

# OSSIPEE ZONING BOARD

## Meeting Minutes

June 12, 2018

Minutes were recorded by and summarized by Laura Nash, Board Secretary. Revisions of these minutes are noted in ***bold/italic*** type.

**Call to Order:** Stanley Brothers called the meeting to order at 7:04 p.m.

**Members Present by Roll Call:** Stanley Brothers, Ralph Wurster, Jim Rines, Roy Barron, Ed MacDonald, Sandra “Sam” Martin and Steve McConarty.

**Absent Members:** Danny Fischbein

### **Meeting Minutes:**

The Board read and reviewed the ZBA Meeting Minutes of May 8, 2018.

Wurster and Rines commented on edits submitted for revisions to the May 8, 2018 meeting minutes.

A **Motion** by Barron to accept the meeting minutes of May 8, 2018 as amended. Rines seconded.

Discussion: Barron noted on the bottom of pages 4 item #2. Removal of trees by a licensed tree removal company... Someone does not need to be licensed to remove trees. The Board members acknowledged Barron’s comments. No additional changes were made.

No further discussion. All others voted in favor to approve the minutes of May 8, 2018 ZBA Minutes as amended. Ed MacDonald and Sandra “Sam” Martin abstained. **Motion passed.**

### **Financial:**

- Budget Reports: 05/01/2018 – 05/31/2018 The Board reviewed the budget, no questions.

- Sager & Smith, PLLC: invoice for Ossipee Granit Recovery in the amount of \$430.98.

A **Motion** by Brothers to approve payment in the amount of \$430.98 to Sager & Smith, PLLC for services rendered on Case #18-3-V-Rehearing - Ossipee Granit Recovery. Wurster seconded. No further discussion. All others voted in favor. Jim Rines abstained. **Motion passed.**

- Sager & Smith, PLLC: invoice for General Matters in the amount of \$280.00.

A **Motion** by Brothers to approve payment in the amount of \$280.00 to Sager & Smith, PLLC for services rendered for General Matters. Barron seconded. No further discussion. All voted in favor. **Motion passed.**

### **New Business:**

#### **PUBLIC HEARING**

For the following Applications

Jim Rines recused himself from Case #18-3-V-Rehearing as an abutter to the property.

Brothers raised alternate Sandra “Sam” Martin to voting status in place of Jim Rines.

- **Case#18-3-V-Rehearing, Ossipee Granit Recovery, LLC** - Owner - 56 Main Street Ossipee, LLC, of 56 Main Street. Tax Map: 92 Lot: 122 is applying for a Variance Rehearing for Ossipee Granit Recovery, LLC to open a Sober Living Facility/Transition Home called Ossipee Granite Recovery/Transition

House.

- **(Case has been continued from May 8, 2018)**
- Letter from Attorney David Lefevre was received requesting a full 5-member Board.

Attorney Lefevre presented the case on behalf of his client Eric Spofford, owner of 56 Main Street Ossipee, LLC and Ossipee Granit Recovery, LLC. Attorney addressed several issues concerning the Fair Housing Act, discriminating against a class of people with addictions, municipalities discriminating by not allowing these types of facilities within certain zoning districts. The ZBA's responsibility to provide reasonable accommodation and provide relief where restriction is in place. Attorney spoke of case studies where Federal Law overrides State Laws. Attorney Lefevre read through the 5 criteria to support his argument. Attorney Lefevre asked Louis Manias, is certified in NH as Certified General Appraiser NHCG-5 spoke on criteria #4 concerning **"The values of surrounding properties will not be diminished."** Mr. Louis Manias provided his analysis of prior documents submitted showing the surrounding value would diminish. According to Mr. Louis Manias the previous documents from Mr. Underwood gives an opinion with no supporting documentation verses his comparable analysis which shows no decrease and, in some cases, shows an increase in property values when located near a recovery center.

Chairman Brothers opened public discussion.

Dennis Legendre stated he is in opposition to the location being next to an Elementary School. He stated, he has no problems with the service they want to provide and welcomes it to the community but feels very strongly against it being located next to the school.

Attorney Lefevre wanted to know specifically what the concerns and risk is perceived by having the recovery center next to the school. Legendre explained his thoughts of the potential security risk, lack of staffing to adequately supervise 16 residents.

