

**TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT
June 5, 2023
REVISED DRAFT MEETING MINUTES**

I. Roll Call

Chair Audrey Cline called the meeting to order in the Great Hall, 84 South Main Street, at 7:01 p.m.

Members and Alternates Present: Audrey Cline (Chair), Suzanne Ryan (Vice-Chair), Sarah Silk (Clerk), Luke Freudenberg, Catherine McMahon (Alternate Designated to Vote today), Charles Sumner, Nancy Sabet Stroman (Alternate).

Staff Present: James Pineo, Town Manager, for Case #04-AAD-23 only. Tavis Austin, Director of Planning and Development for entire hearing.

II. Public Hearings: None

III. Unfinished Business

IV. New Business

Motion to change order of today's Agenda and Consider Case #1-AAD-23 first instead of last.
Approved unanimously.

Vice-Chair S. Ryan, as Acting Chair for Case #1-AAD-23, asked ***Alternate Catherine McMahon*** to be a voting member of the Zoning Board of Adjustment [ZBA] for this meeting. C. McMahon accepted.

- a) **AUDREY CLINE, 348 NORTH MAIN STREET, Tax Map #187-019, Case #01-AAD-23: Appeal of Administrative Decision by the Planning Board on 12/20/2022, for Proposed Zoning Amendments to Article #9 - Amendment #8 of the Planning and Zoning Ordinance of the Town of Wolfeboro:**

Chair Audrey Cline recused herself from this Case because she is the Applicant.

Acting Chair Suzanne Ryan reviewed the Case history; then she read legal counsel Christine Johnston's letter into the record, advising the Zoning Board of Adjustment to Deny a Rehearing of this Appeal.

Sarah Silk made a motion to Decline the Rehearing of this Appeal, Case #01-AAD-23, per advice from legal counsel Christine Johnston Esq. Seconded by Charles Sumner. Roll call vote: L. Freudenberg (Yes), S. Silk (Yes), S. Ryan (Yes), C. McMahon (No), C. Sumner (Yes). The motion passed (4-1-0).

b) THOMAS TOBYNE, 8 PORT WEDELN ROAD, Tax Map #187-27, Case #02-V-23: Variance to Side and Rear Setbacks for a new Detached Garage.

- **Applicant T. Tobyne** proposes to build a Detached Garage (16 ft. wide by 28 ft. deep) on his residential property, at the northeast corner of his lot. The new structure will match other detached garages in the area, and will not impede the neighbors' views.
- Site constraints affect the proposed siting of Applicant's Detached Garage: existing grades, location of an existing septic field, location of claimed space for a replacement septic field, and the additional area needed to expand the existing driveway.
- A Variance is requested to reduce the Required Building Setbacks at the Side Lot Line (20 ft. required, 11 ft. proposed) and at the Rear Lot Line (25 ft. required, 12 ft. proposed).
- Site dimensions and building setback dimensions shown on Applicant's Site Plan Sketch are Not To Scale; for example, the 12 ft. dimension shown at Rear Lot Line appears shorter than the 11 ft. dimension shown at Side Lot Line.

Summary of Board Comments on Site Plan as submitted for this Meeting, possible Wetlands Boundaries on-site, Port Wedeln Road Stormwater Runoff issues, paraphrased:

