

1 **CAMDEN ZONING BOARD OF APPEALS**  
2 **MINUTES of MEETINGS**  
3 **January 23, 2014**  
4  
5

6 **PRESENT and VOTING:** Chair: Frank Toole: Members: Jean Belair, Tom Laurent, Linda  
7 Norton and Sam Smith

8 **ALSO PRESENT:** CEO Steve Wilson

9 **ABSENT:** Alternate Member Ed Libby

10  
11 The Meeting

12  
13 The Meeting was called to Order at 5:10 pm in the Washington Street Conference Room.  
14

15 **2. SPECIAL EXCEPTION: Expansion of a Non-conforming Use**

16 BREDA, LLC dba: The Camden Harbour Inn: Map 119 Lots 22 & 23  
17 Traditional Village District (V): 81 & 83 Bay View Street  
18

19 The Chair read the Board's procedure for public hearings.  
20

21 *Declaration of Conflict*

22  
23 Members were asked to declare any possible conflicts of interest they might have  
24 regarding the application before them; there were none.  
25

26 *Code Enforcement Officer's Summary*  
27

28 Mr. Wilson noted that this application required no action on his part. The request to  
29 expand a non-conforming use is permitted as a Special Exception in the Traditional Village  
30 District when the expansion is in conformity with the space and bulk standards of the District  
31 and meets the Special Exception criteria of the Ordinance.  
32

33 *Standing*  
34

35 Applicants Oscar Verest and Raymond Brunyanszki are the owners of the two lots: Lot  
36 22, the Camden Harbour Inn, is owned by BREDA, LLC in which they are partners; and Mr.  
37 Brunyanszki owns Lot 23 alone. The Applicants had provided deeds to both lots.  
38

39 *Applicants' Submissions*  
40

41 In addition to an Application for a Special Exception dated 12/20/2013, the Applicants  
42 submitted the following supporting document; they were numbered Applicants' Exhibits 1 – 12:

43 A1: Five-page letter from Gartley and Dorsky Engineering and Surveying dated 12/19/2013,  
44 addressing the Ordinance criteria relevant to a Special Exception Permit

45 A2: Site Location Map

46 A3: Town of Camden Tax Map 119

47 A4: Memorandum dated 11/12/13 (revised 12/18/2013), from Gartley and Dorsky: Subject is  
48 a Parking Analysis for this project

49 A5: Memorandum dated 12/19/13, from Gartley and Dorsky: Subject is a Traffic Analysis  
50 for this project

51 A6: Two-page packet of four photographs

52 A7: Sheet AE-1: An aerial view of the property submitted 12/19/2013

- 1 A8: Sheet C-1: Site Plan dated 12/19/2013 signed and sealed by Will Gartley, Gartley and
- 2 Dorsky Engineering and Surveying, PE
- 3 A9: Sheet A1: Concept Elevations prepared by Phi Home Designs dated 12/19/2103
- 4 A10: Sheet A2: Concept Renderings prepared by Phi Home Designs dated 12/19/2103
- 5 A11: Warranty Deed to BREDA, LLC dated 02/05/2007
- 6 A12: Deed of Sale to Lot 23 dated 12/06/2010

7  
8 **MOTION by Mr. Belair seconded by Ms. Norton** to make these twelve Exhibits part of the  
9 Record.

10 **VOTE: 5-0-0**

11  
12 *Authority:*

13  
14 Article VIII Section 7. Traditional Village District C. Uses Permitted as Special Exceptions:  
15 (11) Expansion of hotels or motels...”

16  
17 *Applicants’ Presentation:*

18  
19 The owners/Applicants are seeking permission to expand the number of rooms in the  
20 Camden Harbor Inn that is an allowed use on a non-conforming lot in the Village District. Erik  
21 Durbas of Phi Home Designs, the contractors of record for the project, was present to represent  
22 the Applicants; he outlined the project:

- 23  
24 ▶ There will be two areas of construction:
- 25 1) A new addition in which a portion of the deck, porch and Dining Room are to be
  - 26 demolished and the areas re-absorbed into the new addition. The Site Plan (Exhibit A8)
  - 27 shows the proposed expansion overlain on the existing site conditions. Also shown are
  - 28 changes to parking and traffic flow and new pavement.

