

**WOLFEBORO ZONING BOARD OF ADJUSTMENT
REGULAR MEETING**

VIRTUAL MEETING

**June 4, 2020
7:00PM**

MEETING MINUTES

Matt Sullivan, Director of Planning and Development, began the meeting with a roll call attendance of members.

Member Attendance Roll Call:

Tim Cronin- Present and in a room alone.

Suzanne Ryan - Present and in a room alone.

Luke Freudenberg - Present and in a room alone.

Audrey Cline- Present and in her car room alone.

Sarah Silk- Present and in a room alone.

Staff Present:

Matt Sullivan, Director of Planning and Development

Luke Freudenberg called this virtual meeting to order at 7:00 PM. A quorum of membership was present.

Luke Freudenberg welcomed the Board and public to the June 4th meeting of the Wolfeboro Zoning Board of Adjustment. To save time he read this statement.

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through **dialing the following phone #+1 (786) 535-3211 followed by the audio access**

code 313-282-701, or by video following the directions on the Town of Wolfeboro Website posted on the home page under the Virtual Town Meeting Login Information page.

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using GoToMeeting, and instructions are provided on the Town of Wolfeboro website on the Virtual Town Meeting Login Information page.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;

If anybody has a problem accessing the meeting via phone or computer, please immediately email planningdirector@wolfeboronh.us

d) Adjourning the meeting if the public is unable to access the meeting.

In the event that the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Members of the Board will be unmuted for the entirety of the meeting. Members of the public will be muted for the meeting with the exception of public comment portions or public hearings.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Minutes will be produced for the record of the meeting.

Suzanne Ryan requested that the agenda order be modified. **Suzanne Ryan made a motion to change the order of the agenda as follows: Wheaton first, Oakwood second, and Lakes Region Model Railroad last. Luke seconded motion. Roll call vote: Suzanne Ryan - yes, Sarah Silk - yes, Audrey Cline - yes, Luke Freudenberg - yes, Tim Cronin - yes. All in favor.**

Tim Cronin read the following case into the record:

TM# 171-19 Case # 12-EW-20

Applicant: Mark G. Wheaton Revocable Trust

Agent: Payed Stockman

Equitable Waiver under RSA 674-33(A) Article175, Section 80 (A2) Side Setback within the Residential District of the Wolfeboro Planning and Zoning Ordinance District

To permit a further encroachment beyond that previously approved by the Zoning Board at their October 7, 2019 meeting. The property is located at 102 Old Keewaydin Point Road. The Board members did visit the site as part of a prior application. The request is for an equitable waiver of dimensional requirements. Applicant's agent is present.

Tim Cronin went out and re-visited the site. The other members had visited the site previously but did not revisit.

Payde Stockman explained that with the excavation of the lot, he believes that while moving a boulder they lost the pins by a couple of feet in the back of the garage, which encroached the lot line, going further than what was discussed last Fall. He admitted it was an oversight on his part, which he did not discover prior to concrete being put down.

Matt Sullivan displayed two plans showing the functional issue. The end result was a minimum dimension of 6.2' on the rear corner and 7.4' on the front corner, from the roof overhang of the garage to the property line. The as built survey revealed the discrepancy shown on the plans.

Suzanne Ryan pointed out the importance of Condition #7 on the original Wheaton application which stated there needs to be a certified licensed land surveyor to find the dimensions.

Audrey Cline noted that the perfect time for the survey would be once the forms are set and before the foundation is poured as a condition of Board approval. Matt Sullivan responded, stating that it is recognized that it was a timing issue. As a result, moving forward, staking conditions are being modified based on what happened in this circumstance and language of the conditions will be modified accordingly.

Suzanne Ryan clarified the discrepancy in distances. For an equitable waiver, it appears to be an understandable human error, which is allowed.

Luke Freudenberg opened the public hearing on the equitable waiver. There being no comment nor input, the public hearing was closed.

Audrey Cline inquired if the adjacent lot was unbuildable. Matt Sullivan confirmed it was a common lot, open space.

Tim Cronin complimented how the building was constructed and felt it was done in a manner that was complementary to the neighborhood.