- **Chair A. Cline** said that 'Poorly Drained Soils' are indicated on a previous site survey of Subject Property, dated 2008. 'Poorly Drained Soil' conditions require a 30 ft. building setback [in addition to other Zoning requirements].
- **Clerk S. Silk** noted the need for other relevant information for this Application: 1) Property Lines are not formally delineated on Applicant's Site Plan Sketch, 2) There is an existing shed on the property which should be shown on a Site Plan, 3) Proposed Building Overhang Encroachments – such as projecting roof eaves - should be shown on a Site Plan.
- **L. Freudenberg** suggested that Applicant consider having a Wetlands Scientist delineate existing Wetland Boundaries; especially if Wetlands become more of an issue, moving forward. The Wetlands Scientist can likely provide more accurate property lines in the same drawing.
- **A. Cline** said that an abutting property has a Wetlands Area, with a vernal pool. She believes there exists a bigger Wetland System in this area.
- **Vice Chair S. Ryan** noted the ongoing drainage issues which affect Port Wedeln Road.
- **L. Freudenberg** asked if this Board is requesting that Applicant provide a more detailed drawing?
- **A. Cline** said that a Site Plan should have accurate dimensions.
- **S. Ryan** said that there could be a 'domino effect' of an Approval of a Variance to add a free-standing garage to a house with an existing garage.
- **C. Sumner** pointed out that other properties in this area have several outbuildings.
- **L. Freudenberg** said that the proposed, one-bay garage looks reasonable.
- **S. Silk** said this subdivision has many existing detached garages, attached garages and sheds. This neighborhood is already crowded, many of the existing lots have drainage problems.
- **S. Ryan** said that cumulatively, this proposal could be detrimental to the overall area.
- **C. McMahon** said she doesn't know what problems would be made worse for the septic system. She believes that the Five Criteria for a Variance are met.

- **A. Cline** suggested that Applicant look at possibly moving the proposed Detached Garage forward, towards the street.
- **Applicant T. Tobyne** said he would lose three parking spaces in his driveway if he moved the Detached Garage towards the street. Also, he has worked to represent the Port Wedeln Road neighborhood interests for over ten years and he's familiar with the stormwater runoff issues in this area.
- **Planning & Development Director T. Austin** said driveways are exempt.
- **C. Sumner** pointed out that this Board approved a similar case last year.
- **A. Cline** said that a Variance should be granted on the merits of each individual case; therefore, she feels that one case cannot be compared closely to another case. Furthermore, all Five Criteria for the Approval of a Variance must be met [meeting less than all Five Criteria cannot result in the Approval of a Variance]. And finally, she feels that the opinions of Abutters or Neighborhood Property Owners, in the case of granting a Variance, weigh less than they would for other types of land use reviews.
- **L. Freudenberg** asked if Applicant was aware of the option to withdraw this Application, if he would like to return with more information, at a later date?

The Applicant agreed to proceed to a public discussion about the Five Approval Criteria for a Variance.

Summary of Board comments regarding the Five Approval Criteria for a Variance, paraphrased:

1) The variance will not be contrary to the public interest.

- **Vice-Chair S. Ryan** believes in keeping the neighborhood character, is concerned about the cumulative effects of water runoff along Port Wedeln Road and into the lake.
- **L. Freudenberg and C. Sumner** cited ZBA's previous approval nearby, for a second garage on a similar lot. Also, other properties in this area have several existing outbuildings.
- **Chair A. Cline** cited the zoning history: the residents here voted to increase the building setbacks [and thus reduce the density] about ten years ago. Some houses became Existing Non-Conforming development when the zoning laws changed.

2) The spirit of the ordinance is observed.

- **Vice-Chair S. Ryan** cited the concept of controlled development, doesn't want cumulative adverse effects on the environment.
- **L. Freudenberg and C. Sumner** cited ZBA's previous approval nearby, for a second garage on a similar lot. Also, other properties in this area have several existing outbuildings.
- **Chair A. Cline** cited zoning history: the residents here voted to increase the building setbacks about ten years ago. Some of the houses you now see became Existing Non-Conforming Structures when the zoning laws changed.

3) Substantial justice is done.

- **Vice-Chair S. Ryan** cited the neighborhood character and the cumulative, adverse effects of building more and more structures on each lot.
- **Chair A. Cline** stated that the benefit to the individual property owner does not outweigh the harm to the public because this is a serious drainage area [into the lake] with increasing problems.

4) The values of surrounding properties are not diminished.

- In response to Applicant's query, **Chair A. Cline** explained that a professional in real estate valuation can weigh in on this criterion [on behalf of the Applicant].

