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Town of Grantham
Zoning Board of Adjustment
Minutes
August 29, 2013

Chair Conrad Frey called the Zoning Board meeting to order at 7:05 p.m. Thursday, August 29, 2013. The meeting was held in the Jerry Whitney Memorial Conference Room located at Town Hall, 300 Route 10 south in Grantham.

Present: Chair Conrad Frey; Tanya McIntire; Myron Cummings; Margery Bostrom; Richard (Dick) Mansfield and Clerk Martha Norris.

Members of the public: Todd & Erin Cartier and Selectman Constance (Connie) Jones.

Correspondence
None

Approval of Minutes
Chair Frey asked the Board members if they had reviewed the minutes from June 27, 2013 were there any corrections. Frey stated that on page three (3), fourth (4th) paragraph, seventh (7th) line down to read: "it could be granted only if the person were handicapped". Not: "as long as one person in the dwelling lived there" and on page five (5) second (2nd) paragraph down to read: "Chair Frey said that SAI COMMUNICATIONS/AT&T wanted to install additional antenna on their tower located at Map 226 Lot 018 and Frey informed them that was not adding any more height to the tower so they need not come to the Zoning Board of Adjustment for this". Not: "Chair Frey said that ATT wanted to install another antenna on their tower and Frey informed them that was not adding any more height to the tower".
Motion was made by Myron Cummings and second Tanya McIntire to approve the minutes with changes.
Approved by Unanimous Vote.

New Business
Variance/Special Exception application #08 – 2013; Map 216 Lot 038-001
Todd & Erin Cartier, owners

Chair Frey asked who would like to present the application can do so. Cartier said they (the ZBA members) all had a copy of the application. Frey stated that the Cartier's request was to have the two (2) dwellings as one (1) attached by a beam, not closed in by a breezeway or a mudroom and that was their proposal. Frey then asked the Cartier's if there was anything else they wanted to add. Cartier stated only that this was his mothers' residence and the dwelling

was not used for any additional income or anything like that. Frey then asked the Zoning Board members if there was anything they would like to say.

McIntire stated there were a couple of ways of handling this and she felt this was almost like not a zoning issue but something else. McIntire said from what the photo looks like this garage was not supposed to be a residence, and that it just kind of happened because at the time the Cartier's were making the garage their temporary residence until they could build their house. McIntire went on to say she was assuming that someone's mother became ill and at this time Cartier spoke up and said that it was his father that became ill and McIntire said at that time the residence was available and then became occupied, but the intention was never for it to be that way from what it sounds like. McIntire stated the fact that it was and still is occupied could be considered elderly housing which the Zoning Board of Adjustment does allow, it almost seems like it could fall under the "Elderly Housing, Special Exception".

Frey said that it would be a different application and McIntire said that the arguments would be exactly the same. McIntire stated if the Board gave it a special exception it could only be used for elderly housing and it would then not be able to be rented and/or another resident for someone who wasn't elderly and due to the proxcemitry of the garage to the Cartier's own house she doubted that if the person was not related they would not want them there. Cartier said that was nothing they wanted to have and E. Cartier agreed they would not want anyone else living there. McIntire stated that at this point when it goes back to not being elderly housing you have that special exception for anybody in your immediately family that would probably need to stay there.

Frey explained that elderly housing is to be structurally designed and equipped to specially meet the needs for a person 65 or older and he did not know if this dwelling/garage was designed for that or for temporary housing while the Cartier's were having their house built and had stated they were going to turn it back into a workshop/garage and storage after the house was built. Frey said that the Cartier's even went on further to build a second garage which means obviously it's (the original garage) was for a second dwelling and the Cartier's upgraded their septic design for a two (2) bedroom house plus a studio apartment.

