

**TOWN OF NEW DURHAM
ZONING BOARD of ADJUSTMENT
August 10, 2021, 7:00p.m.
New Durham Town Hall**

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

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PRESENT

Terry Jarvis, Chair
Wendy Anderson, Vice Chair
Stephanie Richard, member – excused absence
Linda Callaway, member
David Bickford, member

ALSO PRESENT

Robin McClain, Land Use Administrative Assistant
Deborah Randall, architect
Donna Reiss, applicant
Joe Reiss, applicant
Tom Shanahan, applicant
Carol Shanahan, applicant
Tom Varney, Varney Engineering, LLC
Josh Thibeault, Varney Engineering, LLC
Tom Largo, resident
Tracy Fillion, resident
Michael Fillion, resident
David Collins, resident
Tom Carleo, resident
Mark Sullivan, resident

CALL TO ORDER

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

Review and acceptance of Case #2021-017

Application submitted by Varney Engineering, on behalf for Joseph and Donna Reiss of 29 Cedergren Road, Map 105 Lot 005.

The applicants are requesting variances to:

Article XIV Section C.1.e: Dimensional Requirements. Development with Waterfront

Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Lot Coverage: Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by impervious surfaces.

Article XXI Section C.1: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: 1. They conform to Non-Conforming Setback and height requirements below; and,

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided. Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

Article XXI Section G.2.d: Non-Conforming Setbacks. Buildings: No more than a total of twenty (20) per cent of the lot area shall be covered by all impervious surfaces.

Chair Jarvis confirmed all fees were paid, abutters notified and public postings done.

Chair Jarvis asked if any Board member has a real or perceived conflict of interest with hearing this case. None was indicated. Chair Jarvis asked if anyone in the public has a real or perceived conflict with any members of the board hearing the case. None was indicated.

The Board reviewed the application for completeness.

Chair Jarvis stated Case #2021-004 was heard in March 2021; four variance requests were granted for the septic and building close to the water; three variance requests involving the building being greater than 15% and impervious surface being greater than 20% were denied.

Chair Jarvis stated Case #2021-009 requested four variances and on April 13, 2021 the application was deemed to be materially different from Case #2021-004 and found to be complete. For various reasons, the case was continued numerous time and in June 2021 two variance requests were denied and the other two were withdrawn.

The Board reviewed the application to determine whether it is materially different from Case #2021-04 and Case #2021-009.

Chair Jarvis made a motion that based on the plans dated July 8, 2021, Case #2021-017 is materially different from Case#2021-009. Vice Chair Anderson seconded the motion. Motion passed, 4-0-0.

Chair Jarvis made a motion to accept the application for Case #2021-017 is complete. Vice Chair Anderson seconded the motion. Motion passed, 4-0-0.

Review and Acceptance of Case #2021-018

Application submitted by Varney Engineering, on behalf for Kevin and Keesha Dube of Pine Point Road, Map 103 Lot 014.

The applicants are requesting a variance to:

Article V Section E: Dimension Requirements for Town of New Durham. Flood Hazard Area and Water Body Setbacks. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river.

Chair Jarvis confirmed all fees were paid, abutters notified and public postings done.

Chair Jarvis asked if any Board member has a real or perceived conflict of interest with hearing this case. None was indicated. Chair Jarvis asked if anyone in the public has a real or perceived conflict with any members of the board hearing the case. None was indicated.

Chair Jarvis stated in June 2019 multiple variances were granted to the previous owner of this property; pursuant to state law those variances expired July 13, 2021. On July 6, 2021, several variances were granted but one variance that was missing. Conditions were attached to the variance approvals including that the applicant would return to the Board with a variance request to Article V, Section E. Chair Jarvis confirmed the previous owner was granted access over the private road; that easement is attached to the land. The Board of Selectmen have approved the construction on a private road and these are recorded on the deed. A Conditional Use Permit was approved by the New Durham Planning Board in March 2020.

The Board reviewed the application for completeness.

Chair Jarvis made a motion that the application for Case #2021-018 is complete. Mr. Bickford seconded the motion. Motion passed, 4-0-0.

Review and Acceptance of Case #2021-019

Application submitted by Varney Engineering, on behalf for Michael and Tracy Fillion of 128 South Shore Road, Map 122 Lot 019.

The applicants are requesting variances to:

Article V Section E: Dimensional Requirements for Town of New Durham. E. Flood Hazard Area and Water Body Setbacks. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river.

Article VI Section C.3.a: General Provisions/Use Regulations for Town of New

Durham. General Requirements. Sewage Disposal and Leach field Setbacks. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or reconstructed.