29  
30 The addition will be three stories tall with a full basement at parking-lot level.  
31 The change will add 8 rooms over the grandfathered number of rooms allowed. There  
32 will be sixteen fewer seats in the Dining Room (capacity drops from 96 to 80). Regarding  
33 parking requirements, this exchange of rooms for seats is a wash.

34  
35 2) A new seven-space parking area on the Brunyanszki lot will count toward parking  
36 requirements; parking does not need to be on site. The original concept had been to use  
37 the new basement to provide parking to add back the spaces lost to the addition. The  
38 logistics of doing this required a great deal of engineered site work and there were  
39 concerns regarding the safety of pedestrians and drivers in this scenario.

40  
41 The Planning Board has reviewed their parking analysis and their proposal to use  
42 this lot: They agreed with the Applicants’ interpretation of grandfathered parking status  
43 with regard to required spaces; and they agreed with the Applicants’, and CEO’s,  
44 interpretation that the proposal for Lot 23 is permitted by the Performance Standards of  
45 the Ordinance (Article X Part 2 Section 4).

- 46  
47 ▶ There will be no changes to the function or style of the Inn:
- 48 There will be no change to the hours of operation
  - 49 There will be minimal traffic impact resulting from parking at the lot next door

1 Using the same mansard-style roof design, the same siding and trim, and the same  
2 window design means the overall style of the inn will be retained  
3 Exhibits A9 and 10 show how the renovated building will appear on completion.  
4

5 *Questions from the Board:*  
6

7 In response to questions, the Applicants offered the following information:

- 8 ▶ The entrance from Chestnut down to the lower parking area is currently one-way; plans  
9 are to widen it for two-way traffic. This will require some engineering – perhaps a  
10 retaining wall - to address the drop in grade
- 11 ▶ The steps up from the parking lot to the porch will be retained as an entrance
- 12 ▶ Currently there is no walking area between the lower lot and the Inn. When they receive  
13 this approval the details for buffering, landscaping and a pathway will be finalized
- 14 ▶ The existing residence on Lot 23 will be retained  
15

16 The Chair asked the CEO what kinds of criteria the Planning Board considers in their review of  
17 the Site Plan. Mr. Wilson replied they review:

- 18 ▶ The impact of new impervious surfaces on storm water run-off
- 19 ▶ The impacts of traffic and safety: They consider sign-offs from various Town officials  
20 regarding these impacts as well as the adequacy of sewer and water supplies and the  
21 capacity to handle additional storm-water
- 22 ▶ Buffering
- 23 ▶ Landscaping
- 24 ▶ Lighting  
25

26 Mr. Wilson also noted that the Zoning Board of Appeals could add conditions to their  
27 approval if they want the Planning Board to pay particular attention to an issue like buffering.  
28 ZBA conditions do not have to be specific – this Board can simply offer guidance to the  
29 Planning Board by way of conditions; any conditions the Planning Board would add will be  
30 detailed.  
31

32 Betinna Douulton, a partner in Phi Home Design, provided information as well:

- 33 ▶ The addition, at 300SF, will increase the footprint by 24% - the maximum increase  
34 permitted
- 35 ▶ The 3-floor addition brings the volume to the maximum allowed as well
- 36 ▶ The shift in use from dining to lodging is not an increase in use  
37

38 *Parking Analysis – Applicants' Exhibit 4:*

39 Erik Durbas:

- 40 ▶ Parking was the subject of a working session with the Planning Board during a  
41 Preliminary Review of this proposal
- 42 ▶ The Parking Analysis was drawn from information compiled by the former CEO Jeff  
43 Nims, and from the figures historically used in applying for the Inn's Victular's License
- 44 ▶ The Planning Board had agreed with the Applicants' interpretation of their current status:
  - 45 ✓ The parking requirement of 60 spaces is based on grandfathering for 22 lodging  
46 rooms and a 96-seat restaurant/lounge
  - 47 ✓ Ordinance requirement - 1 parking space per room and 1 for every four restaurant  
48 seats means the Inn need a total of 60 spaces
  - 49 ✓ There are 33 spaces on site and 27 grandfathered spaces = 60 spaces available
  - 50 ✓ Proposed changes: 8 new lodging rooms = 8 more spaces needed