Frey asked the Cartier's were they aware of the ordinance, and Cartier stated no, and going back to when this all kind of happened he said they were told there were questions that this was a family member and a non issue, when the subject of the septic came up it was agreed that when the septic fails they (Cartier's) would correct it. Frey stated the point was that you're only allowed one dwelling unit whether it is a duplex or a single family home not only in the rural district that they are in, but every district that allows residences here and Frey told the Cartier's they were in violation of the spirit of the ordinance and the master plan by putting two (2) dwellings in. Cartier asked Frey why then 10 years ago when this came about it wasn't addressed then. Frey stated that it should have come to zoning and he didn't

know why it did not. Frey asked Cartier if he knew of houses or anybody that had two (2) houses/dwellings on their property in Grantham. Cartier asked Frey if he was asking if he (Cartier) knew of anyone and/or then Frey said was he (Cartier) following anyone who had two (2) dwellings on a lot or what and Cartier said that he thought it was common practice. Frey then said in Grantham? And Cartier said yes and then Cummings agreed and stated he knew of several in Eastman. Frey said there were two (2) dwellings on one lot? (Referring to Eastman). Cummings went on to say he knew of some that were not attached that had apartments above the garage. Frey then asked were they done before 1990. Frey then spoke of a garage that had an apartment above it located on Dunbar Hill Road which was grandfathered. McIntire said that was a little beside the point and Cummings asked when did all of this start. Cartier stated in 2002.

Selectman Jones read aloud the copy of a letter that was in the Cartier's property file which had been made available for the Board and Selectmen Jones to view. After reading the letter aloud Jones asked what precipitated this note that was in the Cartier's property file along with the building permit. Cartier said probably the note went along with the building permit at the time of building the house and Frey said it was the same date (2002). McIntire said we don't set precedence and Frey in turn told McIntire that yes we do. Frey then told the Cartier's it just seemed like they just went ahead and didn't follow the ordinance and he (Frey) felt this was one of the bedrocks of the ordinance to have one dwelling units whether it's a duplex or modular home. Frey said he felt it was not right to have two (2) separate dwellings on one lot.

Cummings stated he disagreed with Frey because somewhere back in 1992 when he was on the Board of Selectmen they had a go around with somebody that lived on the Cartier's road where a similar thing had taken place, and the Board had to let it go because there was no reason not to. Frey stated that was wrong because Zoning came into effect in March 13, 1990. Cartier wanted to know why when his property had been appraised by the Town's appraiser that this issue had not come up before now and that they (the Cartier's) have been charged taxes on it and made it sound like this was a huge crime and that it was not like they were trying to hide anything. Frey said that something went wrong in the system. Frey then looked at a copy of the building permit and asked Cartier if he had ever applied for a permit to put a studio apartment in the garage and Cartier said he didn't think so and Frey then said there was nothing in the records.

Mansfield stated he would like to approach this from a different angle. After looking at the photos of the two (2) buildings Mansfield told Cartier it looked as though the buildings were attached by a beam presently and Cartier said yes. Cartier then showed the Board on the photos where they were attached.

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At this point E. Cartier stated that she was a little confused because several weeks ago (referring to the June 27th meeting as a last minute conceptual) it was a matter of a variance applied no harm/ no foul and now she felt like they were being persecuted. Frey said no, that they were not being persecuted, but at that time erroneously they were told if there was a handicapped person that would be alright until such time that handicapped person left. (At this point Cartier interrupted and said that erroneously seemed to be a pretty good term) Frey said that was why the reading of the zoning ordinance of which would have allowed them to do what they were doing and the other alternative would have been for them to install a breezeway or mudroom in between the two (2) buildings and although they are two (2) different dwellings at least that would have been a quasi way of saying this was one (1) building.

Frey asked Cartier what happens when his mother leaves. Cartier stated who knows. Frey asked if they were going to rent it out. Both Erin and Todd Cartier stated no. E. Cartier explained to Frey that they had not had enough time to throw-up a breezeway in three (3) or four (4) weeks and Frey reminded the Cartier's that they said at the last meeting they could and that would be acceptable. Mansfield asked just how difficult it would be to put in a breezeway and would that be a hardship for them to do. Cartier said he could put an open breezeway in and Mansfield said so it's open. Erin Cartier at this time said at the last meeting they were told it had to be closed. Frey asked Board members if anyone else had any thoughts.

