

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **JULY 9, 2015**

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

6 **ABSENT:** Aaron Simpson; William Larrow

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

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

9 Vice-chair Schneider made a motion to appoint George Neuwirt as a voting member of the Board for the
10 meeting. Mr. Platt seconded the motion. The motion passed unanimously.

11 **CASE #15-11: PARCEL ID: 0211-0007-0000: SEEKING A SPECIAL EXCEPTION AS PER ARTICLE IV SECTION**
12 **4.10 TO OPEN A VETERINARY CLINIC. 16 TROW HILL RD, MONICA ROONEY.**

13 Monica Rooney presented the case.

14 Chairman Frothingham explained that the Board only has four voting members for the meeting and
15 there will need to be three votes in favor of the application in order to get it approved. Ms. Rooney said
16 that she would like to proceed with the case.

17 Ms. Rooney explained that she is asking for a Special Exception for her property at Trow Hill Rd to have
18 an acupuncture office. She owns Pleasant Lake Veterinary Hospital in Elkins and is a certified
19 acupuncturist and veterinary herbalist and does not have the room to do these things at her office. She
20 is looking to develop it as a part time office, it is low impact and typical appointments last about an
21 hour. A busy day would be three to four appointments in one day. Ms. Rooney continued that she
22 listed the days of operation as Monday through Friday and a half a day on Saturday in order to give
23 herself the opportunity to practice different hours; to start off it will be a couple of afternoons a week.

24 Ms. Rooney said that she will be using an existing space in her house, she has a back entrance, office,
25 restroom, and large room that she will use as a treatment room. She lives at a farm so she has a lot of
26 parking and a big "U" driveway.

27 Ms. Rooney said that she will not have any retail and that everything will be done by appointment only
28 so there will be nothing after hours and there will be no boarding.

29 Vice-chair Schneider asked and Ms. Rooney confirmed that she is a licensed veterinarian and has been
30 practicing for 31 years. In NH you have to be a licensed veterinarian in order to perform veterinary
31 acupuncture.

32 Vice-chair Schneider asked and Mr. Landry confirmed that if the Board approves the application Ms.
33 Rooney will need to go to the Planning Board for Site Plan Review. Mr. Landry said that the proposed
34 use is an approved use but by Special Exception only.

35 Chairman Frothingham asked Ms. Rooney to go over her criteria for granting a Special Exception.

36 Ms. Rooney said that the selected site is an appropriate location for the proposed use because it is in
37 the Rural Lands Zone and one of the permitted uses by Special Exception is for Veterinary, which is a
38 broad definition; what she is doing is a streamlined version of that. Mr. Landry asked and Ms. Rooney
39 said that she has six acres. Mr. Landry said that the minimum lot size in that Zone is three acres so
40 Ms. Rooney has more than enough land.

41 Chairman Frothingham said that criterion two is that adequate and safe highway access is provided to
42 the proposed site and that there is adequate off-street parking provided for the proposed use. Ms.
43 Rooney said that she is the first house on the right on Trow Hill Rd off of Route 11. She has two
44 driveway entrances as it is a horseshoe so she feels as though there is adequate access off the highway
45 and that it is not impacting the upper part of Trow Hill Rd.

46 Carola Gouse, an abutter on Trow Hill Rd, thanked Ms. Rooney for calling her and explaining what she is
47 doing. Ms. Gouse said asked about the treatments and Ms. Rooney said that she has been a certified
48 acupuncturist for three years. Vice-chair Schneider said that it is not the function of the Zoning Board to
49 determine the philosophy. Ms. Gouse said that she is concerned that one of the sick animals does not
50 respond to the acupuncture then they will get treated in the clinic on Trow Hill Rd. Ms. Rooney said that
51 they would not get treated there as she does not have the facility to do that, all that she will be set up
52 for is an outpatient facility for acupuncture. If the animal needs hospitalization that will be done by
53 their regular veterinarian. Ms. Rooney continued that she will not be practicing western medication at
54 the site.