Suzanne Ryan made a motion, noting this was a good faith, human error and the parties came forward to remedy the situation, that an equitable waiver for the setback encroachment resulting in a property line proximity of 6.2', rather than 8.5', be approved Case# 12-EW-20 for Tax Map #171-19 for the Wheaton property located at 102 Old Keewaydin Point Road. Tim Cronin seconded the motion. Roll call: Suzanne Ryan - yes, Sarah Silk - yes, Audrey Cline, Tim Cronin - yes, Luke Freudenberg - yes. Motion passed unanimously by a 5-0 vote.

Tim Cronin read the following case into the record:

Tax Map: 259-34 Case #13-SE-20

Applicants: Arthur T. Wood and Margo Wood

Special Exception under Article VI, Section 175, Section 43 (A) (10) of the Wolfeboro Planning and Zoning Ordinance to redevelop and vertically expand an existing garage and the attached bunk room (collectively called “the Garage”).

Property Location: 72 Oakwood Road

Agent: Christopher Bolt, Esq., Donahue, Tucker & Ciandella, Meredith, NH

Tim Cronin, Suzanne Ryan, Sarah Silk, Audrey Cline and Luke Freudenberg all performed site visits previously.

Christopher Bolt stated that on behalf of his clients, Arthur T. and Margo Wood, he is requesting the special exception allowable by the ordinance for this type of construction. Attorney Bolt noted that they are requesting a special exception, versus a variance, and that a special exception is a permitted use if certain conditions or criteria are met. They are requesting to change something that is currently non-conforming as shown on Exhibit A. The property was owned for many years by another family prior to his clients purchasing it 5 years ago. Currently, the setback goes straight through the middle of the existing garage structure. There is not a clear record of when the carport was constructed, although it is known to be more than ten years ago. The records show that something was there as late as 2006. The intention is to remove a portion of the existing structure and to reconfigure it as shown on Exhibit B. Exhibit C shows the floor plan of the garage which indicates a modification of moving the door to the stairwell, to comply with the intention of the ordinance that the habitable space be connected. Originally the door from the breezeway was immediately opening into the garage. It was always intended for the breezeway and the bunkroom to be heated. The dashed line on second floor of the original design indicates where the setback line cuts through the building (the approximately 9.5’ which is non-conforming). The Woods are essentially seeking a special exception for the dormer which extends from the second floor.

Suzanne Ryan questioned why there is no site plan review and why it is not being put before the Planning Board. Matt explained because it is a residential structure it is not subject to Planning Board review.

Audrey Cline questioned if it is a new septic design that is indicated on the plans. Attorney Bolt responded that a new septic is being designed and installed and expects that a septic permit and shoreland permit approvals would be reasonable conditions for the special exception approval.

Suzanne Ryan questioned if the new septic is to accommodate additional bedrooms. Attorney Bolt stated he does not believe they are creating more bedrooms, but due to the location and age of the existing septic system, the proposed structure would interfere with existing septic structure locations. Exhibit B shows the new proposed septic system, including leach field and an elevated system closer to the road.

Attorney Bolt stated that he has comments from abutters in support of the plan and one of the abutters was present online.

Luke Freudenberg opened public comment. With no input offered, the public comment period was closed.

Audrey Cline commented that she felt the proposal made sense. Suzanne Ryan felt the responses clarified issues.

Suzanne Ryan moved to approve the Special Exception Case #13-SE-20, Tax Map 259-34, located at 72 Oakwood Road for Arthur T. and Margo Wood for a special exception for a 9.5' setback for a garage with second story addition with conditions #1 - 6 as defined by the Town Planner. Suzanne Ryan asked that the plan dates be included in the conditions. Matt Sullivan stated that the current language relating to plans reads "as amended to the date of approval". It was agreed to add the plan dates to Conditions #1 and #4. **Motion was seconded by Sarah Silk. Roll call vote: Suzanne Ryan - yes, Sarah Silk - yes, Audrey Cline - yes, Tim Cronin - yes, Luke Freudenberg - yes. Board voted unanimously (5-0) to approve the special exception.**

Tim Cronin read the following case into the record:

Lakes Region Model Railroad Museum (LRMRM)

Tax Map: 217-46 Case #:09-SE-20

Public Hearing for Special Exception under Article 175, Section 92 of Wolfeboro Planning & Zoning Ordinance to allow for a museum in the C-1 Business District

Property Location: 61 Railroad Avenue

Agent: John Simms

John Simms explained that having a museum in this location will provide not only an additional tourist attraction and increased attendance for the museum but also add an activity for tourists to enjoy in downtown Wolfeboro. The museum's emphasis is railroading in Wolfeboro and the location connects to the remaining physical artifacts from the railway in Wolfeboro, tying into the existing railroad station, the Bridge Falls Path, the extension to dockside, the spur behind Lehner Street and the roundhouse turntable combination. The building exists but is deteriorating. Rescuing and repurposing it as a museum preserves an important historical structure for future generations to enjoy. It will be listed in the New Hampshire state registry as an important historical structure. The town of Wolfeboro currently owns the building but is unwilling to fully fund the restoration and must return to the voters for permission to demolish it. Rescuing it for use as a museum solves this dilemma for the Town.

