

**BOARD OF ADJUSTMENT**

**January 3, 2023**

**MEMORIAL BUILDING**

**7:00 P.M.**

Zoning Members present: Susan Chiarella, Tanner Jacques, Rob Thorp, and Steve Dzubak.

Also present: Jonathan Silver, Poul Heilmann, and Whit Smith

Susan called the meeting to order at 7:00 p.m.

Minutes of Dec 6<sup>th</sup> approved

Susan requested that Steve act as a full member due to the absence of Cody Patten and Bryan O'Day. Steve accepted.

Susan stated that due to confusion by the applicants that the Board could move forward with the Special Exception hearing despite the need to obtain an approved Zoning Permit for the hot tub they were not present for the meeting. Susan moved to continue the hearing to Feb 7<sup>th</sup>, Tanner seconded Board approved

Whit shared that he has been in contact with the applicants and DES as it has become evident that the hot tub and/or gravel base may need a DES shoreland permit. Discussion with multiple DES employees has returned differing opinions as to the need for a permit. The hot tub located 29' from the shore of the lake might not need a permit but the gravel base of which is only 2" deep qualifies as excavation and does require a shoreland permit. The applicants are moving forward to obtain such.

Due to the amount of time in which the hearing has taken a waiver has been sent to the applicants with a request to sign. At this time the waiver has not yet been returned.

Jonathan Silver, property owner on Sandy Beach was recognized and asked if anyone has reached out to Steve Pro the designer and installer of the septic system. He also asked who is responsible if any potential approval of the Special Exception negates the warranty terms of the septic and who will be responsible for overseeing the operation of the business activity at the property. Discussion proceeded and the conclusion that it was not the Zoning Board's responsibility to oversee the activity of properties in town.

Meeting adjourned at 7:35pm

Respectfully submitted,

Tamara Butcher