55 Chairman Frothingham said that criterion three is that an adequate method of sewage disposal is
56 available at the proposed site. Chairman Frothingham said that he assumes that the operation will not
57 need to use a lot of sewage. Ms. Rooney said that she provided, as part of her Site Plan, her existing
58 plan for her septic; it is a four bedroom house and she is the only one living there so it is under-utilized
59 at the moment.

60 Chairman Frothingham said that the fourth criterion is that the proposal will not be detrimental,
61 hazardous, or injurious to the neighborhood. Ms. Rooney said that she would not be proposing this if
62 she thought that it would be detrimental, hazardous, or injurious to the neighborhood. She loves Trow
63 Hill and her farm and the ambiance. She thinks that she will be supporting the area.

64 Chairman Frothingham said that the fifth criterion is that the proposed use is consistent with the spirit
65 of the Ordinance and the intent of the Master Plan. Ms. Rooney said that it almost seems redundant.
66 Mr. Landry said that the proposed use is allowed by Special Exception.

67 Chairman Frothingham asked if there are any further questions for the applicant and as there were none
68 he closed the hearing to the public.

69 Vice-chair Schneider made a motion to approve Case #15-11: Parcel ID: 0211-0007-0000, seeking a
70 Special Exception as per Article IV Section 4.10 to open a veterinary clinic, 16 Trow Hill Rd, Monica
71 Rooney for the purpose of performing veterinary acupuncture and herbal medicine. Mr. Platt seconded
72 the motion. The motion passed unanimously.

73 **CASE #15-12: PARCEL ID: 0128-0068-0000: SEEKING A VARIANCE OF ARTICLE III SECTION 3.10 TO**
74 **REDUCE ROAD FRONT SETBACK FROM 50 FT TO 26 FT TO ALLOW CONSTRUCTION OF A REPLACEMENT**
75 **HOME. 109 LAKE AVE, PHILIP L. HENNEMAN.**

76 **CASE #15-13: PARCEL ID: 0128-0068-0000: SEEKING A VARIANCE AS PER ARTICLE VI SECTION 6.12**
77 **INCREASING THE ROOF HEIGHT FROM 19 FT 10 IN TO 27 FT 4 IN WITHIN SETBACK DIMENSIONS. 109**
78 **LAKE AVE, PHILIP L. HENNEMAN.**

79 The Board agreed to listen to both cases before voting.

80 Barry Paddock, owner of Paddock Construction, presented the case on behalf of Mr. Henneman.

81 Chairman Frothingham informed the applicant that there are only four voting members present and
82 three votes of approval are required in order for the application to be approved. Mr. Paddock said that
83 he wanted to proceed with the case.

84 Mr. Paddock explained that the Board should have copies of the Site Map that was approved by the
85 State of NH that shows the existing conditions and the proposed new construction.

86 Mr. Paddock said that the lot is 0.18 acres, which makes it a difficult lot to do a lot with in terms of
87 maneuvering. The State of NH has asked them to move all living space back to 26 ft from the Lake. The
88 footprint of the house will, therefore, be pushed back 7 ft and they will be eliminating the screen porch
89 area which was in front of that. Mr. Paddock explained what the different colors on the plan indicate.

90 Vice-chair Schneider asked that as the house is being moved back if it requires a Variance. Mr. Landry
91 said that the new construction on the Lake side will be in the existing footprint which does not require a
92 Variance. The reason that they are asking for a Variance for the road front setback is because they are
93 not within the existing footprint on that side.

94 Mr. Paddock said that with the lot size if you go 50 ft from the Lake and 50 ft from the road you are left
95 with a very small piece. The structure that they are proposing is not closer to the street than the
96 existing structure. They are adding a porch off the front corner of the house and the square footage
97 that they are increasing on the road side is almost the same as what they are removing from the lake
98 side.

