said that she lives across the road and she has looked at the plans of the house. She
280 thinks that they are tastefully done and she has no objection to the building. She does have an

281 objection to the impact of the look of the property with the heavy equipment that has been housed
282 there, with the porta potty that has been housed there, and with the two trailers there. Mrs. Bergeron
283 said that Mr. Neuwirt did indicate that one trailer would be gone but that the other would remain there
284 as it is used on the weekends. She does not have a problem with the one trailer, but she does have a
285 problem with bringing construction equipment and having it stored on the small piece of land. It is a big
286 impact on the community and how it looks. Mr. Neuwirt said that it is a construction site. Mrs.
287 Bergeron said that she does not have a problem with the construction equipment on the site when they
288 are working on the property. She has a problem with it when they are not working and Mr. Neuwirt has
289 his own construction vehicles there. Mr. Landry said that he has already cautioned Mr. Neuwirt about
290 using the property as a Contractor's Yard, though they cannot stop a contractor from taking their truck
291 home. Mrs. Bergeron said that she has a problem with the heavy equipment that is parked on the site.
292 Mr. Neuwirt said that he is working on the project and asked what he is supposed to do with the
293 equipment. Mrs. Bergeron said that she is talking about the two yellow pieces of equipment, one that is
294 parked on the left side of the garage and the other that is parked on the other side. Mr. Neuwirt said
295 that he used equipment to tear the house down. Mr. Landry said that the house was torn down with an
296 excavator and asked if it has been removed. Mr. Neuwirt confirmed that it has and that there is a mini-
297 excavator on the property and that they are tying water and sewer and power into the building. Mrs.
298 Bergeron said that she is talking about the yellow heavy equipment that Mr. Neuwirt had stored on the
299 property for a number of days that was not used, it was just sitting. Susan Neuwirt said that the
300 weather was very poor.

301 Vice Chair Schneider asked if there is an existing building permit for the property. Mr. Landry said that
302 there is a building permit to put the trailer in, to rebuild the walls and stabilize the area where the
303 trailers are set, and to run water and sewer to the trailer where Mr. Neuwirt is staying. Mr. Simpson
304 asked and Mr. Landry explained that Mr. Neuwirt rebuilt an existing retaining wall. Mrs. Bergeron said
305 that it is a brand new retaining wall and was not preexisting. Mr. Landry said that he does have pictures
306 of the old retaining wall and in one location where he does not meet the setback from the centerline
307 Mr. Neuwirt filled to 40 in. Mr. Neuwirt was asked about the porta potty. Mr. Landry said that the
308 porta potty is allowed on a construction site. Mrs. Bergeron asked and Mr. Landry confirmed that once
309 the construction is done if the porta potty will be removed. Mr. Landry continued that if the Board
310 approves the Special Exception, the porta potty will remain on the site while the construction is being
311 done.

312 Mr. Platt said that he thinks that there is little that the Board can do about the actual construction, they
313 can only talk about the height of the building. Mrs. Bergeron asked who monitors the height and Mr.
314 Landry said that he does and he will check the height after the construction is complete. Mr. Landry said
315 that outside the setback, the house can go up to 40 ft. at the peak, which does not include a cupola.

316 Mr. Landry said Mr. Neuwirt has been told that he cannot use the property as a Contractor's Yard and
317 heavy equipment cannot be stored on the property, even overnight to be taken to another site once the
318 construction is done. Mrs. Bergeron said that Mr. Neuwirt does seem like he has been trying to comply
319 with different requests that Mr. Landry has made of him such as moving the porta potty.

320 Susan Kent of 1008 Main St Georges Mills, an abutter of the property, asked if Mr. Neuwirt is under a
321 purchase and sales agreement for the property. Mr. Neuwirt confirmed that he is. Ms. Kent asked how
322 the changes are being made to the property. Mr. Platt said that the current owners are at the meeting.
323 Chairman Frothingham explained that there needed to be conditions on the purchase of the property if
324 Mr. Neuwirt cannot do what he needs to do in order to live in it. Mr. Landry said that from what he
325 understands from the current owners, the house was destined to be demolished at some point in time
326 anyway.

327 Ms. Kent asked and Mr. Landry confirmed that Mr. Neuwirt cannot reside in the travel trailer after
328 October 1st. Ms. Kent asked who holds Mr. Neuwirt accountable to that and Mr. Landry explained that
329 he does. Mr. Simpson asked why October 1st and Mr. Landry stated that was the deadline put on the
330 building permit. Mr. Simpson asked how it is not a 90 day limit per statute. Mr. Landry said that it is
331 being used as a dwelling unit. Mr. Neuwirt explained that it meets the criteria for a dwelling unit as it
332 has sleeping quarters, sanitary facilities, and a food preparation area. Mrs. Bergeron asked and Mr.
333 Landry confirmed that the travel trailer will be disconnected from the sewer.

