

## **BOARD OF ADJUSTMENT**

**October 4, 2022**

## **MEMORIAL BUILDING**

**7:00 P.M.**

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

Also present: Stephen Handley, Courtney Herz, Tyler Geno, Kenneth Jacques, Poul Heilmann, Kristine Wooten, Lori DeConick Sandy Burke, and Whit Smith

Susan called the meeting to order at 7:00 p.m. Asked for a Roll Call all Board members were present.

Minutes of Sept 6 were reviewed. Tanner moved to accept the minutes as written Bryan seconded Board voted to accept.

Tanner removed himself from the table as he had previously stepped down as he is an abutter to the applicant.

Susan read into the minutes an email received from abutters David Twombly

Susan asked the applicant, or his attorney had anything they wished to say. Courtney thanked the Board for their work and apologized for not being able at the site visit. She stated that her previous statement concerning litigation was not a threat and she and her client are seeking to work with the town. Mr. Handley stated that Barbara is enjoying what she is doing with the property, and he sees the activity as a benefit to the town. Guests are in the area for the college, the hospital and even the Villa. He feels it is being run beautifully and has no knowledge of any problems.

Susan asked if anyone in the audience had anything to say.

Christine Wooten spoke in favor of the activity.

Sandy Burke questioned the difference between a commercial and residential use.

Tanner Jacques stated a short-term rental in the eyes of the town is lodging for 185 days or shorter.

Tamara Butcher spoke that the state has put out that a residential use is one where among other things but two are children are registered for school in the area of the residence and mail is delivered the property. Commercial these activities do not happen.

At 7:25 Susan asked if the Board was ready to close the hearing and deliberate. Bryan moved to close the hearing, Cody seconded motion Board voted in favor.

Susan called for thoughts from the Board members. She began with stating that Airbnb states the limits for occupancy is 4 people per cabin and 2 cars per cabin. She had read the reviews and all but, one are positive. She also felt there was adequate parking for 2 cars per cabin. Rob questioned about the setbacks because the applicant had previously requested and been granted a Variance for a reduced rear setback to build a garage. Susan stated because the Variance had been granted the property met the setback rule.

Susan stated the activity is residential in nature just as the other properties in the area.

The activity is not detrimental or noxious the neighborhood.

The activity is the same as if a family of 7 were living in a home fulltime in the neighborhood.

Setting a condition of 4 persons per cabin and 2 cars per cabin

Rob moved to accept the application and grant the Special Exception with the conditions of not more than 4 persons per cabin and not more than 2 cars per cabin and the applicant obtain an approved Site Plan from the Planning Board. Bryan seconded board voted unanimously in favor of granted the Special Exception.

Mr. Handley, Attorney Herz and Geno XXXX left the meeting.

Susan shared with the Board and remaining audience that Acoin and Ruppel requested their hearing be continued until the November meeting as they were still working to contact their septic service company. Rob moved to allow the continuation; Bryan seconded Board unanimously agreed.

Whit briefed the Board on the Planning Board progress on the Site Plan Review updates and changes going forward with future applications for Short Term Rentals.

Tanner moved to adjourned at 8:10 Cody seconded Board agreed

Respectfully submitted,

Tamara Butcher