McIntire said that her thought was the Cartier's were asking for a variance and they have listed their reason for hardship and McIntire said that her suggestion was to consider this elderly housing and at that point it is no longer elderly housing, it goes back to being a garage. McIntire felt the Board didn't need to question the Cartier's motives for what they did ten (10) years ago or the fact one of their parents needed a place to live and the fact that rules are meant to have variances and special exceptions, that's why we have this Board and have the authority to grant this.

Cartier at this point asked McIntire if the Board actually did have the authority and McIntire stated yes we do, and continued to say that her question was whether or not this was actually a variance because if the Board grants the variance to have those two (2) houses that goes with the property, so it doesn't matter she told the Cartier's if they sell the property there is two (2) residences. McIntire next explained to the Cartier's that if the Board were to grant a special exception for elderly housing then it would be stated as such. McIntire then said as far as she was concerned that's the better alternative. Cartier at this point said there was no malice intended.

At this point there was talk amongst all (at the same time) for the next couple of minutes.

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Frey stated the ordinance states the criteria and it doesn't fit as far as the lot having a single dwelling and that is what's upsetting now with this concept McIntire brings up is interesting, even though elderly housing is safe specific again would be a stretch considering it would need to be designed for such a thing. McIntire then spoke up and said that apparently it was designed for their mother. Frey said that it was designed for them (the Cartier's). McIntire told Frey that she was sure that in the last few years the property was designed for the person who's living there.

The Board members at this time went back and forth as to ideas on this topic.

Frey asked the Cartier's if the apartment was on the second floor and E. Cartier said it was on the first floor. Frey then asked the Cartier's when they had said they were going to live there; they were going to live above the garage. McIntire spoke up and said to Frey that is why it had been modified was so the person could live there.

Bostrom asked the question if someone had living in their dwelling a family member that ran into some physical problems, could you widen the door so a wheelchair could go through or put in grab bars all over the place that would be changing the use because of circumstances. Frey asked the Cartier's if his mother was handicapped. They said no, and Bostrom then said that you couldn't be sure to know what would happen tomorrow. At that moment E. Cartier spoke up and said that Cartier's father was handicapped and had also lived there at one time. Cummings mentioned that's what started all of this.

Mansfield asked Frey how much precedence would be set if a variance was granted for this particular set of two buildings that are attached and the requirement is met, that any future buildings must be attached and occupied by a family member only would that be a possibility. Frey said that would be an entirely different thing where zoning would have to be changed to read mother-in-law or families. Frey went on to say that a breezeway is a stretch and there are two (2) alternatives, one is that the Cartier's convert it back into a garage and at this time Cartier spoke up to say that the house and the garage are all one on the power/water/sewer. Frey stated that this had all been done incorrectly because the ordinance was in place on March 13, 1990 stating one dwelling per lot such as a duplex, single, modular or manufactured mobile home, and that was in effect when you did what you did he told Cartier. Frey then stated that the alternative would be to turn it back into the garage as they (Cartier's) originally said they were going to do or turn the area in between into a mudroom/breezeway.

Frey said that McIntire suggested elderly housing, which in a switch itself would be housing specifically designed for the elderly so it's not really elderly housing per say. Frey went on to say that the concern is of course long.

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Frey said that McIntire suggested elderly housing, which in a switch itself would be housing specifically designed for the elderly so it's not really elderly housing per say, but that is the only way, a third (3rd) alternative. So those are the three (3) things Frey said. Frey went on to say that the concern is of course long term and he didn't know if any of them would still be here and McIntire spoke up and said she would be here lord willing.

Frey mentioned that what precipitated this whole thing was a phone call he received from someone regarding the Cartier's property and whether or not it could be rented out. The person told Frey that neither dwelling was being used as rental property, but could it be in the future and was it allowed by zoning to have two (2) houses on a lot. Frey then mentioned that there was a fear that maybe sometime in the near future you could have two (2) dwellings.