334 Vice Chair Schneider asked and Mr. Landry explained that the travel trailer is taking the place of the
335 dwelling unit. There was further discussion regarding this matter.

336 Mr. Platt made a motion to approve Case #16-06: Parcel ID: 0106-0005-0000: seeking a Special
337 Exception as per Article III, Section 3.50 (i) to add a second story to a preexisting non-conforming
338 structure; the addition will be under 10 ft. in additional height; Edward and David Bailey, 1002 Main St,
339 Georges Mills. Mr. Simpson seconded the motion. Mr. Simpson asked if it is a grandfathered use. Mr.
340 Landry said that it is a residential lot in a residential area that meets all of the conditions of the Master
341 Plan and the Ordinance. Mr. Platt said that the use is allowed. Mr. Landry said that it is not exceeding
342 10,000 square feet per dwelling unit. Vice Chair Schneider asked what was the dimension of the
343 previous dwelling unit and what the dimensions of the garage are. Mr. Neuwirt said that the total
344 square footage of the house and decks was 520 sq. ft. Mr. Simpson asked and Mr. Neuwirt said that the
345 house without the deck was 20 ft. by 20 ft. (400 sq. ft.), as well as a wing on one side which may have
346 made the total 460 sq. ft. Vice Chair Schneider asked and Mr. Neuwirt explained that the garage is 24 ft.
347 by 24 ft. and there will be a deck added in a conforming direction towards Route 11. The motion passed
348 with three in favor and one abstention (Vice Chair Schneider).

349 **MISCELLANEOUS**

350 Mr. Platt said that he would like to discuss some changes to Zoning this summer to try to make things
351 easier for people such as changing the order of the Zoning and Planning meetings. This would help
352 people who need Zoning then Planning approval so that they would not need to wait a month between
353 meetings. Mr. Landry said that Mr. Marquise tried to improve on that by changing his calendar from a
354 three week lead time to a five week lead time. They are also holding peer review meetings to have all
355 the Department Heads be able to talk about cases. There was further discussion regarding this matter.

356 Mr. Platt said that he also doesn't like that people need Variances if they tear something down and
357 rebuild further away as long as it is less non-conforming. There was further discussion regarding this
358 issue and how to make things make more sense.

359 Mr. Neuwirt said that he does not think that Mr. Hirshberg proved hardship to move the gazebo. Mr.
360 Simpson said that the Town has approved an assisted living facility there. Vice Chair Schneider said that
361 the gazebo will allow the residents to sit and have shade. Mr. Neuwirt said that is not a requirement of
362 an assisted living facility. Mr. Simpson said that he voted against the other case because he did not
363 think that there was a hardship. Mr. Neuwirt said that there was no hardship for the gazebo as the
364 argument was that if it starts to rain suddenly the residents will need a place to get out of the weather.
365 Mr. Simpson said that Mr. Hirshberg could have asked for a handicap exception.

366 **MINUTES**

367 Changes to the minutes from the February 11, 2016 Zoning Board Meeting:

368 Chairman Frothingham made a motion to accept the minutes as written. Mr. Platt seconded the
369 motion. The motion passed.

370 Changes to the minutes from the March 10, 2016 Zoning Board Meeting: Change Line 10 to read "Mr.
371 Simpson said that..." Change Line 39 to read "...that the Board has not been notified that the plan has
372 been received and that..."

373 Mr. Simpson made a motion to approve the minutes as amended. Mr. Platt seconded the motion. The
374 motion passed unanimously.

375 **MISCELLANEOUS**

376 Mr. Platt asked and Mr. Landry confirmed that he has received the signed plan from the Planning Board
377 for the Lemieux property on Route 11.

378 Mr. Neuwirt asked how to implement Mr. Platt's suggestions. Mr. Simpson said that they need to meet
379 with the Planning Board. Mr. Landry said that an agenda will be needed.

380 Mr. Platt made a motion to adjourn at 8:39 pm. Mr. Simpson seconded the motion. The motion passed
381 unanimously.

382 Respectfully submitted,

383 Melissa Pollari

384

385

386

387	_____	_____
388	Edward Frothingham	Aaron Simpson
389	_____	_____
390	Clayton Platt	Daniel Schneider
391	_____	_____
392	William Larrow	George Neuwirt, Alternate