Article VI Section C.3.b: General Provisions/Use Regulations for Town of New Durham. General Requirements. Sewage Disposal and Leach field Setbacks. No part of a leach field shall be located less than:

Article XIV Section C.1.b: Shorefront Conservation Overlay District. Dimensional Requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Building Setback: Except for water related structures (see below), all buildings shall be set back a minimum of seventy-five (75) feet from the normal high water level.

Article XIV Section C.1.c: Shorefront Conservation Overlay District Dimensional requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Leach Field Setback: Any leach field shall be set back a minimum of 125 feet from the normal high water level. The Planning Board may require greater setback where more than one dwelling unit uses common sewage disposal facilities.

Article XXI Section C.1: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: 1. They conform to Non-Conforming Setback and height requirements below; and,

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided. Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

Article XXI Section G.1.a: Non-Conforming Buildings, Land or Uses. Non-conforming setback: Leach fields: Not less than ten (10) feet from a lot line.

Article XXI Section G.1.b: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. The following setbacks are required for Non-Conforming buildings, land and uses addressed by this Article. 1. Leach fields: Not less than seventy five (75) feet from open surface water or hydric A wetlands or fifty (50) feet from hydric B wetlands.

Article XXI Section G.2.b: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Buildings: No new building, except for water related structures, shall be located in a flood hazard area, or less than seventy feet (75) feet from any water body or river course.

Chair Jarvis confirmed all fees were paid, abutters notified and public postings done.

Chair Jarvis asked if any Board member has a real or perceived conflict of interest with hearing this case. None was indicated. Chair Jarvis asked if anyone in the public has a real or perceived conflict with any members of the board hearing the case. None was indicated.

Chair Jarvis stated this property was before the Board in Case #2021-011 where five variances were requested; the application was deemed incomplete as it was missing the variance requests for the septic which had been installed in 2018. The applicants decided to go forward and chose the option of submitting a new application at a later date. The three variances dealing with a building less than 75' from the lake were denied. The applicants chose not to continue with the remaining variances. This application is now requesting ten variances. The Board reviewed the application to determine if it was materially different from Case #2021-011.

Chair Jarvis noted the building coverage has been reduced by 2%; the impervious coverage reduced by 3%; the building moved back 15' from the lake; the leach field moved back about 9'; the septic tank is about 95' from the lake; the square footage of the house has been reduced.

Chair Jarvis made a motion that Case #2021-019 is materially different from Case #2021-011. Mr. Bickford seconded the motion. Motion passed, 3-0-1. Vice Chair abstained as she did not have the correct plans to review.

Vice Chair Anderson stated she would be abstaining from this case in its entirety as she has not had the time to fully review the plans presented. Mr. Varney confirmed the applicants would like to continue the case to another meeting with four members.

PUBLIC HEARING of Case #2021-017

Application submitted by Varney Engineering, on behalf for Joseph and Donna Reiss of 29 Cedergren Road, Map 105 Lot 005.

The applicants are requesting variances to:

Article XIV Section C.1.e: Dimensional Requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Lot Coverage: Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by impervious surfaces.

Article XXI Section C.1: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: 1. They conform to Non-Conforming Setback and height requirements below; and,

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided. Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

Article XXI Section G.2.d: Non-Conforming Setbacks. Buildings: No more than a total of twenty (20) per cent of the lot area shall be covered by all impervious surfaces.

Chair Jarvis read the public notice into the record.

Chair Jarvis opened the public hearing at 7:21pm.

Tom Varney, Varney Engineering, LLC, stated a new plan is proposed with less lot size coverage and further setback from the lake; the driveway has been reduced in size and the leach field moved back to the driveway area; the building is 6.5' further back and lot size coverage has been reduced 38% to 22.5%. Mr. Varney presented maps and plans showing the proposed plans. He stated the impervious area has been reduced; the house was moved back to 10' from the powerline so it can't go back further. He stated the plans are now almost out of the 50' setback but more in the 75'. The trees stay the same along the shore. The patio area has also been reduced in size and will be porous. There will be catch basin and drywell to catch runoff. The leach field will be under the driveway; all storm water standards are met.

Chair Jarvis asked if the shed on the right side of the property will remain. Mr. Varney confirmed two sheds will be removed. Chair Jarvis noted the current house encroaches on a side setback however the new house will not.

Mr. Reiss stated they are taking out anything impervious so there will only be the house, driveway and the retaining wall.