1 16 fewer dining seats = 4 fewer spaces  
2 The new requirement is for 30 lodging rooms and 80 seats  
3 Total new spaces required = 4  
4

- 5 ✓ Article X Part II Section 4 (1) C 4: When existing structures are expanded parking  
6 requirements apply only to the expansion. Off-site spaces (grandfathered) cannot be  
7 counted toward overall need and any additional parking required must be found on  
8 site: 33 spaces on site currently + 4 new required spaces = 37 spaces needed on site  
9

10 *Traffic Analysis – Applicants’ Exhibit 5:*  
11

12 Mr. Laurent questioned the validity of the analysis that there will be over 45 fewer trips  
13 per day due to the change in restaurant seating capacity, and nearly 50 more trips per day due to  
14 the additional rooms. Ms. Doulton believes the numbers are not applicable to this property:  
15 Many lodgers park once and walk downtown – they do not come and go 3 times a day; and the  
16 restaurant does not turn their tables over more than twice - it is more likely that there is just one  
17 seating at many of the tables.  
18

19 *Public Comments:*

20 Proponents: No one came forward

21 Opposed or General Comments or Questions:  
22

23 Susan Bryant: 78 Chestnut Street is one house from back entrance:

- 24 ▶ Overflow parking and staff parking already means there is a parking problem on Chestnut  
25 Street. A 30%+ increase in lodging guests, and the capacity to host more large events,  
26 will make the problem even worse – four additional parking spaces won’t solve that  
27 problem.  
28 ▶ The increase in rooms will mean an increase in staff and more problem with their parking  
29 on the street. The staff uses the street for smoking breaks; this and the number of  
30 cigarettes left in yards will also be worse. The employers should provide a place on the  
31 property for breaks  
32 ▶ This will be a 30-room hotel in a District where hotels that are not grandfathered are  
33 limited to 15 rooms  
34 ▶ This will be a huge building that is out of character with the neighborhood  
35 ▶ Article VI (3): Expansions of Non-conforming Uses: “The Zoning Board of Appeals  
36 may place additional requirements to the project design to offset current and possible  
37 impacts of the nonconforming use and such requirements.” There are already problems  
38 with traffic, parking, safety and noise that the Town should have addressed already; this  
39 will make the situation even worse.

40 She would like to see buffering for her back yard.  
41

42 Bill Beherens: 77 Chestnut Street is directly across the street from the rear entrance:  
43

- 44 ▶ It is difficult to exist harmoniously with an Inn next door and he is in support of the  
45 enforcement of the existing rules to make it more comfortable for the neighborhood. The  
46 Inn is already in violation of:  
47 ✓ The rules requiring buffering between residential and non-residential uses - areas  
48 that should have been planted to buffers, are used for parking. He asked if this is  
49 one of the things that can be rectified with this change

- 1 ✓ The rules prohibiting the use of required parking spaces for other uses – their
- 2 dumpster and plowed snow banks take up parking spaces. There is a summer out-
- 3 door kitchen in these spaces as well. They feed bike trips in the summer – outside –
- 4 which they are not supposed to do
- 5 ✓ The light on the Chestnut Street sign is *very* bright. It is not shielded as required –
- 6 why not? How was this approved? Why hasn't it been corrected?
- 7 ▶ The expansion will have an adverse impact on the visual character of the neighborhood -
- 8 the building will not be reasonably in scale with surrounding property. The building has
- 9 always been larger than others, but not unreasonably so
- 10 ▶ The Inn does not have enough parking as it is – this will make it worse: Employees
- 11 consistently park between the “No Parking Here to Corner” sign and the corner. His
- 12 driveway is semi-blocked several times a week in the summer. The situation is already
- 13 not safe
- 14 ▶ Employees sit on his curb and smoke and talk loudly – often distastefully - and toss
- 15 cigarette butts onto his yard. He agrees the Inn should provide a break area
- 16 ▶ The Chestnut Street entrance should remain one-way for emergency use only. Bay View
- 17 is more commercial and can handle the traffic to the Inn better than Chestnut Street
- 18 which is all residential
- 19 ▶ Tour buses park at 2am with their back-up horns sounding for perhaps half an hour or
- 20 more
- 21 ▶ Delivery trucks park one after the other in the street leaving their engines running
- 22

23 The owners are not using their lot in a way that is neighborly: The existing conditions  
24 violate the spirit – if not the letter – of the law. There are many places in the Ordinance that call  
25 for standards to be met, but they aren't enforced. He believes the Inn's neighbors are being hard-  
26 used by the Inn and the Town.