Eric Spofford described a zero tolerance for any drugs or alcohol. Anyone caught is kicked out of the treatment program and escorted to the nearest bus terminal back home. He explained the clients have very structured daily activity and does not perceive being next to the school a security risk.

Barron spoke about Alcohol Anonymous open meetings and their benefits.

Martin inquired about the vetting process of each resident. Eric Spofford explained the whole vetting process to get into treatment at Green Mountain Treatment Center which includes criminal, mental, bio-psych and social backgrounds checks. The residents coming to this location have completed their inpatient treatment and are on the final phase of treatment. Areas that would exclude them coming to this location is violent crimes and severe mental illnesses. Discussion ensued over whether the facility would fall under RSA 151:2 regulations. Eric Spofford **assured** the Board it does not because he has several other facilities that do qualify, and he works very closely with the Governor's office, Department of Health & Human Services and Health Facilities Administration and can assure this facility does not qualify as a rehabilitation center and as such does not require a license to operate.

Carol Holland commented as to why they are an LLC and was it to protect themselves but not the kids. Attorney Lefevre explained the business reasoning why this company is an LLC.

Eric Spofford acknowledged the fears and concerns towns people are feeling but informed them that they were unfounded and no data to support their concerns. These people are here to get help and get clean.

James Rines an abutter spoke noting this presentation was better than previous presentations but he still has questions as follows:

1. The use is similar to prior use of this property. Rines disagreed stating the prior facility was a resident for the clients they lived there for years. Also noting the property has been vacant too long and under Zoning Ordinance 9.5 & 9.6, the zoning reverts to original status.

2. Questioned how many clients will be staying here through out a year. It's been stated 16 resident's, with a rotation of every 6 weeks giving an estimated 826 client's through here.
3. Rines commented on the statement of violent crimes: no one on either Board or public said anything related to violent crimes. They have concerns and have asked questioned. But the applicant is who made the comment relating the clients to sex offenders and others violent crimes.
4. Spirit of the ordinance means the character of the neighborhood is not going to be altered. Rines stated the character of the neighborhood is going to be altered just by the sheer number of client's coming and going through this facility every 6 weeks.
5. Substantial Justice guiding principle is a loss to the general - public that is outweighed by a gain to the applicant. Rines noted whether real or not, there is a concern or a perception of this facility next to an elementary school will not make it desirable and thus will affect real estate.
6. Surrounding Values, Rines read from the Zoning Board Handbook (*page II 12-13*) which gives guidance to its members and states, *"Very often, there will be conflicting evidence and dueling experts on this point and on many others in a controversial application. It is the job of the ZBA to sift through the conflicting testimony and other evidence and to make a finding as to whether a decrease in property value will occur."*  
*"The ZBA members may also draw upon their own knowledge of the area involved in reaching a decision on this and other issues. Because of this, the ZBA does not have to accept the conclusions of experts on the question of value, or on any other point, since one of the functions of the board is to decide how much weight, or credibility, to give testimony or opinions of witnesses, including expert witnesses. Keep in mind that the burden is on the applicant to convince the ZBA that it is more likely than not that the project will not decrease values."*
7. Provisions of Unnecessary Hardship on the land, Rines agreed with Attorney Lefevre, it is always the most difficult task. Aside from the claims of the Fair Housing Act, Rines does not believe this property is any different than other properties in the area and thus does not have a hardship on the land.

Rines asked for clarification on the number of resident's allowable, gender occupancy, and number of instances or problems that occur.

Attorney Lefevre restated there will be 16 residents; turnaround time is approximately every 6 weeks, and he wanted to make clear that the amount of traffic in and out of residence or business is not within the realm of the Board's responsibilities.

Eric Spofford address the number of instances or problems that may occur, stating it's usually a shift in attitude or negative behavior. Usually the client is packed up, discharged, and taken home or driven to either Concord or Dover Bus Terminals.

Kathy Frothingham shared that she has family and friends who have been in recovery. But is concerned about the students. She shared that her niece died of an over-dose while in a transitional housing. She provided facts and statics and according to the NH Institute on Drug Addiction 40- 60% of patient's relapse after treatment. American Addiction Recovery Centers claim to have 30% success rate after 6 months. Recovery Village says 51 % of patients complete treatment. She states there are a lot of people leaving treatment and even Carroll County House of Correction, there have been people who have over-dosed. The main concern is with the school children right next door and situations they could potentially be exposed too as an example drug deals taking place, crime scene investigations or observing the coroner removing a body. Kathy proclaimed "IT DOES HAPPEN IN TREATMENT!"