At a meeting with the Planning Board earlier in the week, some questions regarding pedestrian access were addressed. The LRMRM met with abutters, the Bean family, Dave Ford, Matt Sullivan, and Randy Tetreault before coming to a resolution of the access issue to be presented to the Planning Board.

John Simms then addressed the following eight items:

1. **Site suitability** - The building already exists. The only change is an external handicapped ramp at the west end of the building, an ADA requirement. At the east end of the building, a non-original loading dock will be removed and a parking place and an enclosure for the heat exchanger and trash

barrel will be added. The proposed museum is not in a flood plain and readily accessible from Bridge Falls path.

2. **Immediate neighborhood impact** - The existing building is deteriorating due to lack of use with no occupant to care for it. The building is currently unsafe and cannot be used unless it is stabilized and repaired. It is a liability and a hazard to both the Town and the neighborhood. LRMRM will be remediating the asbestos contamination. The site work for the museum will be coordinated with the Town's project to upgrade Railroad Avenue so that all disruption, specifically utility connections, will occur before road work commences. The museum when operating will be silent, with no external activities except for visitors coming and going. LRMRM has received letters from residents of Glendon Avenue who overlook the site expressing their gratitude that the site will be improved by this project thereby enhancing their views. The museum will be accessible and used year round, however, it is expected that the open public hours will be during the day time and early evening only during the summer and fall months. At other times the facility will be used by organizations such school, scouts, church and STEM learning groups as well as the hobbyists themselves. The museum is both a presentation and demonstration to tourists where anyone can learn how to operate and build a computer controlled electro-magnetic system. Across the bay is a Maker Space Learning Center which LRMRM anticipates working with.

3. **No pedestrian or traffic hazard, including parking** - According to 175-139, off street parking requirements, a museum requires one parking space for every 200 gross square feet available to the public. The requirement for this museum is 2.5 parking spaces, if the hallways and bathroom are excluded, or 4 parking spaces if they are included. It is anticipated that the visitor count would be 5,000 for the first year, growing thereafter, but eventually not more than 10,000 per year. Only a small fraction of these visitors will drive to the museum and park. This contrasts with the other museums in Wolfeboro where most visitors arrive by car and need to park at the facility. A significant number of museum visitors will arrive by motorcoach.

Within 500' of the museum, there are 100 municipal parking spaces, 60 of which are in the museum vicinity and 29 are immediately adjacent. The Glendon Street parking lot is 600' from the museum and contains over 100 additional parking spaces. This is where employees, docents, and groups of visitors, etc. will be instructed to park. One additional handicapped space will be added at the east end of the building.

The museum raised the funds to remove the oil tanks so that the town could build an additional 8 parking spaces alongside the museum. There is one entrance door at the west end of the building with a handicapped access ramp connected by a short gravel path to the Bridge Falls path. There will be landscaping to protect pedestrians. Snow removal will be done by employees accessing the building on the ramp and short gravel path.

4. **Availability of public services** - Town water and sewer services are under the adjacent roadway. They will be completed prior to repaving the roadway. Risers in the building will be enclosed in an insulated column to protect from frost. The building is already supplied with electrical power. The existing meter location will be changed to provide clear working space for the electric department. There is no telephone connection currently. Since utilities are underground, a trench

will be dug from the nearest connection to carry fiber and phone to the building. These connections will be done before Railroad Avenue is upgraded.

Stormwater will be carried away by a drain already existing and upgraded by the Town. Water will be collected in a crushed stone filled trench under the drip edges of the building. There will be no change to the percentage of the lot that is impermeable. There is a fire hydrant 60' from the building. The building will not be sprinklered, but will be monitored for fire, freeze and entry. There will also be video monitoring at the entrance to the museum. Propane and oil will not be used, but rather heating and cooling will be fueled by electricity.