Mr. Bickford noted the increase in square footage is 23.5%. Mr. Varney confirmed that is correct. Mr. Bickford stated a small corner of the house is still within the 50' setback area and asked if that is necessary. Mr. Reiss stated there are utility lines which cut across the property and it limits the area they have to work with.

Mr. Reiss stated they are making this property generally more conforming, reduced the size of the driveway, and are putting in a new leach field, which is an improvement from the current property. Ms. Reiss noted the house is under the 15% lot size coverage.

Ms. Callaway asked what type of vegetation would be put in along the shoreline. Mr. Reiss confirmed it would not be grass but they have not determined the specific shrubs yet. Mr. Varney stated some trees will need to be planted in the shoreline buffer zone.

Chair Jarvis confirmed the material under the porch will be porous. Mr. Reiss clarified it would be an open deck.

Mark Sullivan, resident, stated he supports the Reiss' plans; he stated the house sits right on the shorefront and he and many of the neighbors think this will be a great improvement to the property. He stated in regards to the corner of the house within the 50' setback, they would need to see the configuration of the land and the proposed house to see the infeasibility of changing the layout.

Tom Carleo, abutter, stated he supports this project; he stated it will make the property better for the lake with removing all the concrete on the lot and the house moving back will allow for more privacy between the properties.

Chair Jarvis closed the public hearing at 7:39pm.

Chair Jarvis stated the members deliberating this case would be Ms. Callaway, Mr. Bickford, Vice Chair Anderson and Chair Jarvis.

Findings of Fact

- The current house will be torn down and replaced with a new house;
- Cedergren Road is a private road;
- Current house was built in 1948;
- Two sheds on the property are being removed;
- The lot is 105.5' on one side and 156.5' on the other;
- The current building coverage is 10.5% and the proposed plans would be 14%;
- The current impervious coverage is 8%; the proposed plans are 22.5%;
- The house is currently 16.5' from the lake; the proposed is 40.5' from the lake;
- The current leach field is 92' from the lake; the proposed is 118' from the lake;
- The current septic tank is 95' from the lake; the proposed is 95';
- The current house encroaches on the side setback; the proposed does not;
- The nonporous patio, sheds and 50% of the driveway will be removed and revegetated;
- The porch will be porous underneath;
- There will be a new well;
- A NH DES Shoreline Permit is needed;
- Considerable vegetation will be added to the property;
- A Conditional Use Permit is not needed;
- The driveway will be impervious.

Discussion Article XIV, Section C.1.e; Article XXI, Section G

Granting the variance would/would not be contrary to the public interest: Chair Jarvis stated it would not be contrary as amount of impervious surface is being reduced, vegetation is being added, the house is moved back further from the lake and it is a significant improvement of what is here currently. Ms. Callaway stated she is still concerned about the 50' setback but due to the utility lines, she agrees it is not contrary. Chair Jarvis stated for the impervious coverage there is the driveway, the septic tank, the porch, the retaining wall and the house. Vice Chair Anderson stated the reduced coverage is significant. The Board agreed.

The spirit of the ordinance would/would not be observed because: Ms. Callaway stated it would be observed for the reasons outlined previously. Vice Chair Anderson stated the house is slightly larger but it is significantly moved back and it's a huge difference and the attempt was made to get it as close to the ordinance as possible. Mr. Bickford stated he agrees, the septic was moved back towards the road which allows the house to be moved further back. The Board agreed.

Granting the variance would/would not do substantial justice because: Chair Jarvis stated it would do justice to the applicant, the Town and the lake by pushing the house so far back. Vice Chair Anderson stated they did well getting the coverage reduced and the house moved back; the public will also gain with the improvements. The Board agreed.

For the following reasons the values of surrounding properties would/would not be diminished: The Board agreed values would not be diminished.

Unnecessary Hardship: Chair Jarvis stated it would be a hardship to deny; they are improving the lot, moving the leach field and septic back from the lake. Vice Chair Anderson stated there was effort to reduce a lot of the impervious coverage and it would be a hardship to deny.

Chair Jarvis made a motion based on plans dated July 8, 2021, application signed July 7, 2021 and tonight's public hearing, to grant the request for variances to the following:

Article XIV Section C.1.e: Dimensional Requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Lot Coverage: Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by impervious surfaces.

Article XXI Section G.2.d: Non-Conforming Setbacks. Buildings: No more than a total of twenty (20) per cent of the lot area shall be covered by all impervious surfaces.

With the following conditions:

- **The applicant must receive a Shoreline Permit from New Department of Environmental Services;**
- **The applicant must receive an approved septic system from New Hampshire Department of Environmental Services;**
- **The applicant must sign a waiver of liability for having a home on a private road, acceptable to the New Durham Board of Selectmen;**
- **The home will remain a two bedroom house;**
- **The porch is not to be enclosed or covered.**

Mr. Bickford seconded the motion. Motion passed, 4-0-0.