27  
28 Mr. Behrens submitted two sheets of photos showing parking violations on Chestnut  
29 Street; they were labeled Opponent's Exhibit 1.

30 **MOTION by Ms. Norton seconded by Mr. Smith** to add this exhibit to the Record.

31 **VOTE: 5-0-0**

32  
33 Martha Braun: 84 Chestnut Street abutting neighbor:

- 34
- 35 ▶ She asked if the hours of operation at the Inn, which are not supposed to change with the
- 36 expansion, are 24/7. People come and go all the time and she asked if the noise
- 37 ordinance covers situations when there is excessive noise outside of reasonable business
- 38 hours. Employees routinely sort bottles outside her bedroom windows at 2- 2:30pm. She
- 39 wondered if the owners would be willing to help her regain some of the “quiet
- 40 possession” of her property that she is supposed to be able to enjoy. She would
- 41 appreciate having quiet from at least mid-night to five am.
- 42

43 *Applicants' Response:*

- 44
- 45 ▶ Employee Parking: Most employees work in the evening when there is more parking
- 46 available on Chestnut. The change in use from dining to lodging means there will be
- 47 fewer employees needed in the evening and that may help somewhat.
- 48 ▶ Employee Smoking: They would like to find a solution, but Maine law prohibits
- 49 smoking on the property at all.

- 1       ▶ Deliveries: They prefer that deliveries are not made in the early morning since the
- 2       kitchen staff is not there until later in the day. They will try to arrange it so there are no
- 3       deliveries before 9 – the bulk of them already come between 10 and 2.
- 4       ▶ Parking on Chestnut Street: Lower Chestnut is where parking causes the most problems -
- 5       this expansion would not aggravate that problem. They can talk about a better way to
- 6       address parking.
- 7       ▶ Buffering: Parking in the alleyway where Mr. Behrens says there should be buffering
- 8       was there when they bought the Inn.
- 9       ▶ Tour Buses: Last year there were two week-ends in June where tour busses arrived at
- 10      night – it is not a regular situation.
- 11      ▶ Use of parking spaces: The outdoor kitchen is a temporary set-up when customers arrive
- 12      by bike and not by car – they do not need as many parking spaces when bike tours are
- 13      there. The dumpster is next to parking spaces but not on them. The issue with snow is
- 14      getting rid of it and that is why it is stored on site. They need fewer spaces in the winter
- 15      in any case.
- 16      ▶ Sign Lighting: It is as it was when they bought the Inn.
- 17      ▶ Noise: Their guests would complain if it was noisy – they try to ensure it is not:
- 18          ✓ The cut-off time for the bar is earlier than it used to be.
- 19          ✓ Their guests do not come to sit on the porch and drink all night – they eat dinner and
- 20          leave or go to their rooms.
- 21          ✓ The kitchen is closed by 11pm. with the last seating is at 8:30 or 9pm.
- 22          ✓ The lounge closes at 1pm per State law.
- 23      ▶ They will try to find an alternative to the recycling problem.

24  
25 *Questions from the Board:*

26 In response to questions, the Applicants offered the following information:

- 27
- 28      ▶ Chestnut Street alleyway: Plans are to make it two-ways but that depends on if they can
- 29      safely engineer the second lane coming up the grade. They have no problem with keeping
- 30      it one-way, but they would hesitate to close it altogether. Larger trucks use the parking
- 31      deck a couple of times a week, but the alley is the main service entrance for food and
- 32      drink vendors. Many locals also use it as a cut-through, and people walk their dogs that
- 33      way. Mr. Durbas noted that studies show they do not have the turning radius for large
- 34      box trucks if they sever the upper drive from the lower parking deck. They also cannot
- 35      eliminate parking here or they lose half the parking they need

36  
37 ← Mr. Wilson informed the Board that the Fire Chief and Police Chief will make comments on

38 safety and access to the Planning Board during Site Plan review.