99 Mr. Simpson arrived and Chairman Frothingham said that they will have a full Board.

100 Mr. Paddock said that coupled with the fact that the State asked them to move some of the living space
101 out of the 26 ft buffer and they wanted to maintain the existing first floor living space, they also wanted
102 to gain some living space without adding onto the house. The house sits about four or five feet below
103 street level and it made sense to raise the house to street level and they already have four or five feet of
104 crawl space, which allows them to have a walkout basement. Mr. Paddock continued that the existing
105 house has a three pitch roof, which is not good in NH because of the snow conditions. They have
106 increased the pitch to a five pitch. The existing structure also has a rounded portion, which they have
107 eliminated and the proposed structure is designed to stay within the total horizontal dimension of the
108 building and is actually 2.5 ft shorter than the current building. It is also roughly 7 ft shorter than the
109 length of the existing building.

110 Mr. Paddock said that another thing they wanted to do was to take care of the drainage system and that
111 is indicated on the plan. All the roof water is caught and put into the catch basins as indicated on the
112 plan.

113 Mr. Paddock said that the total living space of the existing first floor is 1,174 sq ft. The proposed living
114 space of the first floor of the proposed house will be 1,198 sq ft. The current impervious total area of
115 the project is 56%, the proposed impervious area will be 53.9%, so they are reducing the total
116 impervious area. They kept the footprint condensed and were able to gain some lower level living area
117 by picking the house up to street level. They have increased the height of the building by 7 ft 6 in.

118 Vice-chair Schneider asked and Mr. Paddock confirmed that they have a Shoreland Permit approval
119 which includes the new structure and the drainage system.

120 Mr. Simpson asked what the current road setback is and Mr. Landry said that it is currently 9 ft 4 in from
121 the side of the road. Mr. Simpson asked and Mr. Paddock said that they are not asking for anything
122 different. Mr. Simpson asked why they are asking for a Variance of the front setback and Mr. Paddock
123 said that it will be more than what is in the front setback.

124 Vice-chair Schneider asked why Case #15-13 does not qualify for a Special Exception under Section 3.50-
125 i. Mr. Paddock said that they were not sure so they decided to go with the Variance application. Mr.
126 Landry said that this doesn't qualify for a Special Exception and there was a brief discussion regarding
127 this as the Town Planner said that it does not because of the note on the bottom of Page 7 of the Zoning
128 Ordinance.

129 Mr. Simpson asked why this is a hardship and the lot is not usable as it. Mr. Paddock said that he has
130 listed the hardship as the requirement of the State to move the building 26 ft from the lake, which
131 meant that they would lose square footage and it has been recaptured on the road side. Mr. Simpson
132 asked why the height dimension is a hardship. Mr. Paddock said that because the lot is so small it makes
133 it difficult to add onto the building and that to gain a modest amount of living space they are lifting the
134 building so it can be entered at street level, they gain two parking spaces, and because of the slope of
135 the lot they are able to have a walk out foundation. Mr. Landry said that from the Town's viewpoint he
136 thinks that this it is good because it is a wet lot. There are a few easements and walkways that cross the

137 land, some with big culverts and a culvert for the Town so there is limited space to build. Mr. Platt said
138 that Mr. Paddock had also mentioned that the current roof slope is inadequate to shed snow.

139 Chairman Frothingham read a letter in support from the owner of 107 Lake Ave, Frank Macioce (see
140 attached). There were also additional letters in favor of the proposal presented to the Board, one from
141 the Hause's who are on the other side and another from the Nierendorf's who are across the street.
142 Chairman Frothingham read them into the record (see attached). Mr. Landry said that he did not have
143 anyone talk to him about any concerns or objections.

144 Chairman Frothingham asked if there was anyone in the audience with any questions and there were
145 none. Chairman Frothingham asked Mr. Paddock if he had anything to add.

146 Mr. Simpson asked how many bedrooms the existing house has and it was explained that there are
147 three bedrooms and two baths and the proposed house will be the same.

148 Mr. Simpson asked and Mr. Paddock explained that there is a parking space and perhaps a half of one
149 and they have widened that so that they can put two cars there.