5. **Appropriateness of the site** - The proposed site is appropriate because there will be no changes to the exterior of the building with the exception of the handicapped ramp on the west end and the removal of the platform at the east end. The building will have three external lights, all wall mounted facing downward. (One over the entrance, one over the handicapped ramp and one at the east end overlooking the parking) The Bridge Falls path will be lit by the upgraded Bridge Falls path lights. The side facing the condominiums will not be lit so as not to interfere with their nighttime. All signs will be attached to the building and they do not envision any free standing signs.

6. **Immediate neighborhood integrity** - The neighborhood is the central business district and is zoned for "healthy mix of retail, professional office, medical and residential uses....It is intended to enable the downtown to remain a vibrant compact commercial center serving the needs of the community, residents and tourists." Eliminating this building would not help to create a compact commercial center. Replacing it with parking spaces creates a commercially dead space, not attractive and not worth visiting for its own sake. Creating the museum in this location increases the activity level in the center of town enhancing its attractiveness as a commercial and tourist activity, improves the visual landscape and continues to develop this area of town visited by the public. Recent activities focused on improving this part of Town include undergrounding all utilities, resurfacing Railroad Avenue, developing land and street parking, Foss Field, Bridge Falls Path, boat docks, Bean Park and the pedestrian seating in various locations.

7. **Impact on property values** - Currently the building is an eyesore and a hazard. This will continue to worsen until either the building is removed or it is rescued. While removal is an option, there are no current plans to do so and a warrant article would be required to get voters permission to remove the building. The preferred option is to rescue the building and make it physically attractive with a low impact use. While it cannot be assumed it will increase property values, it will make the adjacent condominiums more attractive and easier to sell. It will also improve the view for houses on Glendon Street and for the Depot Square Condominiums. The building is constructed of asbestos tiles or asbestos paper. This is an ongoing hazard to the neighbors and the public and needs to be remediated which LRMRM will be providing. Having a listed historical building nearby may increase the attractiveness of the area to visitors and future residents, and be an example for preserving other historical buildings in town.

8. **Spirit of the ordinance and master plan** - This part of town is slowly being improved as discussed in #6 above. Rehabilitating the freight shed is part of this ongoing process of improvement. Wolfeboro has adopted the goal of being a museum destination town. One purpose is to increase

commercial business during the ‘shoulder’ seasons of spring and late fall. This museum will add to that evolution. It will be the only true tourist activity in the center of town and will be a referral and connecting point for the other museums. If and when a pedestrian bridge is built over Back Bay, this museum will be closely connected to the new Makers’ Space and the Boat Museum on Bay Street and part of a traffic-free, pedestrian downtown.

Luke Freudenberg thanked Mr. Simms and opened it up to the Board for comments/questions:

Audrey Cline confirmed with Mr. Simms the anticipated attendance of 5,000/year, and questioned what the occupancy capacity of the building is at any point. Mr. Simms replied 10 to 12. Audrey Cline also questioned if the lack of sprinklering and change in entrance had been run by code officials and the fire department. Mr. Simms stated the entrance layout had been reviewed by the fire department but it was some time ago. Audrey Cline asked if the two pathways on the edges of the parcel would be paved. Matt Sullivan responded that the paths would potentially be stone dust initially, then eventually be paved, and any area which connects to the Bridge Falls path will be ADA accessible. Audrey Cline further questioned how accessibility for that parking space would be maintained in the winter. Matt Sullivan responded that the long term plan is to seek approval to have the Bridge Falls path paved for a portion so snow removal is easier, and in the interim they will ensure that snow is removed for accessibility. As there is a relationship between the roadway layout project and this project, and the fact that the museum occupancy is not expected for a couple years, it is anticipated that there will be a request for paving to ensure safe ADA accessibility between the corridor and the ramp. Audrey Cline inquired about the loading dock that is to be removed. John Simms explained that the loading dock will be removed to access the foundation area, but will be replaced back to the way it was constructed in 1872 once the foundation work is complete. The dock is an integral part of the freight shed functionality and the LCHIP funding is for restoration to reinstate/maintain its functional appearance. The public will not be accessing the loading dock at this time.

Many different options were considered for the handicapped ramp and reviewed by the Planning Board. The consensus was the current proposed location was the best option, for various reasons explained by Matt Sullivan and John Simms.