39  
40 *Comments from the Public:*

41  
42 Bill Behrens:

- 43      ▶ The Board can establish that there will be an impact from this expansion if they establish
- 44      that the neighbors' right to peaceful and quiet possession of their property is of greater
- 45      value than the expansion of this use.
- 46      ▶ The space and bulk standards are already in violation because the existing building is in
- 47      the setback. This proposal would put more of the footprint of the building within the
- 48      setback.
- 49      ▶ There will be a visual impact on neighbors and people traveling down Chestnut Street –
- 50      the views of the bay will be cut-off or narrowed in scope.

- 1       ▶ The Board should take this opportunity to require that the residential buildings on each  
2 side are buffered. They should not allow this violation to continue – good buffers will  
3 help improve relationships with the neighbors.  
4

5 Vance Spinosa: Owns an abutting property:

- 6       ▶ 15 years ago, when they complained about headlights from the parking lot below, the  
7 owners planted a buffer – it has now outgrown its capability to screen headlights.  
8       ▶ Every area has a maximum overflow level to accommodate growth without damage to  
9 the character of the neighborhood - this area is already at maximum. If this business is  
10 increased by 25% the situation will be exacerbated and ill-will will continue to grow.  
11       ▶ When the Zoning Ordinance was written drafters decided that it was best to keep inns  
12 within the Village District within certain parameters so problems were not created within  
13 the residential neighborhoods where they would be located. They determined that 15  
14 rooms was the maximum number that should be permitted – this expansion puts this Inn  
15 at twice that number. It is too big and the intent of the Ordinance is being ignored.  
16

17 **MOTION by Mr. Belair seconded by Mr. Laurent** to close the Public Hearing.

18 **VOTE: 5-0-0**  
19

20       Mr. Laurent asked for information on the Special Exception granted to Lot 23. Mr.  
21 Wilson reported that on 1/27/2011, a Special Exception for a Low Impact Use was granted by a  
22 4-0 vote of the Board with the condition that any new lighting fixtures must be downward facing.  
23 It is a requirement for a Low Impact Use that the building retain a residential use if the office  
24 space at ground level is to continue. Unless the Board puts additional conditions on the use of  
25 this lot in their approval, the situation will not change. Even if the lots were merged, the original  
26 Inn lot sets the limits of permitted expansion.  
27

28 *Board Deliberation:*  
29

30 Article VII Section 7 Traditional Village District (V): B. Permitted Uses

31 (12) Hotels or motels with more than ten (10) but fewer than fifteen (15) sleeping  
32 rooms on lots of 3.5 or more acres, provided that the sleeping rooms are in  
33 existence and used as such and are located wholly within one structure existing as

34 Fact: The Inn, with more than 15 rooms, precedes this Ordinance.  
35

36 Article VIII Section 7 C. Uses Permitted as Special Exceptions:

37 (11) Expansion of hotels or motels with ten or more rooms offered for rent, legally in  
38 existence as of March 11, 1985, within a lot of record existing as of March 11,  
39 1985, subject to conformity with applicable space and bulk standards

40 Fact: This is a hotel that was in business before 1985 on a lot that was recorded before 1985.

41 Determining conformity with space and bulk standards is the purview of the Planning  
42 Board.

43 **MOTION by Mr. Belair seconded by Mr. Smith** that the property in question has been an inn  
44 since before 1985 and has operated continuously since.

45 **VOTE: 5-0-0**  
46

47 ← The Board will defer the findings on Space and Bulk Standards to the Planning Board. This  
48 Board will proceed under the assumption that they have the authority to review the Application  
49 for a Special Exception.

1 (1) Standards for a Special Exception Permit

2  
3 Fact: This proposal is to eliminate four tables from the dining room while adding eight lodging  
4 rooms. The Applicants clarified that the Inn is grandfathered for 22 rooms. In a previous  
5 renovation, they eliminated two rooms - they now have 20 rooms to rent. In re-claiming the two  
6 rooms they lost they will actually be adding ten rooms. They will have 30 rooms total – eight  
7 over the grandfathered number.