150 Mr. Simpson asked how high the highest retaining wall are and Mr. Paddock said that they are 42 in.

151 Vice-chair Schneider made a motion to approve Case #15-12: Parcel ID: 0128-0068-0000, seeking a
152 Variance of Article III Section 3.10 to reduce road front setback from 50 ft to 26 ft to allow construction
153 of a replacement home, 109 Lake Ave, Philip L. Henneman subject to the conditions of Shoreland Impact
154 Permit 2014-03365. Mr. Neuwirt seconded the motion. The motion passed unanimously.

155 Vice-Chair Schneider made a motion to approve Case #15-13: Parcel ID: 0128-0068-0000, seeking a
156 Variance as per Article IV Section 6.12 increasing the roof height from 19 ft 10 in to 27 ft 4 in within
157 setback dimensions, subject to the conditions of Shoreland Impact Permit 2014-03365, 109 Lake Ae,
158 Philip L. Henneman. Mr. Simpson seconded the motion. The motion passed unanimously.

159 **CASE #15-14: PARCEL ID: 0118-0017-0000: SEEKING A VARIANCE AS PER ARTICLE VI SECTION 6.12 TO**
160 **INCREASE ROOF HEIGHT FROM 29.5 FT TO 35 FT ALLOWING TO RAISE HOUSE AND POUR NEW**
161 **FOUNDATION. 42 MARYS RD, RICHARD & JEANNE JAFFE.**

162 Gerry Farland, a builder, presented the case on behalf of Mr. and Mrs. Jaffe.

163 Mr. Platt recused himself as he did the survey on the lot. Chairman Frothingham informed the applicant
164 that there is only a four member Board and that three votes are required to pass. Mr. Farland decided
165 to continue with the case.

166 Mr. Farland said that the Jaffe's would like to increase the roof height from 29.5 ft to 35 ft. They will be
167 lifting the house and putting in a full foundation and the footprint will not change. Over the 40 years
168 they have owned the property they have seen that section of Marys Rd increase in height and all the run
169 off goes towards the house and the pond. They want to raise the height so that it does not do any more

170 damage to the house. They will also be doing some landscaping to try and control the runoff into the
171 pond.

172 Mr. Farland said that the State has approved the Shoreland Permit.

173 Mr. Landry said that there are no horizontal changes on the house, they are jacking it up and pouring a
174 full foundation. Vice-chair Schneider asked about the deck and porch and Mr. Farland said that
175 everything is going to be raised.

176 Mr. Simpson asked if they are just jacking the house up or if they are rebuilding. Mr. Farland confirmed
177 that they are not rebuilding, just jacking it up. Mr. Simpson asked and Mr. Farland confirmed that going
178 from 29.5 ft to 35 ft is just to raise the house, there is no footprint change at all.

179 Mr. Simpson asked if they will be doing any drainage work. Mr. Farland said that he thinks that they are
180 going to be doing landscaping and a rock wall. Mr. Simpson said that the reason that he asked was
181 because they say that there are drainage problems. Mr. Farland said that is why they want to raise the
182 house so that it creates better flow.

183 Vice-chair Schneider said that the only condition on the DES Permit that he sees is that no trees or
184 shrubs may be removed from the waterfront buffer area. Mr. Farland said that there is all lawn at the
185 moment. Mr. Landry said that it does not seem as though the State was concerned about runoff
186 because there are no horizontal changes.

187 Mr. Simpson made a motion to approve Case #15-14: Parcel ID: 0118-0017-0000, seeking a Variance as
188 per Article VI Section 6.12 to increase roof height from 29.5 ft to 35 ft allowing to raise house and pour
189 new foundation, 42 Marys Rd, Richard and Jeanne Jaffe, and that it complies with Shoreland Permit
190 2014-01609. Vice-chair Schneider seconded the motion. The motion passed unanimously.

