

## **BOARD OF ADJUSTMENT**

**August 2, 2022**

## **MEMORIAL BUILDING**

**7:00 P.M.**

Zoning Members present: Susan Chiarella, Cody Patten, Bryan O'Day and Rob Thorp. Absent: Tanner Jacques

Also present: Whit Smith, Poul Heilmann, Dick Hendl, Susan and David Hatfield, Ginger and Bob Harriett, Sandy Burke, Judi Shank and Steven Dzubak

Susan called the meeting to order at 7:07 p.m.

Minutes of July 5<sup>th</sup> and July 12<sup>th</sup> were reviewed. Bryan moved to accept the July 5<sup>th</sup> minutes as written, Rob seconded Board voted to accept. Bryan moved to accept the July 12<sup>th</sup> minutes as written, Rob seconded Board voted in accept.

Board discussed the request for a rehearing of the Special Exception request by TAP LLC. Rob moved to approve the request; Bryan agreed as did Cody. Susan asked for a voice vote by all, Rob Yes, Bryan Yes, Cody Yes, Susan Yes. Rehearing granted. Tamara will contact representative informing them the rehearing will be at the September 6<sup>th</sup> meeting.

Discussion on the request for an Appeal from an Administrative Decision from TAP LLC. The Board previously met with the town attorney who advised the Board that due to the excessive amount of time between the property owner receiving notification of the Select Boards decision and the filing of the Appeal they were not required to act on the Appeal.

At 7:20 Susan informed the Harriett's that she needed to recuse herself for the hearing and that because the Vice Chair was absent the remaining members (3) would be choosing an acting vice chair. Susan moved to the audience area. Board voted to appoint Bryan as acting vice chair. The Harriett's were informed that because there was not a full Board, they have the option to wait until the missing Board member is present. The Harriett's felt going forward with a reduced number of members was acceptable to them. Bryan opened the Special Exception hearing for and asked if there was a motion to accept the application as complete. Rob made a motion to accept the application as complete, Cody seconded, Board voted to accept the Application a complete.

Mr. Harriett presented that they cabin has been in their family since 1982 and has hosted the same visitors/renters since then. They don't advertise on VRBO or by any other means outside of their church group at home in New Jersey. They have a local caretaker, a local cleaning lady, Pillsbury Landscaping does both the landscaping and snow plowing, Glen Loman does maintenance on the property. Last year the property was rented out 13 weeks and this year 5 weeks mainly in the summer though on occasion there has been activity in the fall and with Vail purchasing Mt. Sunapee there has been a small amount of use in the winter. There are 3 bedrooms and 2 bathrooms, occupancy is limited to 8 individuals. There is room for 5 cars to park across the street. The septic is pumped yearly, and Casella takes care of picking up the trash.

Mr. and Mrs. Hatfield voiced concern over the amount of noise they have experienced in the area as they are neighbors of the Harriett's. They purchased their house 5 years ago thinking that they were buying in a Rural Residential area since the zoning has changed the noise levels are worse. They are unhappy with the amount of noise the children make and the constant yelling all day and late into the nighttime hours.

Steven Dzubak asked if a Special Exception follows the property or when an owner sells the property is it voided. Whit explained that a Special Exception follows the property until the approved activity becomes inactive for 3-5 years. At that time a new application will need to be applied for if the activity restarts. Also shared was that an approved Site Plan is required by the Planning Board once a Special Exception is approved.

Judi Shank raised the idea that if the Harriett's provided the Hatfield's with a local contact when they experienced a situation they felt was not acceptable. Mrs. Harriett responded that they have and will continue to be available via phone to discuss any situations, i.e., excessive noise, parking among other issues.

Bryan asked if there were any further questions, in hearing none he closed the hearing and moved to deliberations. Reading through each of the 5 criteria to Board found the application met all 5 with no concerns.

Rob moved to grant the Special Exception; Cody seconded. Bryan asked for a voice vote. Rob Yes, Cody Yes, Bryan Yes. Special Exception Granted with no conditions.

Susan moved back to the table, asked if there was any further business and in hearing none adjourned the meeting at 8:05 p.m.

Submitted by,

Tamara Butcher  
Administrative Assistant  
Zoning Board