8 **MOTION by Mr. Toole seconded by Mr. Smith** that based on testimony, if the Special  
9 Exception is granted the total number of rooms for rent would be thirty.

10 **VOTE: 5-0-0**

11  
12 (i) the size of the proposed use compared with surrounding uses;

13 Facts: There is no comparable property within the neighborhood, which is otherwise residential.  
14 The larger homes in the District are not in this area.

15 **MOTION by Mr. Toole seconded by Mr. Smith** that the Board is unable to make a Finding  
16 because there is nothing comparable in the surrounding area.

17 **VOTE: 5-0-0**

18  
19 (ii) the intensity of the proposed use, including amount and type of traffic to be  
20 generated, hours of operation, expanse of pavement, and similar measures of  
21 intensity of use, compared with surrounding uses;

22 *Traffic:*

23 Facts: Commercial properties are down the street past the Yacht Club in a business district, and  
24 nothing comparable nearby.

25 In comparing the present situation to the proposed situation, the Board found that there could be  
26 some reduction in the amount and type of traffic because the Dining Room capacity and staff  
27 will be reduced. The increase in room traffic is probably less than the reduction in diners, and  
28 the number of staff increased for the rooms is the same as that lost to the Dining Room.

29 Traffic in the summer is already bad, and any small increase will not be noticeable.

30 Parking and traffic issues need to be resolved even if there is no noticeable increase resulting  
31 from the expansion, and they know this will be reviewed by the Planning Board.

32 **MOTION by Mr. Laurent seconded by Mr. Belair** that the amount and type of traffic will not  
33 be significantly increased with this expansion.

34 **VOTE: 5-0-0**

35  
36 ← The Board wants to ensure the Record shows that their approval of this criterion does not  
37 mean they endorse the current situation, which they have no authority to mitigate; nor do they  
38 dismiss lightly the issues raised by neighbors.

39  
40 *Hours of Operation:*

41 Fact: The hours of operation remain the same.

42 **MOTION by Mr. Laurent seconded by Mr. Smith** that the Board finds that the hours of  
43 operation will not be different from the present.

44 **VOTE: 5-0-0**

45  
46 *Expanse of Pavement:*

47 Fact: The Board understands that the Planning Board will formally review the increase in  
48 pavement; but testimony is that they have already approved the concept for parking.

49 **MOTION by Mr. Laurent seconded by Mr. Belair** that there will not be a greater intensity  
50 with regard to expanse of pavement.

51 **VOTE: 5-0-0**

1 *Other Factors:*

2 Fact: Employee traffic and parking will be evened out by gains and losses in lodging and dining  
3 room staff.

4 Fact: There has been testimony that there will be no expansion of functions or events, but the  
5 use is different from surrounding uses and there is nothing to compare and no finding can be  
6 made.

7 **MOTION by Mr. Toole seconded by Mr. Belair** that there has been testimony that the number  
8 of employees will not change.

9 **VOTE: 5-0-0**

10

11 (iii) the potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other  
12 nuisances;

13 Fact: The Applicants have said there will be no increases, but they have offered to make some  
14 changes to address neighbors' concerns.

15 **MOTION by Mr. Belair seconded by Ms. Norton** that the Board has heard from the  
16 Applicants on the record that there is a commitment to improve the existing situation.

17 **VOTE: 5-0-0**

18

19 (iv) unusual physical characteristics of the site, including size of the lot, shape of the lot,  
20 topography, and soils, which tend to aggravate adverse impacts upon surrounding  
21 properties; and ...

22 **MOTION by Mr. Belair seconded by Mr. Laurent** that the Applicants' Exhibit A1 at Page 3  
23 tells us that "the proposed renovation will be constructed within the existing developed area of  
24 the parcel. The renovation is designed to match the existing architecture of the Camden Harbor  
25 Inn which fits harmoniously with the size, shape and topography of the lot."

26

27 Discussion:

28 Ms. Norton noted that there is very little vegetated surface area that can absorb the additional  
29 runoff from the larger new building and wondered what is being done to prevent problems.