191 **CASE #15-15: PARCEL ID: 0117-0015-0000: SEEKING A VARIANCE OF ARTICLE III SECTION 3.40-C TO**
192 **REDUCE LAKEFRONT SETBACK FROM 50 FT TO 34.1 FT ALLOWING CONSTRUCTION OF A REPLACEMENT**
193 **HOME. 116 MARYS RD, CATHERINE PRIEST.**

194 **CASE #15-16: PARCEL ID: 0117-0015-0000: SEEKING A VARIANCE OF ARTICLE VI SECTION 6.12**
195 **INCREASING THE ROOF HEIGHT FROM 18 FT TO APPROXIMATELY 28 FT ALLOWING CONSTRUCTION OF**
196 **A REPLACEMENT HOME. 116 MARYS RD, CATHERINE PRIEST.**

197 Chairman Frothingham suggested and the Board agreed to hear the presentation of both cases before
198 voting on them separately.

199 Brian Vincent and Doug Gamsby of CLD Engineers and David Sullivan presented the case on behalf of the
200 applicant.

201 Mr. Vincent explained the existing conditions plan to the Board which shows the existing house and the
202 shared driveway, which they plan to eliminate. There is also a turn around which they are proposing to
203 remove.

204 Mr. Vincent said that they received one of the three Variances that they applied for in May, which was
205 for the road setback; the other two Variances were not approved.

206 Mr. Vincent said that they are proposing building a new three bedroom house. They listened to the
207 concerns of the Board from the May meeting and made some adjustments. It seemed to them that one
208 of the Board's critical concerns was the amount of non-conformity within the 50 ft buffer and that is one
209 item that they have tried to reduce. By moving the building back 4 ft from the front they have reduced
210 the amount of impervious area within the 50 ft buffer.

211 Mr. Gamsby said that the house is within the same footprint within the 50 ft shoreline setback but
212 expands outside the 50 ft. Mr. Platt said that he thought that they determined that if you are moving a
213 house back within the footprint then they don't need a Variance from the lakefront setback. Mr. Landry
214 said that the previous request was not within the same footprint. Mr. Landry asked and Mr. Gamsby
215 confirmed that the previous proposal had a deck, which was removed so there is no deck within the 50
216 ft setback. Mr. Landry asked and it was confirmed that everything is within the current footprint. Mr.
217 Landry said that this Variance request is not required. There was further discussion regarding this
218 request.

219 Vice-chair Schneider made a motion to vacate Case 15-15, Parcel ID: 0117-0015-0000, seeking a
220 Variance of Article III Section 3.40-c to reduce lakefront setback from 50 ft to 34.1 ft allowing
221 construction of a replacement home, 116 Marys Rd, Catherine Priest as the Variance is not needed
222 because the entire construction of the replacement structure is within the existing footprint and
223 therefore a Variance is not required. Mr. Simpson seconded the motion. Mr. Simpson asked and Mr.
224 Vincent confirmed that the construction will remain the same setback from the road that was previously
225 approved. The motion passes unanimously.

226 Mr. Vincent explained the plan that shows the existing building and the height of 18 ft and the proposed
227 building height of 27 ft 10.5 in. The proposed structure meets the rear setback as described in 3.10 but
228 does not meet the waterfront setback. Mr. Vincent said that the proposed structure does meet the side
229 setbacks.

230 Vice-chair Schneider asked and Mr. Vincent said that the proposed building height will be 27 ft 10.5
231 inches. Vice-chair Schneider suggested saying no more than 28 ft.

232 Mr. Simpson asked and it was explained that they are not changing the ground elevation, they are
233 adding a foundation.

234 Mr. Vincent said that the project was approved by NH DES Shoreland and the Board said that they have
235 copies of the approval. Mr. Simpson asked if the permit has a plan reference. Mr. Vincent said that the
236 plan is not the same plan that was approved. Mr. Simpson asked how it is different and Mr. Vincent said
237 that it is less invasive to the shoreland. They will submit the changed plan to DES who will review it and
238 log it in as a changed plan and notify them if they have any objections. Mr. Gamsby explained that it is
239 less invasive and less impact. Mr. Simpson said that if the Board makes a motion for approval it should

240 include the fact that it is not the plan that DES saw as he wants to make sure that the State gets the new
241 plan.