E. Cartier stated that what if they were to sell the property and whoever bought it knew they could attach the two (2). Frey said that everything that the Board does with zoning goes with the land and stays with the land no matter what, whoever owns it. Frey told the Cartier's that if they were to sell the land tomorrow whatever the Board decides for a variance or whatever the Board says goes with the next owner. Zoning is not about people and financial hardship with zoning and that sounds cruel Frey said, but it is a land use decision the Board makes.

McIntire at this point said that the Board is not about being cruel. Frey told McIntire that is not on the table. Cummings said that if the Board is that concerned the Town can put a attachment (or whatever it's called and at the same time McIntire said conditions) on the Cartier's deed that says if you sell this, it has to be sold as one property and not a two person property in other words you could rent the garage and live in the house. E. Cartier asked wouldn't that be kind of thrown out the window if somebody purchased it and come up with the 15,000.00 (?) to connect the two buildings so then it's a moot point, Right? (McIntire said right) E. Cartier continued to say that if they came up with the money and made the connection then it's valid. Cartier stated there is a new building up on Route 10 and that the old building had been taken down and replaced with a new "duplex" home, which was allowed in the zoning ordinance.

The Cartier's at this time went on to explain the situation of his father dying and how they felt they gave him another 5 years of his life to spend with his family and grandchildren by letting him live there, and now Cartier's mother is the only one living there. Frey said that he understood. McIntire stated to the Board that they at some point would have to incorporate this and it would have to be part of the ordinance, and if this brings it to light to make it easier for people then that's what the Board needs to do. McIntire went on to say that if the Board granted a variance they could put writers on it or the Board could say this should be a special exception for elderly housing, and that would solve the issue because anybody that bought the Cartier's property would have the special exception for their parents which may be a good selling point for the Cartier's, who knows, but that she felt (McIntire) it doesn't sound like the Cartier's want to sell their house unless we (meaning the Board) make it so hard for them they

don't want to be in this town. Frey at that moment stated that the Board is not trying to do that.

Mansfield said the fear of precedence is maybe overblown and that if the Board could put conditions on this to prevent that from happening. Cummings stated that somewhere there needs to be a little common sense. McIntire said she understands the ordinance. Frey said he felt the special exception would be a better route then the elderly exception; there would be different criteria if that were to pass the Board then would go to the special exception and put conditions on the special exception to go with the piece of property that would solve it for the next person so if the next person wanted to use the second dwelling for anything else they could not, it could only be used for elderly housing and that would have to be in some kind of document. McIntire said that it would just go in the file.

Cartier asked if there was anything that said you could not sleep in your garage or he would put a car in the living room if it would make the Board feel better. Frey said these are just definitions and you just can't work with what is said in here (meaning the zoning ordinance). Frey stated that he felt McIntire's elderly housing idea would be the easiest way out of this. Cummings mentioned that if the Cartier's sold the property the new owners would then have to come back to the Zoning Board of Adjustment and the Board would have to straighten it out at that time. Cartier asked why should it keep going on and on and that it would be nice to resolve it once and for all. This went back and forth and then McIntire said, or the Board could just grant the variance for them (the Cartier's) to have two (2) houses on the piece of property like they are. McIntire went on to say that is not what the Board wants to do, but that is what the Cartier's are asking for and the Board has to vote on or agree to do the other.

Frey said what he was debating was to go to the variance or the special exception. McIntire said she felt this was a lot of projection into the future and this is starting to influence a decision that really isn't necessary and Frey said well; it goes with the land. McIntire said she knew that it goes with the land so it's elderly housing and she felt if they (the Cartier's) sold their house or did not sell their house the special exception goes with the land and she felt the Cartier's needed to think about that until the time comes, and when it comes maybe somebody will be right there with a elderly person to buy it or turn it back into a garage or whatever. McIntire then said she felt that this was not part of this discussion.