30 ← Mr. Wilson responded to this concern by saying the Planning Board will look at storm-water  
31 run-off from the site.

32

33 Mr. Laurent believes that the narrow flag between the lots on Chestnut Street is an unusual  
34 feature of the lot that is problematic, but that nothing is being done in this area so nothing can  
35 change. Mr. Durbas replied that they will be widening this area, and that they have redesigned  
36 the parking in this area to comply with Ordinance requirements.

37

38 **VOTE: 5-0-0**

39

40 (v) the degree to which landscaping, fencing, and other design elements have been  
41 incorporated to mitigate impacts on surrounding properties.

42

43 Discussion: Mr. Smith suggested that this might offer an opportunity to set conditions to address  
44 the alleyway area in particular to require buffering.

45 ← Mr. Wilson recommended that the Board offer a recommendation to the Planning Board that  
46 they pay particular attention to the Landscaping criteria.

47

48 Mr. Durbas responded by saying they are committed to adding buffering – either  
49 plantings or a decorative fence or a combination of both – in every area where there is any room  
50 to do so. He added that they are constrained in the alleyway by the fact that there was pavement  
51 border to border when the owners purchased the Inn and there is just no room to add any

1 plantings to compensate for inadequate buffering in this area. They will prepare a Landscape  
2 Plan for Planning Board Review.

3  
4 **MOTION by Mr. Toole seconded by Ms. Norton** that there has been testimony, and there has  
5 been deliberation by the Board concerning landscaping; they see the need for buffering and have  
6 heard the Applicants' commitment to address these concerns. This Board defers to the Planning  
7 Board with the recommendation that during their Site Plan review, they seriously consider this  
8 issue.

9 **VOTE: 5-0-0**

10  
11 (b) Municipal facilities serving the proposed use will not be overburdened. In reaching a  
12 determination on this standard the Board shall consider:

13 (i) the ability of traffic to safely move into and out of the site at the proposed location;

14 (ii) the presence of facilities to assure the safety of pedestrians passing by the site;

15 (iii) the capacity of the street network to accommodate the proposed use;

16 (iv) the capacity of public sewerage and water facilities, if they are to be used, to  
17 accommodate the proposed use; and

18 (v) the capacity of the public storm drainage system, if it is to be used, to  
19 accommodate the proposed use.

20 **MOTION by Mr. Laurent seconded by Mr. Belair** that Municipal facilities including traffic  
21 safety, safety of pedestrians, the capacity of street networks, public sewerage and water, and the  
22 storm drainage system will not be overburdened.

23 **VOTE: 5-0-0**

24  
25 (c) The natural characteristics of the site, including topography, drainage, and relationship  
26 to ground and surface waters and flood plains, shall not be such that the proposed use  
27 when placed on the site will cause undue harm to the environment or to neighboring  
28 properties.

29 Discussion: The Chair noted that these impacts will be more closely reviewed by the Planning  
30 Board during Site Plan Review, but he believes they should look at the situation as it is today,  
31 compare it with the finished site., and determine if they believe there will be an impact.  
32 Referencing Applicants' Exhibit A1 at Page 4, Mr. Toole read Mr. Gartley's supporting  
33 comments: "The renovation will slightly increase the footprint of the structure and paved  
34 surface, otherwise the existing natural characteristics of the property will remain intact."  
35

36 Mr. Smith assumes that the project engineer will take drainage improvements and  
37 controls into consideration in the design to accommodate any changes.

38  
39 **MOTION by Mr. Laurent seconded by Mr. Smith** that the Board Find as a Fact that the  
40 proposed use will not cause undue harm to the environment or neighboring properties.

41 **VOTE: 5-0-0**

42  
43 (d) Undisclosed Future Uses:

44 Discussion:

45 The Chair read from Applicants' Exhibit A1 at Page 4: "There are no known undisclosed  
46 future uses."

47 **MOTION by Mr. Belair seconded by Mr. Toole** to Find as a Fact that there are no known  
48 undisclosed future uses.

49 **VOTE: 5-0-0**

1 (e) In considering the foregoing standards, the Zoning Board of Appeals shall fully  
2 review these standards even though the applicant may also be subject to site plan  
3 approval.