Discussion Article XXX, Section C.1 and Article XXI, Section C.2

Granting the variance would/would not be contrary to the public interest: Ms. Callaway stated it would not be contrary; the plans are considerably less nonconforming and the improvements outweigh any nonconformity. The Board agreed.

The spirit of the ordinance would/would not be observed because: Chair Jarvis stated it will be a vast improvement in the property; the noncompliance is a lot less than what is there currently. The Board agreed.

Granting the variance would/would not do substantial justice because: Vice Chair Anderson stated so much has been done to be able to use the property in the best way; to deny the variance wouldn't give the applicants a chance to have a house on this property. The Board agreed.

For the following reasons the values of surrounding properties would/would not be diminished: The Board agreed that values would not be diminished.

Unnecessary Hardship: Ms. Callaway stated it would be a hardship if denied; she doesn't believe there is much more they could do to improve the property to make it less nonconforming. The Board agreed.

Chair Jarvis made a motion based on plans dated July 8, 2021, application signed July 7, 2021 and tonight's public hearing, to grant the request for variances to the following:

Article XXI Section C.1: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: 1. They conform to Non-Conforming Setback and height requirements below; and,

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided. Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

With the following conditions:

- **The applicant must receive a Shoreline Permit from New Department of Environmental Services;**
- **The applicant must receive an approved septic system from New Hampshire Department of Environmental Services;**
- **The applicant must sign a waiver of liability for having a home on a private road, acceptable to the New Durham Board of Selectmen;**
- **The home will remain a two bedroom house;**
- **The porch is not to be enclosed or covered;**
- **The Maintenance Agreement for Cedergren Road shall be filed with the Building Inspector/Code Enforcement Officer.**

Vice Chair Anderson seconded the motion. Motion passed, 4-0-0.

PUBLIC HEARING of Case #2021-018

Application submitted by Varney Engineering, on behalf for Kevin and Keesha Dube of Pine Point Road, Map 103 Lot 014.

The applicants are requesting a variance to:

Article V Section E: Dimension Requirements for Town of New Durham. Flood Hazard Area and Water Body Setbacks. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river.

Chair Jarvis read the public notice into the record.

Chair Jarvis opened the public hearing at 8:09pm.

Tom Varney, Varney Engineering, LLC, stated they went to the Planning Board and their condition was approval from the Zoning Board of Adjustment for Article V, Section E; he stated there are no change in the plans from the previous case.

Chair Jarvis asked if the area beneath the deck is porous. Mr. Varney confirmed it is not porous; it will not have a roof.

Vice Chair Anderson confirmed the stairs coming down from the deck would be on the left hand side. The stairs will not go past the width of the house and end at the end of the lakeside dripege.

Chair Jarvis opened the hearing to the public input. None was indicated.

Chair Jarvis closed the public hearing at 8:14pm.

Chair Jarvis stated the members deliberating this case would be Ms. Callaway, Mr. Bickford, Vice Chair Anderson and Chair Jarvis.

Findings of Fact

- The applicant has already received two variances for having a deck within 75’;
- The deck will be 67’ from the water;
- The entire house is behind the 75’ setback;
- A Conditional Use Permit has been received from the New Durham Planning Board;
- Right of Passage on the private road is in the deed of the property;
- Permission has been received from the New Durham Board of Selectmen to build on a private road;
- The area under the deck will not be porous.

Discussion Article V, Section E

Granting the variance would/would not be contrary to the public interest: Ms. Callaway stated it would not be contrary; this is a conundrum because if the house were closer to the lake, a variance would not be needed. The Board agreed.

The spirit of the ordinance would/would not be observed because: Chair Jarvis stated the spirit would be observed. The Board agreed.

Granting the variance would/would not do substantial justice because: Chair Jarvis stated justice would be done in granting the variance. The Board agreed.

For the following reasons the values of surrounding properties would/would not be diminished: The Board agreed values would not be diminished.

Unnecessary Hardship: Ms. Callaway stated there is no reason to deny the variance. The Board agreed it would be a hardship to deny the variance.

Chair Jarvis made a motion based on plans dated June 14, 2021, application signed July 15, 2021 and tonight's public hearing, to grant the request for a variance to the following:

Article V Section E: Dimension Requirements for Town of New Durham. Flood Hazard Area and Water Body Setbacks. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river.