Cartier stated that he had put $30,000.00 into a leach field because he thought that was the right thing going from what he was told before. McIntire stated she felt it was up to the Cartier's whether or not they wanted to proceed with a variance for two dwellings, or go with the special exception for the elderly housing if that's acceptable to the Board. Frey told the Board that he had also received a call from a woman on Miller Pond Road wanting to know if she could put living quarters above a garage (since the last meeting) and also mention that Clerk Norris had received a call to put a home business above a garage.

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Clerk Norris then explained to the Board that she had told them this was allowed as long as they did not make it into an apartment, and they would still have to come before the Zoning Board for a special exception for a home business. Norris said she also let them know that the buildings would have to be attached as one building in order to have an apartment above the garage. Frey mentioned to Clerk Norris that she might let them know to come before the Board for a special exception if they should call or come by again. Clerk Norris said she would.

Frey then asked the Board which way they felt they were going either with a variance for a breezeway or a special exception for it to be elderly housing with some kind of conditions and remains so it goes on a deed or some kind of records with the town. Mansfield said that it was difficult to put conditions on this and Cummings said he would go with elderly housing because there is going to be a lot needed. Frey then said there was elderly housing right here (there was laughter by all). Frey then asked which way the members want to go again. Mansfield went on to say that it depends that if you could do in a variance, the elderly housing that condition built into a variance he (Mansfield) felt that was the way to go otherwise they (Cartier's) have to come back again for a special exception.

Bostrom asked would the elderly housing be for family members and whether it was for family or not down the road if it were to be sold and you have elderly or disabled family members then that would broaden the content, but at the same time solve the problem. Frey said that if you had an elderly person that was handicapped then you would have a variance or hardship, then that variance would be granted until such time that person left that place. Bostrom said that just suppose it was an elderly couple, just because, they might take turns being disabled and that life is life and that's why she felt the terminology is important. Frey said yes.

Frey once again asked the Board members should they go with the special exception on an elderly housing in this case or do they go with the hardship and asked the Board how they felt.

McIntire stated that she felt that the Cartier's asked for a variance for two (2) dwellings and then to say that the Board is going to add all these conditions seemed a little obtuse, and her feelings were the Board should do a special exception on this application because it's not that different from the variance application. McIntire again stated that she did not believe it was the Board's decision, she felt it was the Cartier's decision based on the Boards discussion then if they (Cartier's) want to continue with the variance application or if they (Cartier's) want the special exception. McIntire stated that was not the Board's decision to make. McIntire said they applied for this. Frey said that on a hardship basis the spirit of the ordinance he felt it would be difficult to get and McIntire said she felt the spirit of the ordinance was to love your neighbor and they (Cartier's) are definitely doing that and told Frey he won't get the hardship from her and you won't get a negative from her and so she can tell you that right now and went onto say she felt this was in the spirit of the ordnance, the big picture spirit of the ordinance, Frey then said unfortunately the ordinance doesn't include love. McIntire said yes it does.

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Mansfield then asked if the Board could go with a special exception on this application. Frey said they could go forward with a special exception and this had been done before where someone came in with a variance and at that time the Board decided it would be better to have it passed or denied on the special exception basis. Frey explained to the Board that he could go right to the criteria now for special exception. Mansfield said he would go with that and put conditions on that nicely and cover the handicapped or elderly all in one. At this point Clerk Norris said excuse me and asked Frey if she could give the Cartier's a paper to do with the special exception information on it from McIntire's zoning ordinance manual so they would understand what this meant. (After the Cartier's looked at this they gave it back to Clerk Norris)

Frey stated that as far as he was concerned with special exceptions the Board has to set the conditions. Frey stated that McIntire already said she wouldn't say no, I (Frey) would say no. Frey went on to say that he felt the special exception is the way to go with conditions.

Cartier asked Frey why would he say no, what's the difference? Mansfield then said because what the ordinance recognizes with land use. McIntire said at the same time it was objectionable; but that's what the ordinance says and that is what's objectionable to some members of this Board. Frey said on the subject of hardship there are no special conditions to the property to distinguish from other properties in the area and the property clearly are used in strict performance in the ordinance so you wouldn't pass on that one. Frey continued to read the criteria from the ordinance.