Eric Spofford gave his condolences to Ms. Frothingham but stated with any business that the public, there are really - bad ones, decent ones, and good ones. He strives to be a really-good one and have never lost a life. He went on to say, "You have drugs in Ossipee. You have over-dose deaths in Ossipee and an older

gentleman at a meeting stated he found a hypodermic needle near the playground. It did not come from us and this problem already exist here in Ossipee! It's here already and we're not bringing anything new. We're bringing something that does not exist, a sober living facility. In 2018, NH is third for overdose deaths per capita in the country. Overdose death is now the leading cause of deaths for adults under the age of 50 and as of three years ago, you are more likely to die from an opioid overdose in NH than a car accident. THIS IS AN OSSIPEE PROBLEM, THIS IS A NH PROBLEM AND THIS IS A NATIONAL PROBLEM!"

Conduct "Connie" Billings spoke as a Planning Board member, stating the reason they have come before the ZBA is because they did not want to conform to being a group home because it requires a license. Since there is no "use" within the zoning ordinance to classify a transition house, they need permission from the ZBA to move forward.

Conduct "Connie" Billings spoke as a resident stating he has been to every one of these meetings and each time the number of residents changes. They have reported to have 12 – 25 residents, male's only, female's only, and they change their story every time they come here. I ask the ZBA to limit the number of residents.

Attorney Rick Sager for the Town of Ossipee had a couple of questions pertaining to the operation of this facility and offered conditions if the Board would entertain possibly approving the variance. (List of conditions shown in the motion.)

Connie Billings questioned again the number of residents allowed.

Wurster asked Attorney Sager for clarification of Article XXXV (e) - Lodging House and why does it not qualify according to the Planning Board.

*e) Lodging House - Shall be a room or group of rooms located on one (1) Premises where regular, non-transient-type accommodations for sleeping or living purposes, together with meals, are offered for compensation. The lodging house shall be occupied and operated conjunctively by the owner, and individual person or persons, and shall not have more than six (6) double-occupancy sleeping units with no cooking facilities in the individual rooms or apartments.*

According to Attorney Lefevre, the Planning Board agreed the some of the descriptions are close but there not the same. So he suggested to be on the safer side, it would be easier for the ZBA to approve with conditions than to try and fit into a category.

Wurster struggled with the concept of granting a variance from the ordinance, in essence writing an ordinance, because he felt it's not within his job to rewrite an ordinance but to enforce an existing ordinance. Attorney Lefevre disagreed because it is the ZBA's job to provide relief from an ordinance to allow uses that are not otherwise permitted under the ordinance and to provide relief. Attorney Rick Sager agreed and it's MH State Law.

MacDonald suggested adding a fence between to facility and school to separate the kids possibly seeing situations they should not see. The applicant agreed and item was added to the list of conditions.

Wurster asked if the Planning Board could pose a restriction on the number beds per room.

**Point of Order** by Connie Billings stated the Planning Board can pose restrictions to the outside of the building and property. The Zoning Enforcement Officer and Fire Chief can impose restrictions to the inside.

Wurster clarified his statement on the number of clients because on visitation day there may pose a problem with parking. Attorney Sager stated the Planning Board could pose restrictions if there is not sufficient parking. Board discussion ensued.

**Point of Order** by Jim Rines the reasoning this propose use does not qualify under the ordinance for Lodging House is because "*shall not have more than six (6) double-occupancy sleeping units with no cooking facilities in the individual rooms or apartments.*" Wurster agreed but was trying to get an understanding on the number of occupants per room.

A **Motion** by Martin to deny the request for a variance. No one seconded the motion, Motion dead.

A **Motion** by Barron to approve **Case#18-3-V-Rehearing, Ossipee Granit Recovery, LLC** - Owner - 56 Main Street Ossipee, LLC, of 56 Main Street. Tax Map: 92 Lot: 122 requests for a Variance for Ossipee Granit Recovery, LLC to open a Sober Living Facility/Transition Home with the following conditions: **Attorney Rick Sager read through the conditions as follows:**

- 1. No illegal drug use allowed on site.**
- 2. Two Staffers on site at all times, 24/7 when any residents are on site.**
- 3. No Resident is allowed who has a conviction for a violent crime.**
- 4. No Resident is allowed who has been diagnosed with a severe mental illness.**
- 5. No Resident is allowed who is on the Sex Offender Registry.**
- 6. No more than 16 Residents are allowed at any one time and must be *unisex* (changed to - gender specific).**

**Tim Otterbach interrupted stating the term Unisex is an improper term... it should be gender specific.**

- 7. No co-ed residents is allowed.**
- 8. A stockade fence shall be erected between the facility and the School property.**
- 9. All Federal, State and Local Regulations shall be followed.**

MacDonald seconded the motion with the conditions.