242 Mr. Platt made a motion to approve Case #15-16: Parcel ID: 0117-0015-0000, seeking a Variance of
243 Article VI Section 6.12 increasing the roof height from 18 ft to no more than 28 ft allowing construction
244 of a replacement home, 116 Marys Rd, Catherine Priest, subject to the conditions of NH DES Shoreland
245 Impact Permit 2015-929 dated May 13, 2015. Vice-chair Schneider seconded the motion. Mr. Platt said
246 that he visited the site and does not think that the elevations show how low the house sits and that
247 raising it up will have no impact on the neighborhood or anything like that. The motion passed
248 unanimously.

249 **CASE #15-17: PARCEL ID: 0133-0093-0000: SEEKING A VARIANCE OF ARTICLE III SECTION 3.10**
250 **ALLOWING SUBDIVISION OF A PRE-EXISTING NON-CONFORMING LOT TO BECOME MORE NON-**
251 **CONFORMING. 26 RIVER RD, SOO-NIPI REALTY TRUST LLC.**

252 George Quackenbos, a member of the Soo-Nipi Realty Trust, LLC, presented the case.

253 Mr. Neuwirt and Mr. Platt recused themselves from the case. Chairman Frothingham explained that
254 they only have three members who can vote on the case and that they will need three votes in favor of
255 the proposal for it to pass. Mr. Quackenbos decided that he would continue with the case.

256 Mr. Quackenbos said that they purchased the property in 2006 and had the property surveyed though it
257 was never filed in the Registry of Deeds. The property contains approximately 0.309 acres. The abutter
258 is the Woodbine property which was purchased by George Neuwirt and he wanted to connect his front
259 piece of property to the back piece and had a company do a survey who discovered that there was a
260 lane the ran across the back of the Soo-Nipi property, based on their interpretation, that runs from the
261 Ben Mere property to the Woodbine property. Mr. Quackenbos continued that Mr. Neuwirt
262 determined that the area was a lane that he could use and cleared the area and put a gravel driveway
263 across the property. When they discovered what had happened and after speaking to Mr. Neuwirt they
264 decided to hire an attorney to research the title. They went back to the early 1800's and there had been
265 a lane there that appeared to be abandoned somewhere between 1903 and 1905. They got to the point
266 where they were going to go to court but before going to court they were required to go to mediation.
267 Mr. Quackenbos said that at mediation they came to an agreement that they would give the land to Mr.
268 Neuwirt.

269 Mr. Simpson asked and Mr. Quackenbos explained where their property line is and where they are
270 proposing the property line will be and where the lane was.

271 Mr. Quackebos explained that he is asking the Board to approve the Variance to allow them to reduce
272 the square footage of the property by approximately 1,281 sq ft from 0.309 to 0.29 acres. Mr.
273 Quackenbos said that the Town Tax Map shows that it is 0.27 acres and based on the survey they come
274 up with a little more land but are not reducing it more than what the Town has. Mr. Landry said that
275 when the Tax Map says AcC it means that the acreage was calculated, it was not surveyed.

276 Mr. Landry said that this helps clear up a lot of issues with the properties. Mr. Quackenbos gave further
277 explanation of the proposal. Mr. Landry said that by approving this Variance it will allow them to annex
278 the piece to Mr. Neuwirt's property.

279 Vice-chair Schneider asked and there was a discussion about if Mr. Neuwirt's lots are conforming. Mr.
280 Simpson asked Mr. Neuwirt if his two lots have been merged and Mr. Neuwirt said that they have not
281 merged the lots. Mr. Landry asked Mr. Neuwirt if the subdivision / annexation will go to lot 94 or lot 94-
282 1. Mr. Neuwirt said that he thinks it will be annexed to lot 94, which will make it less non-conforming.

283 Mr. Quackenbos asked if there are any other questions. Vice Chair Schneider said that this seems de
284 minimis. Chairman Frothingham asked if there were any other questions or comments from the Board.
285 Mr. Simpson said that the application was well written.