McIntire felt after Frey was done reading from the zoning ordinance manual that this might be a signal that the Board needs to make some modification and Frey said that would have to be well thought out to allow two (2) residences on one lot. McIntire said that she wasn't saying residences she meant elderly/mother-in-law apartments.

Frey asked the Board members were they going with the variance or the elderly housing. Cummings stated that he was going either way for them, the Cartier's, to make it easier for them. Frey said ok then; elderly housing. Bostrom stated that she agrees to let our common sense inform us and do it the simplest way and in our jurisdiction and meet the needs of the ordinance and the needs of the people. Mansfield mentioned to Frey that incidentally in the variance that everybody would have a difficult time voting for, so he felt you gotta go with the special exception (meaning elderly housing) for which makes it possible and Bostrom agreed and also said that really was the simplest.

Frey said to keep in mind anything in zoning goes with the property and so you need to think of conditions to do with special circumstances. McIntire said can we ask the Cartier's if this is ok because maybe they want to go home and think about all of this. Frey asked the Cartier's if they wanted to go with this decision. E. Cartier stated that she just wanted to make sure they

were making the right decision and it wasn't going to come back and bite them. Frey said this means once the decision is made it goes with the property. E. Cartier said then that means that this doesn't change the deed or they could sell the house, and Frey said it would be elderly housing. McIntire then said that means if someone came along and bought the house now they would have to come back to zoning with their deal and it would not be the Cartier's deal anymore it would be the next owners.

Frey told the Cartier's they could sell it but only for elderly housing. E. Cartier said that chances are that when her mother-in-law is not there anymore they would not be advertising for someone to live there and probably it would be pretty skeletal at that point, so if they were to sell the building maybe it would be nice to say you could do this if you needed to and then McIntire told E. Cartier that she could say she has a special exception for elderly housing. Frey then informed the Cartier's the only thing they could use this building for now would be for elderly housing. McIntire spoke up then and said no, how about elderly and handicapped because what if somebody bought the house and had an adult child that was handicapped. Frey told McIntire that she was bringing in some things that were not in the ordinance that had nothing to do with it.

Frey after reading the criteria for the special exception and all the Board members agreeing to each one informed the Cartier's that they had passed under the special exception with conditions. Frey told the Cartier's that they could continue as they have been doing.

Frey next told the Board they have to decide now what goes with this property to do with the future for conditions. Frey told the Cartier's that their primary house can be used by anybody, but the secondary house or garage can only be used by someone that is elderly until such time someone comes in and wants to change that, but that would be the condition.

E. Cartier asked does that mean if they sold the property, the people who bought the property would have to go to zoning and that would be the condition if they (the new owners) wanted to change it? Frey gave an example saying if he wanted to buy their house and the condition of the second house was for elderly housing and he had a young son say 25 who doesn't have a job yet, he could not live there and that would mean the new owner would have to come to the Zoning Board for a variance. Frey continued to say that presumably that is what someone would have to do before the property was sold to another person is to inform them of the condition on the property that the condition is only on the second building for elderly. Frey then asked the Cartier's if they understood that.

E. Cartier asked what if they wanted to connect the two (2) buildings then would that change everything. Frey stated you would still have to come in for a variance because originally they (Cartier's) had asked for the first variance because only a beam would not be allowed.

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Frey at that point said "wait a minute" and continued to explain that they (Cartier's) could do that and that would change the status of the other building from elderly to something else, but you couldn't do that until you changed the status of the elderly housing.

T. Cartier said let's just say hypothetically that three (3) years down the road if they were to decide to connect the house, what would they have to do at that point because now the house would become one. Frey stated they (Cartier's) would have to come in for a variance to connect them because they're no longer having an elderly housing unit on the property. Cartier said that would go away then. Frey said that would go away and then become a duplex. Frey said again they (Cartier's) would have to come in for a variance. Now that you have accepted a special exception and the Board voted on that (at this moment E. Cartier asked if that is something the Board will work with them on) Frey then said that the Board had suggested this to them the last time (referring to the last meeting).