With the following conditions:

- **The applicant must receive a Shoreline Permit from New Department of Environmental Services;**
- **The porch is not to be enclosed or covered;**

Vice Chair Anderson seconded the motion. Motion passed, 4-0-0.

Continuation of Case #2021-019

The Board and the applicant discussed dates for continuance of the public hearing. It was agreed to open the public hearing and then continue to August 12, 2021 at 7:00pm. Chair Jarvis confirmed attendance via Zoom would be acceptable for the applicant and applicant's representative.

Chair Jarvis opened the public hearing at 8:29pm.

Tom Varney, Varney Engineering, LLC, stated they have reduced the house substantially since the last meeting; he presented plans showing the existing and the proposed. He stated there will be a deck on the front; the house been moved back as well. The house is about 4' up from the ground so there will be steps down to the deck and then steps from the deck to the ground. The septic tank was moved back as far as possible and it's the minimum 5' from the building. There is more distance from the house to the lake than from the house to the road. Mr. Varney outlined the storm water management features including drip edges and porous patio. The driveway is

porous pavers as is the walkway to the lake. The lot size coverage is 13.3%; the building is 12.8%; there are no steep slopes. The trees will be preserved along the shoreline.

Chair Jarvis noted the current house is 35' from the lake; the proposed house will be 51'. The septic tank will be moving a couple feet back from the lake as well. Mr. Varney confirmed the new house will be two bedrooms and two stories with a crawlspace. It was confirmed the square footage of the house will be 1470 square feet, which is a reduction of about 500 square feet. The entire building will be behind the 50' setback. Chair Jarvis asked what the shed on the property is used for. Mr. Varney stated it is for lawnmowers, outdoor equipment, etc.

Ms. Randall noted a previous suggestion was to move the home behind the 50' and reconfigure the home; she stated they have done that and most of the house is 16' behind the current house.

Ms. Callaway asked if the septic tank could be move even further back to get more of the house of the 75' setback. Mr. Varney stated they cannot; they are only rotating it and noted there is a stream on the right of the property that he has to keep it away from.

Mr. Bickford stated he is concerned about permeability issues within 75' and questioned the size. Chair Jarvis stated the pervious surface coverage and building size is within the ordinances although it is within the setback.

Ms. Randall clarified the increase in size is not 75% but it is 42%.

Chair Jarvis made a motion to continue the public hearing for Case #2021-019 submitted by Varney Engineering, on behalf for Michael and Tracy Fillion of 128 South Shore Road, Map 122 Lot 019. to Thursday, August 12, 2021 at 7:15pm. Mr. Bickford seconded the motion. Motion passed, 4-0-0.

**Request for Rehearing for Case #2021-015
Walter and Carol Shanahan for the property located at Owls Head Point Road, Map 108 Lot 47**

Chair Jarvis stated the request for rehearing was received in a timely manner and spells out why the applicants and their counsel believe the reasons for denial were in error, unreasonable and unlawful. She stated the Board needs to discuss the request, not the hearing, and determine if an error was made for Article XXI, Section C.1 and C.2 and whether a new hearing is needed for those two items. The Board reviewed the request.

Ms. Callaway stated she sees an inconsistency and perhaps a narrow focus.

Chair Jarvis made a motion to approve the request for rehearing dated August 5, 2021 relative to case #2021-015, application submitted by Walter and Carol Shanahan. Ms. Callaway seconded the motion. Motion passed, 4-0-0.

Chair Jarvis stated she believes they should grant the request for the two items only. Vice Chair Anderson stated the inconsistency is laid out well and supported with the reasoning. Ms.

Callaway stated a new hearing would be beneficial to review the decisions. Mr. Bickford stated he doesn't see anything to be revisited.

Chair Jarvis noted she has never done a rehearing and will need to confirm the timelines which they need to follow.

Chair Jarvis made a motion to grant the request for rehearing for Case #2021-015 for Article XXI, Section C.1 and Section C.2. Ms. Callaway seconded the motion. Motion passed, 3-1-0.

APPROVAL OF MINUTES

Meeting of May 11, 2021 – Edits were made. **Chair Jarvis made a motion to approve the minutes as amended. Vice Chair Anderson seconded the motion. Motion passed, 3-0-1.**

NEXT MEETING

August 12, 2021, 7:00pm.

September 14, 2021, 7:00pm

ADJOURN

Chair Jarvis made a motion to adjourn. Vice Chair Anderson seconded the motion. Motion passed, 4-0-0.

The meeting was adjourned at 10:16pm.

Respectfully Submitted,

Jennifer L. Riel

Jennifer Riel, Recording Secretary