Audrey Cline inquired whether a handicapped lift with a roof over it had been explored rather than the ramp for ADA access. John Simms explained that a lift requires an attendant and has numerous maintenance issues.

Sarah Silk questioned if there was another exit for emergency purposes, did the solitary exit meet fire code and what the maximum occupancy would be for the building. John Simms explained that Bergeron Technical was consulted, and the fire department was consulted over a year ago, and both confirmed there was no need for a second exit, nor sprinklering. Sarah Silk also inquired where the 8th parking space is that is referred to in the narrative. Matt Sullivan shared that the amount of eight parking spots came from a preliminary conceptual layout. The applicant chose to remove fewer trees, while relying more on the provision of the central business district’s flexible parking option. Randy Tetreault explained that originally there were ten parking spots based on the square footage of the building. Later the public accessibility square footage was considered, along with hallways and

entryway. The square footage using this rationale was computed to be just under 1,200 sq. ft., which would translate to a use of six parking spots. The preliminary plans drawn up by Underwood, showed the birch trees at the end of the parking area as being part of the parking plan, however that area is not part of the Town property that the LRMRM was using. Therefore, Norway Plains drew up the new plan keeping the parking with the boundary area designated to LRMRM. Sarah Silk questioned whether there were pedestrian or traffic hazards, specifically referencing the corner of the building with the ramp and steps which, in person, looks to have been hit by vehicles and/or snowplows in the past. Matt Sullivan sent out a revised plan which shows a modification dealing with that location. The adjustment is to remove the stairs and make modifications to the ramp and add some landscaping as a buffer between pedestrian way and travelled way. The proposed pedestrian flow will be primarily in two directions: a) walkers from downtown using the Bridge Falls path; and pedestrians from the parking area approaching from the other direction and also using the Bridge Falls path. In addition, the travelled way will be curbed for safety as well as drainage purposes. Sarah Silk inquired if the traffic would be one way in that area. Matt Sullivan responded that the intent is to slow down traffic in that area, but to maintain two way traffic.

Suzanne Ryan inquired about the interior capacity of the freight shed. Her concern is that there is nothing in writing from the fire department regarding approval of the existence of only one entrance/exit and the type of fire suppression system. Mr. Simms responded that a conversation with the TRC took place approximately nine months ago and these issues were raised. Mr. Simms advised that the issues were then addressed with Mr. Bergeron of Bergeron Technical who ran them through his computer and determined that code does not require a second exit. He further stated that it was his understanding that he would go to the TRC and the fire department once approvals are obtained from the ZBA and Planning Board. At that time, the fire department and TRC will apply their rules and the LRMRM will need to meet them. It is at this point, that the TRC and fire department will sign off on these issues, once ZBA and Planning Board approvals have been obtained. Mr. Simms stated that the final interior layout will dictate what the occupancy will be. Suzanne Ryan stated that this could possibly be addressed as a condition of the approval. Lastly, Suzanne Ryan noted on the Site Improvement Plan, Note #4, it states the minimum lot requirements and commercial frontage. Is a commercial frontage requirement needed? Since this is an existing lot of record, Matt Sullivan felt it would not be applicable. Is the 5' setback for front, back and side applicable? Matt Sullivan advised the 5' setback is not applicable, because this is a usage site plan review for commercial use. Matt Sullivan further advised he feels it is a 0' setback. Suzanne Ryan also pointed out that part of the Bridge Falls path is a snowmobile trail in the winter. Matt Sullivan responded that the immediate plan is to get the facility open and the long term plan will be to work out the details of the Bridge Falls path usage. Suzanne Ryan shared that, per the Selectmen and the Planning Board meetings, the Railroad Avenue proposed road still has to go through the process of being laid out. This is included at the end of the suggested conditions for this proposal. Matt Sullivan believes this is a critical, necessary condition. Suzanne Ryan added that she feels it protects the Town.

Sarah Silk asked why the conditions do not include any exterior displays. Matt Sullivan advised it was not included in the conditions because he considers the plans to be binding and the plans do not include any outside displays and felt it was inherent in the application. Suzanne Ryan stated she intends to put a reference to exterior displays as a condition in any proposed motion.