4 **MOTION by Mr. Belair seconded by Mr. Smith** to Find as a Fact that the Zoning Board of  
5 Appeals has reviewed all the standards and has commented and will, in all probability, attach  
6 conditions to its actions tonight with the expectation that the this matter will be further reviewed  
7 by the Planning Board.

8 **VOTE: 5-0-0**

9  
10 The Chair returned to the overriding purpose of these standards:

11 A special exception may be granted by the Zoning Board of Appeals only in the event that  
12 the applicant has established to the satisfaction of the Board that:

13 (a) Neither the proposed use nor the proposed site upon which the use will be located is of  
14 such a character that the use will have significant adverse impact upon the value or  
15 quiet possession of surrounding properties greater than would normally occur from  
16 such a use in the zoning district. In reaching a determination on this standard, the  
17 Board shall consider:

18  
19 Fact: The visual impact will be significantly different.

20  
21 Discussion:

22 Mr. Laurent suggest they ask if the difference between what exists now and what is proposed  
23 will cause an impact on surrounding properties: The façade will be similar, just bigger, and there  
24 will be an obvious difference that will take getting used to. Will the increased size alone create  
25 an impact? It may, but he believes the impact of the size of the renovated building is minor  
26 compared to many of the other problems that abutters and neighbors currently experience –  
27 noise, parking, problems with employees, etc. The serious impacts come from the operation of  
28 the business, that will not change, and that is not within their purview.

29  
30 Ms. Norton suggested that there will be more light coming from more windows, and there will be  
31 more parking.

32  
33 ← Mr. Wilson recommended that if there are specific concerns this Board has with regard to  
34 issues the Planning Board will review – like lighting – they should feel free to pass along those  
35 concerns to the Planning Board and ask that they consider them in their review.

36  
37 Mr. Belair noted that there are no other inns in this area to rely on to judge impact. The White  
38 Hall Inn is in the Village District but it is on the other end of Town with a business district in  
39 between, so it is irrelevant for the purpose of comparison.

40  
41 **MOTION by Mr. Laurent seconded by Mr. Smith** that the property's increase in size will not,  
42 in and of itself, have a significant adverse impact upon the value or quiet possession of  
43 surrounding properties.

44 **VOTE: 5-0-0**

45  
46 The Board discussed the issues they want to draw to the Planning Board's attention: With regard  
47 to the parking problems on Chestnut Street - that issue is beyond the Planning Board review. Mr.  
48 Durbas suggested that it would be appropriate for this Board to consider recommending to the  
49 Select Board that they look at on-street parking issues as a whole. With regard to idling tour

1 buses, Mr. Wilson suggested that there is already a Town policy regarding idling vehicles; it can  
2 be enforced if officials are contacted.

3  
4 **MOTION by Mr. Belair seconded by Ms. Norton** that the application for a Special Exception  
5 is approved subject to the condition that this Board strongly encourages the Planning Board to  
6 take a look at the following: 1) Applicable Space and Bulk Standards; 2) On-site and off-site  
7 traffic flow; 3) Landscape barriers; 4) Parking; 5) Noise; and 6) Lighting

8 **VOTE: 5-0-0**

9  
10 **3. Rufus and Susan Williams: Map 104 Lot 2: Rural 1 District (RU-1)**  
11 **86 Carle Farm Road: Megunticook Lake**

12  
13 Because it would be late in the evening before their review could begin, the Applicants  
14 had requested that the Chair continue the Public Hearing on their Application until February 13,  
15 at 5:00 pm.

16  
17 **MOTION by Ms. Norton seconded by Mr. Belair** that the request to continue the hearing on  
18 the Williams' Application to February 13, 2014, at 5pm be granted.

19 **VOTE: 5-0-0**

20  
21 **1. MINUTES:**

22  
23 January 9, 2013:

24  
25 **MOTION by Ms. Norton seconded by Mr. Smith** to approve the Minutes of Zoning Board of  
26 Appeals meeting of January 9, 2014, as submitted.

27 **VOTE: 5-0-0**

28  
29 There being no further business before the Board, they adjourned at 8:00pm.

30  
31 Respectfully Submitted,  
32 Jeanne Hollingsworth, Recording Secretary