Brothers instructed the Board if you find in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote.

**Vote by Criteria:**

**1. The variance will not be contrary to the public interest because:**

Martin – No   Barron - Yes   MacDonald – Yes   Wurster – Yes   Brothers – No

Martin stated it's contrary to the public interest because of its location and public criticism.

Brother believes it's contrary to the public interest because of its location.

**2. The spirit of the ordinance is observed because:**

Martin – No   Barron - Yes   MacDonald – Yes   Wurster – Yes   Brothers – No

Martin voted no because it does not fit within the ordinances.

Brothers voted no because it's not within the Town's ordinance and would require a Town vote to add this type of facility to the ordinance.

**3. Substantial justice is done because:**

Martin – No   Barron - Yes   MacDonald – Yes   Wurster – Yes   Brothers – No

Martin voted no because it does fit within the ordinances and the citizens are against it.

Brothers voted no and agrees with Martin's reasoning.

**4. The values of surrounding properties will not be diminished because:**

Martin – No   Barron - Yes   MacDonald – Yes   Wurster – Yes   Brothers – No

Martin voted no because their absolutely going to be diminished.

Brothers voted no because he believes the value of the properties will be diminished.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the “Special Conditions” of this property that distinguish it from other properties in the area are as follows:**

- (ai) Martin – No Barron - Yes MacDonald – Yes Wurster – Yes Brothers – No  
(aii) Martin – No Barron - Yes MacDonald – Yes Wurster – Yes Brothers – No

Before voting, Martin requested clarification from Rick Sager on how this criteria’s wording was changed. Attorney Rick Sager replied it was changed in a couple of ways:

1. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.
2. Is the propose use a reasonable one? Yes or No, If No, then they have not met the hardship requirement.

Martin voted no because the use is not a reasonable one.

Brothers voted no because the applicant has not met any of the conditions.

Chairman Brothers announced the **motion passed 3 - 2**. He informed the applicant there is a 30 days appeal process of the ZBA’s decision which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.

Chairman Brothers recessed the meeting at 8:55 PM.

Chairman Brothers reconvened the meeting at 09:05 PM. Jim Rines rejoined the Board as a voting member. Chairman Brothers excused Sandra “Sam” Martin for the remaining meeting.

- **Case #18-1-SE**, owner, **Douglas Morrison** of 9 Fillion Rd. Tax Map: 052 Lot: 046 is applying for a Special Exception in accordance with Article XXIII Section 23.3.2 of the Ossipee Zoning Ordinance in order to allow the renovation & expansion of 2<sup>nd</sup> floor only of existing dwelling.

Doug Morrison was here to present his case about renovating the existing house that has an elevation height of 414.61ft. First floor renovations are just about done and looking to the second floor. Footprint of 1<sup>st</sup> floor is 32 X 32 ft. and the 2<sup>nd</sup> floor is 23X 32 and want to expand footprint of second floor to match the first floor, thus enlarging it by 9 ft.

Rines asked if the applicant has a state approved septic plan with NHDES. Because new regulations as October 2016 – ENVWQ-1004-22 require all new, structures or expansions have an approved plan on file with NHDES. Morrison stated he has a 1,200 gallon septic tank and a leach field which all sand that continues to work since 1962. He would need to get a waiver from NHDES for the existing septic but still needs to apply to NHDES.

The Board was satisfied with the response to the 8 criteria’s.

A **Motion** by Rines to approve **Case #18-1-SE**, owner, **Douglas Morrison** of 9 Fillion Rd. Tax Map: 052 Lot: 046 for a Special Exception in accordance with Article XXIII Section 23.3.2 of the Ossipee Zoning Ordinance in order to allow the renovation & expansion of 2<sup>nd</sup> floor only of existing dwelling with the following conditions:

1. Obtain and install a new Sewage Disposal system in accordance with NH Administrative Rules Env-Wq 1004-21 & 1004 - 22
2. Approved NHDES Shoreland Permit
3. All Federal, State and Local Regulations shall be followed.