McIntire said she thought that in the Zoning Board of Adjustment manual allowed one (1) and two (2) family dwelling units and if they (Cartier's) connected the buildings then they would be in compliance with the ordinance. Frey went on to say because they (Cartier's) would be converting it from elderly housing to part of the house. Mansfield stated he couldn't see how that would be a problem. McIntire said she felt that it wouldn't be a problem as did the rest of the Board.

Frey said that the condition is that this has to be designated elderly housing and when they (Cartier's) sell it, it goes with it. Frey also stated that in the ordinance under special exception the definition says specially designed and Frey didn't know if there were grab bars or anything in there. Bostrom then said to the Cartier's to put in some grab bars as did Mansfield. Frey asked the Cartier's that when they lived there did they live upstairs or what. E. Cartier stated they lived in the whole thing. Frey then said the garage and E. Cartier said yes, and Frey said that's why they (Cartier's) have two (2) garages now.

Frey then asked the Board members if all of this were acceptable to them and all members of the Board said yes. ***Unanimously Approved*** *with the following conditions:*

1. *"Building Two" on the property at 71 Burpee Hill Road (Map 216 Lot 38.1) can only be used for "Elderly Housing: as defined in the Zoning Ordinance under Article XVIII – Definitions.*

2. *A record of this decision shall be placed in the property file for 71 Burpee Hill Road (Map 216 Lot38.1).*

3. *The approved use of this building for "Elderly Housing" cannot be changed without an approval from the Zoning Board of Adjustment.*

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The Cartier's thanked the Board and left. Frey did mention to the Cartier's to read the ordinance when they do things. Cartier asked if they need to sign off on anything and Clerk Norris told them no and they would be receiving their approval letter with conditions the following week sometime.

OTHER

Cummings stated that while he was away this past winter/early spring that Grantham had their town wide yard sale where they try to get it all done in one day and he didn't know if the Board knew or not but Eastman is not allowed to have yard sales. Frye asked by their laws/rules? Cummings stated yes and that his daughter had made a deal with Ernest Collier to use a section of his property which sits across from the Eastman entrance for yard sales purpose and that somebody had told her that she had better check on this. Cummings said that at this time she was told that she had to find out through Planning Board if this were allowed since this was commercial property and nothing to do with Zoning.

Cummings then went on to ask the Board about what could be done with this situation and Frey stated that when he spoke to Cummings daughter he informed her that she would have to go to Planning Board because this was commercial property. Frey went on to say he would not know how the Zoning Board could change the ordinance with regards to this topic.

McIntire said the Collier's property was part of Eastman Property and Cummings agreed. Frey sated then this has nothing to do with zoning. Clerk Norris spoke up and stated she thought the Collier's owned the land and both McIntire and Cummings said he does own the land. Everyone discussed this situation and Clerk Norris said she would look into the deed of this property. Frey stated he could not speak for the Planning Board, but asked Cumming's that in the minutes of Planning Board was anything said that his daughter could not do this? And Cummings stated other than that she might need a site plan review application for something like this. Further discussion ensued amongst the Board members with regards to yard sales rules and regulations.

Cummings brought up the fact that the rules and regulations to do with signage was not being followed and Frey agreed that some people have more than one sign and stated that someone has to make a complaint to the Select Board and went on to say signs are allowed within reason of the ordinance. Frey mentioned rules are rules and if you keep bending these rules, then you don't have any.

Selectman Jones stated that the Select Board is happy to enforce the regulations that the Town has, but the Board is not going to go around looking for how many residences are doing things they shouldn't be doing. Jones said that when they receive a signed complaint then the Board acts on that complaint.

APPROVED

Adjournment

Chair Frey asked the Board if there were any further question/discussions. There being none a motion was made by Tanya McIntire and second Myron Cummings to adjourn the meeting. ***Approved by Unanimous Vote to*** adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

Martha M. Norris

Martha M. Norris
ZBA Clerk