286 Mr. Quackenbos said that he did some research and the Board has approved in the past a subdivision /
287 annexation between two non-conforming lots and this was after the Town passed a law in 2011 that
288 said that this would not be permitted any more. Mr. Landry asked and Mr. Quackenbos said that this
289 was at 90 Fernwood Point Rd when they allowed a reduction of a lot from 1.43 acres to 1.21 acres.

290 Vice-chair Schneider made a motion to approve Case #15-17: Parcel ID: 0133-0093-0000, seeking a
291 Variance of Article III Section 3.10 allowing subdivision of a pre-existing non-conforming lot to become
292 more non-conforming, 26 River Rd, Soo-nipi Realty Trust LLC as per the submitted plan. Mr. Simpson
293 seconded the motion. Mr. Simpson asked if there will be a boundary line agreement done. Mr.
294 Quackenbos confirmed this and said that there will be a survey completed before they go to the
295 Planning Board which will spell out exactly where it will be as they have to set one pin. Mr. Landry
296 suggested adding that this is subject to Planning Board approval. Vice-chair Schneider said that he does
297 not think they are making a new piece of property and that it does not apply. The motion passed
298 unanimously.

299 **MISCELLANEOUS**

300 Mr. Landry gave the Board an anonymous letter from a concerned person. A couple of months ago the
301 Assessor's found over on Bay Point Rd that a person was rebuilding a 13 x 13 shed, which the owner got
302 approval for from the Town and from DES. In the process of rebuilding the building the owner did not
303 keep it in the same footprint, he actually put it over the lake and is a beautiful post and beam building
304 with a copper roof. The concerned citizen is saying that there is a reflection off the copper roof onto the
305 lake and that she wants the Town to do something about it. Both the Town and the State are acting
306 upon this as he completely violated the State permit. Mr. Landry continued that he spoke with Doug
307 Gay of DES and they will be following up on this. He also spoke to the Town's attorney and the Town
308 will be issuing a Cease and Desist letter.

309 Mr. Landry said that as Zoning Board members they should not go look at the site or discuss the letter
310 because the case may come to them in an appeal process. Vice-chair Schneider asked why Mr. Landry
311 gave the Board the letters. Mr. Landry said that the Town's attorney said that they have to be given to
312 them because they may have been sent to their houses.

313 Mr. Neuwirt asked for clarification and Mr. Landry said that they were granted permission to build one
314 thing and built something completely different. Mr. Simpson asked when the application went before
315 the Board and Mr. Landry said that it did not as it was a building permit for a replacement building for
316 what was there.

317 There was a discussion regarding 3.50-I and the amendment that was added to page 7.

318 **MINUTES**

319 Changes to the minutes from the May 14, 2015 Zoning Board Meeting: Change the date of the minutes
320 to May 14, 2015. Change Line 156 to read "...more than 10 ft on a non-conforming structure." Change
321 line 163 to read "...interpret the word verbatim consistently..."

322 Mr. Platt made a motion to not have the changes to the minutes typed out. Mr. Simpson said that he
323 agrees as the changes are made to the copy that the Board signs. Mr. Landry said that the pink copies
324 that the Board changes become the official minutes. Mr. Simpson said that he feels as though all that
325 should be noted is that there were changes made to the minutes as they are hand written on the
326 minutes. Mr. Landry said that this is the way that Planning minutes are done as well. The Board
327 concurred that they do not feel as though this needs to be done any longer.

328 The Board signed the amended minutes.

329 **MISCELLANEOUS**

330 Mr. Landry said that Mr. Aldrich has not filed an appeal and his deadline has gone by. Mr. Landry said
331 that Mr. Aldrich is suing the Town and that is still going through.

332 Mr. Platt made a motion to adjourn at 8:47 pm. Vice-chair Schneider seconded the motion. The motion
333 passed unanimously.

334 Respectfully submitted,

335 Melissa Pollari

336

337 _____

338 Edward Frothingham

Aaron Simpson

339 _____

340 Clayton Platt

Daniel Schneider

341 _____

342 William Larrow

George Neuwirt, Alternate