Barron seconded the motion. No further discussion. Brothers instructed the Board if you find in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote. All criteria's were voted on as a whole.

Barron – Yes      MacDonald – Yes      Rines – Yes      Wurster – Yes      Brothers – Yes

**Motion passed.** Chairman Brothers noted there is a 30 days appeal process of the ZBA decision which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.

- **Case #18-2-SE**, owner, **Theodore Johnston** of 177 Dorrs Corner Rd. Tax Map: 231 Lot: 025 is applying for a Special Exception in accordance with Article XXIII Section 23.3.2 of the Ossipee Zoning Ordinance in order to replace a prior existing mobile home with a framed cabin. A Special Exception was previously approved by the ZBA, April 26, 2011 but was not acted upon.

Ted Johnston explained due to financial constraints is why he was not able to build before. He explained he's looking to build exactly what he was previously approved for.

Rines noted since he has greater than five acres, he is exempt from the septic requirements he spoke of with the previous applicant.

A **Motion** by Barron to approve **Case #18-2-SE**, owner, **Theodore Johnston** of 177 Dorrs Corner Rd. Tax Map: 231 Lot: 025 for a Special Exception in accordance with Article XXIII Section 23.3.2 of the Ossipee Zoning Ordinance in order to replace a prior existing mobile home with a framed cabin with condition: 1. All Federal, State and Local Regulations shall be followed. Rines seconded the motion.

Discussion by Wurster inquired if it's going to be the same footprint. Johnston replied yes and everything covered in gravel is where it will sit. He did update the electrical.

Brothers instructed the Board if you find in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote. All criteria's were voted on as a whole.

Barron - Yes      MacDonald – Yes      Rines – Yes      Wurster – Yes      Brothers – Yes

**Motion passed.** Chairman Brothers noted there is a 30 days appeal process of the ZBA decision which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.

- **Case # 18-5-V**, owner **Scott Aulson & Bruce Tinkham** of 3 O'Sullivan Way. Tax Map: 024 lot: 029 is applying for a Variance in accordance with Article 6.4.2.A & 6.4.2.B, to keep and add an addition to an existing home. Representing agent is McConkey & Associates.

Mark McConkey presented the case stating when the applicant obtained his building permit; he mistakenly thought the existing addition conformed to sideline setbacks. He then needed a septic system. McConkey and Associates were brought in they found the boundaries to be different. Paul King was brought in to survey the property. They know come in after the fact for the existing home requesting a variance for the rear setback currently at 13.25 ft. and south side setback is at 20.10 ft. For the proposed side addition, the rear setback would be at 20.70 ft. all other setbacks conform. They are requesting 3 variances as follows:

1. Existing Home Rear setback of 13.25 ft.
2. Existing South Rear setback of 20.10 ft.
3. Addition Rear setback of 20.70 ft.

Board discussion ensued over at what stage of construction the house was at when the survey was done and whether stairs are a deterrent for counting the distance or not.

A **Motion** by Rines to approve **Case # 18-5-V**, owner **Scott Aulson & Bruce Tinkham** of 3 O'Sullivan Way. Tax Map: 024 Lot: 029 for a Variance in accordance with Article 6.4.2.A & 6.4.2.B, to keep an existing addition and add a second addition to an existing home based on plans submitted by 04/14/2017 by Mark McConkey with condition: 1. All Federal, State and Local Regulations shall be followed.

Barron seconded the motion. No further discussion. Brothers instructed the Board if you find in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote. All criteria's were voted on as a whole.

Barron – Yes     MacDonald – Yes     Rines – Yes     Wurster – Yes     Brothers – Yes

**Motion passed.** Chairman Brothers noted there is a 30 days appeal process of the ZBA decision which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.

- **Case #18-6-V**, owner **James Owen** of 44 Remle Rd. Tax Map: 033 Lot: 028 is applying for a Variance in accordance with Article 6.4.2 (a) of the Ossipee Zoning Ordinance to build an addition with a garage below and master bedroom above. Representing agent is McConkey & Associates.

