

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

August 1, 2018

Members Attending: Gil Morris, Jarvis Adams, George Rainier, Steve Atherton, Craig Pettigrew

Public Present: Michael Borden, Nicole and Nathan Lechman

Meeting opened at 7:30 PM

Public Hearing - CONTINUED, ZBA Case 2018-05, for the property located at 121 East Road (Map R5, Lot 34-1) for a Variance to allow a change in wording regarding number of events held and number of guests allowed as specified in the Zoning Ordinance, Section XVI, Special Event Facility Ordinance, Section 4b. on behalf of Nathan and Nicole Lechman began at 6:30 PM.

Gil called the meeting to order. He gave the Housekeeping rules, and noted that we have 5 Board Members present tonight with Steve Atherton, our newly sworn-in member.

Gil read the letter from counsel which said that we do have the authority to grant this variance if it meets all of the criteria. Nicole spoke, saying that they also agree to have police presence if they have between 100 and 125 attendees. They would like to hold 22 larger size events. She justified it by saying that it would actually mean they would be holding 8 less events per year, and it ultimately wouldn't increase traffic.

Jordan Bailey from Piscataquog spoke saying that about 20 years ago acres were put under easement. A conservation easement deed is signed just like a house deed. In the case of this property, they are 3rd generation owners. The original deed put about 20 acres into conservation easement; forestry and agriculture are still allowed but there are commercial restrictions. In this case the original owner was looking to continue preservation of the land brook category. The 20 acres here connects with almost 1000 other acres. There is a 300' no disturbance corridor that is not affected by this proposal. The barn is considered to be in the exclusion area. Gil asked if there was anything in the deed that would affect our decision. Jordan said that as far as what she was sent in the mail from the Planning Board, No, but when they were talking about expansion of the commercial activities, there would be conflicts if they planned to add parking and septic. Gil asked Nicole if she was aware of where the boundaries are. She said Yes, and that the septic had been updated, but it was within the boundaries. In further discussion, Nicole said the property was being used as an Air BnB. Jordan said she was under the impression that the property was being used to house overnight guests, which was not part of original approval. Craig asked if the ordinance could conflict with what Jordan had on file. She said there is 2.65 acres that they are not involved in. Jordan shared the plan drawn up by the previous owner. Craig said that it appears that Nicole and Jordan should discuss this; Jordan said that the owners have requested NOT to speak with her.

Mike Borden said he'd been in contact with Nicole and Nathan since they bought the property and that they have been very compliant, have sprinkled the whole barn and complied with what was requested. His feeling is that the Town was behind Michele Perron in creating the Event Ordinance, and he thinks that the Lechmans have gone above and beyond what Michele would've ever done. They are trying to make it work, and he thinks that it's a safe environment. He tracks their events; she is sending the event tracking forms to him, which are then submitted to the Planning Board. He says there have been no issues so far and, in his opinion, they are doing everything they are supposed to do, and he is in support of that.

47 Steve reconfirmed that they not adding events, just changing the number of attendees allowed. Craig asked
48 when the last event for the year will be held; Nicole said November 10th. **Jarvis moved to enter deliberations;**
49 **George seconded. All were in favor; motion passed.**

50 Craig said that it would be nice to be able to have the information on events of 125, and wondered if they could
51 wait and collect more data. Mike Borden said that he thought the regulation is well written as it is, but that this
52 variance should be just for the Lechmans. Jordan said that in the August 14, 2017 Planning Board meeting
53 minutes it noted there were too many guests in attendance and that the previous owner had falsified
54 information.

55 The Board continued down the list of criteria, first discussing each of the 5 criteria, and then voting:

- 56 1. Granting the variance would not be contrary to the public interest: Yes-5, No-0
- 57 2. If the variance were granted, the spirit of the ordinance would be observed: Yes-4, No-1
- 58 3. Granting the variance would do substantial justice: Yes-4, No-1
- 59 4. If the variance were granted, the values of the surrounding properties would not be diminished: Yes-5,
60 No-0
- 61 5. Denial of the variance would result in unnecessary hardship: Yes-4, No-1

62 **Jarvis motioned to the grant the variance; George seconded the vote. Yes-4, No-1. Motion Passed.**

63 Craig asked if this variance would go with the owner or the property if the property was sold. It was determined
64 that it would go with the property.

65 Jordan said in the Planning Board minutes of July 24, 2017 it mentioned that the permit was valid for 3 years.
66 This was confirmed.

67 The Recording Clerk will send the letter of Approval.

68 George motioned to adjourn the meeting, and Jarvis seconded. All were in favor, and the **meeting adjourned at**
69 **8:30 PM.**