Randy Tetreault stated that there have been multiple surveys in the area which have all been put together and wanted to assure the Board that everything that is shown on the Proposed Site Layout Plan is where it is located on the ground. This plan also indicates the line where Dave Ford, the Facilities Director, indicated the roadway will be located. Matt Sullivan added that while Randy Tetreault has done the Existing Features Survey, a new survey will need to be done for the final right of way when the Railroad Avenue Layout is complete. If there is any significant spatial modification, the new plan will have to come back to the Planning Board and Zoning Board of Adjustment and be subject to further review.

Audrey Cline expressed her concern that the front entrance will change dimensionally and the plan will be back before the ZBA for further review. Her concerns center around how the codes impact the site and the safety of the site, specifically the removal of the stairs, lack of sprinklers, a single entrance/exit, and the occupancy numbers impact on ingress/egress. Matt Sullivan explained that Mr. Simms has possibly gone about the order of things in a slightly irregular manner due to time constraints of LChip funding and permitting. Sarah Silk shared some of the same safety concerns as Audrey Cline regarding the entry layout and ingress/egress numbers through a single entry/exit.

Luke Freudenberg opened the public hearing. There being no comments or input, the public hearing was closed.

Suzanne Ryan stated that she was inclined to make a motion to approve this special exception for plans dated 3/3/2020, 4/13/2020 and a revised plan of 6/4/2020 along with the Planner's conditions #1 thru #7 as well as a condition #8 which states this approval does not include any exterior display area with the exception of an attached sign and conditioned upon obtaining written approval for fire safety codes, occupancy, and the exit door and pedestrian travel ramp being submitted to the Planning Board. She would also like to include that the special exception is approved with caution. Audrey Cline agreed with the concept of proposed condition #8 as stated, but felt amending it to a review if anything on the outside of the building changes. Audrey also felt the ZBA should not put itself in a position of reviewing the occupant load as part of considering a special exception. Audrey believes it is a good project that would enhance downtown, but feels the details are still going to be changing and will end up coming back to the ZBA in the future.

The issue in the design which concerns her is the ADA parking spot being at the opposite end of the building and being accessed via the Bridge Falls path.

Tim Cronin believes that the ZBA should be focusing on the Special Exception permit, and let other appropriate departments address some of these issues. The ZBA is tasked with reviewing the application for a Special Exception permit to have a museum located in that area of town.

Suzanne Ryan referred to Section 175-127 which states the "Board of Adjustments may in appropriate cases and subject to appropriate conditions and safeguards such as, but not limited to, site plan review by Planning Board, control of outside display of merchandise, hours of operation and duration of use, grant permits for the following use of special exception...."

Audrey Cline commented that if there are aspects the Board is not in favor of, then they need to give specific direction as to how to remedy such -- i.e. - no exterior merchandise -- but just commenting that the width of the ramp appears insufficient is not useful to the applicant.

Matt Sullivan made a suggestion that a condition be added that the proposed use needs to be compliant with all life safety codes, even though that is inherent with the project under law.

Matt Sullivan explained that the project did go through TRC review approximately nine months prior and there has been discussion with Town staff and Bergeron Technical. The building permit will require the project to be compliant.

Discussion ensued as to whether or not the ZBA should specify conditions related to the replacement of the entry stairs with an ADA ramp, the lack of sprinklers, and a single entrance/exit.

Suzanne Ryan proposed the language for Condition #8 be "No exterior display area is approved with the exception of a code compliant sign." Suzanne also suggested a Condition #9 that states "This approval shall be compliant with all life, safety and building codes." Lastly, she would like to see the dates of the plans included in Condition #1.

Audrey Cline commented that an itemized review of the five criteria was not required for a Special Exception, unlike a variance.

Suzanne made a motion to approve Case #09-SE-20 Special Exception under Article 175-92, Tax Map 217-046, 61 Railroad Avenue for Lakes Region Model Railroad Museum with the Conditions #1 through 9 as discussed and amended. Audrey Cline seconded the motion. Roll call vote: Suzanne Ryan - yes, Sarah Silk - yes, Audrey Cline - yes, Tim Cronin - yes, Luke Freudenberg - yes. Motion passes unanimously (5-0). The Special Exception is approved.

Tim Cronin made a motion to adjourn, seconded by Suzanne Ryan. Roll call vote: Tim Cronin - yes, Suzanne Ryan - yes, Sarah Silk - yes, Audrey Cline - yes, Luke Freudenberg - yes. Motion approved unanimously (5-0). Meeting adjourned at 8:52 pm.

Respectfully submitted,

Mary Jane Shelton

Recording Assistant