Mark McConkey present the case for his applicant. Mr. Owen purchased the home and later found out it is 1 of 3 homes that pre-existed the subdivision. The applicant is wanting to build a 24 X 40 garage with master bedroom above and is requesting a variance for side setback of 11.66 feet. Boundaries are based of abutter Mr. White's property which was surveyed and pinned last year. Mark McConkey proceeded to read through the 5 criteria's.

Rines noted the prior owner must have had a failed system and NHDES used to grant waivers only to improve an existing situation. Would recommend a letter from NHDES stating this approval is adequate to handle the addition. A Shoreland Permit and all Federal, State and Local Regulations shall be followed.

A **Motion** by Rines to approve **Case #18-6-V**, owner **James Owen** of 44 Remle Rd. Tax Map: 033 Lot: 028 is applying for a Variance in accordance with Article 6.4.2 (a) of the Ossipee Zoning Ordinance to build an addition with a garage below and master bedroom above in accordance with plans dated 05/05/2018 by Mark McConkey with conditions as follows:

1. A Letter from NHDES Subsurface Systems Bureau stating this approval is adequate to handle the addition.
2. A Shoreland Permit.
3. All Federal, State and Local Regulations shall be followed.

Barron seconded the motion. No further discussion. Brothers instructed the Board if you find in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote. All criteria's were voted on as a whole.

Barron – Yes     MacDonald – Yes     Rines – Yes     Wurster – Yes     Brothers – Yes

Rines explained he believes the applicant has met all criteria's with the character of the neighborhood will not be changed. The property values will not be diminished. It has unique properties that other properties in the area do not have.

**Motion passed.** Chairman Brothers noted there is a 30 days appeal process of the ZBA decision which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.



- **Case # 18-7-V**, owner **Steve & Debbie Meserve** of 64 Hodsdon Shore Rd. Tax Map: 072 Lot: 006 is applying for a Variance in accordance with Article 6.4.2 (a) and 23.3.2 (a) of the Ossipee Zoning Ordinance to construct a home, new septic system and a permit for an after the fact shed replacement. Representing agent is McConkey & Associates.

Mark McConkey presented the case for the Meserve's and provided two plans. One that shows the existing property and one for the proposed plan. Part of the plan is to move a shed forward on the property and build the house behind it. They know they will need a Shoreland Permit, a Septic Plan. The property is long and narrow. The front and rear setbacks are conforming but the house side setback is 13 ft. and the shed's south side setback is 14.13 ft.

Board discussion: Rines stated he was uncomfortable not having the boundaries known and pinned. He has no problem with the application but would prefer to have the property surveyed.

A **Motion** by Rines to approve **Case # 18-7-V**, owner **Steve & Debbie Meserve** of 64 Hodsdon Shore Rd. Tax Map: 072 Lot: 006 for a Variance in accordance with Article 6.4.2 (a) and a Special Exception 23.3.2 (a) of the Ossipee Zoning Ordinance to construct a home, new septic system and a Shoreland permit for an after the fact shed replacement with the following conditions:

1. Boundaries surveyed prepared by a licensed land surveyor that show the boundaries as presented on this plan dated 05/22/2018 by Mark McConkey.
2. NHDES Septic Approval
3. A Shoreland Permit
4. House corners pinned by a licensed land surveyor.
5. If the boundaries are different, the applicant will need to re-apply for a variance.
6. All Federal, State and Local Regulations shall be followed.

Barron seconded the motion. No further discussion. Brothers instructed the Board if you find in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote. All criteria's were voted on as a whole.

Barron – Yes    MacDonald – Yes    Rines – Yes    Wurster – Yes    Brothers – Yes

Rines does not believe this lot would change the character of the neighborhood.

**Motion passed.** Chairman Brothers noted there is a 30 days appeal process of the ZBA decision which starts tomorrow morning. The Selectmen or any party to the action or any person directly affected has a right to appeal this decision.

#### Notices:

- Employee of the Year Luncheon

#### Any Other Business Which May Come Before This Meeting:

None at this time.

#### Adjournment:

A **Motion** by Rines to adjourn the meeting. Barron seconded. No discussion.

All voted in favor, motion passed. The meeting adjourned at 9:59 p.m.

Next Meeting: **July 10, 2018 @ 7:00 pm**

Minutes approved by majority vote of the Board on:

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**Stanley Brothers, Chairman**

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**Date**

Or

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**Ralph Wurster, Vice Chairman**  
*(In the absence of the Chairman)*

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**Date**