5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- **Clerk S. Silk** believes that the large areas of the lot taken up by the septic system constitute a form of hardship. She's wondering if the Applicant would consider moving the proposed detached garage towards the street, Port Wedeln Road, to eliminate or reduce the Request for a Variance at the Rear Lot Line? She acknowledged this would depend on identifying Wetlands on this site.
- **Applicant** said he'd prefer not to lose three parking spaces in his driveway.

Vice-Chair Suzanne Ryan made a motion to Deny this Case #02-V-23 Without Prejudice, because the Five Approval Criteria for Granting a Variance are not met. Seconded by Clerk Sarah Silk. Roll call vote: L. Freudenberg (Yes), S. Silk (Yes), S. Ryan (Yes), A. Cline (Yes), C. Sumner (Yes). The motion passed (5-0-0).

c) PATTY & PETER COOKE, 6 VARNEY ROAD, Tax Map #203-78, Case #04-AAD-23: Appeal of Administrative Decision to Allow the Municipal Electrical Department [MED] to update light fixtures at existing Town light posts situated on a private property adjacent to the Applicant's private property, due to a lighting nuisance.

Luke Freudenberg and N. Sabet Stroman recused themselves for this case.

Summary of Existing Lighting Situation: In December 2022, a street-light installation was made by the Town Municipal Electrical Department [MED], for which new Light Emitting Diode [LED] light fixtures replaced existing High-Pressure Sodium light fixtures at existing Town light posts situated on private property. The Applicants Patty and Peter Cooke say this change in light fixtures on Town light posts has resulted in a light nuisance for them. Applicants met with Town Staff on February 17th 2023 to raise their concerns about this situation, as outlined in a letter prepared by Applicants' attorney Cowles.

Summary of Comments by the Board, the Applicants, and Town Staff [paraphrased below]:

- **Vice-Chair S. Ryan to Planning & Development Director T. Austin:** What timeline are you using, when did you start counting?
- **T. Austin:** I don't know when the 30 days began.
- **Applicants** referenced a Right-To-Know Request, saying there is no record of a permit to change the lights installed upon existing Town light poles [which are situated on private property].
- **S. Ryan:** There's no record of the Town's decision?
- **T. Austin:** There is no letter, there is an e-mail, refer to Exhibit #5. That e-mail was the last correspondence to anyone, prior to the receipt of this Appeal. It appears that my last correspondence to the Applicants' attorney Cowles is on April 3rd 2023.
- **A. Cline:** Did you speak to whether this lighting could be nuisance according to the zoning ordinance?

- **T. Austin:** On page 2 of that e-mail [second page of Exhibit #5], I state that in my opinion, while the Town lights are lighting private parking lots, or private areas in general, they were also put in by the Municipal Electric Department [MED] at the time, to enhance public safety.
- **A. Cline:** My question: Is the nuisance, as described, covered in the Town Zoning Ordinance? What about light glare, in lumens? If this were a private light, would the Town Zoning Ordinance apply?
- **T. Austin:** Yes, if this were a private light, private lighting is covered by the Town Zoning Ordinance. Section 53.1 was modified two Town Meetings ago, so the Residential Lighting [requirements] would match that of the Commercial Lighting [requirements], under Site Plan Regulations.
- **S. Ryan:** What was that date? And is that date 30 days from the decision as Appealed, on file?
- **T. Austin:** March 13th 2023. Absolutely not.
- **S. Ryan:** Then the Appeal is too late.
- **T. Austin:** I made that determination [in an e-mail, per Exhibit #5] on March 13th 2023. I don't know when it was shared with the Applicants' attorney Cowles. All of my e-mail correspondence went to the Town Manager.
- **A. Cline:** This was not a formal Decision, this was a conversation between Town Staff members.
- **S. Ryan:** Maybe this matter should go to Town Council, for process and procedure. Regarding the timeline, this could be outside of the 30 days.
- **Patty Cooke, Applicant:** I have a summary of every e-mail since January 6th 2023.
- **Town Manager James Pineo:** I sent a letter to the Applicants' attorney Cowles on April 28th 2023.
- **T. Austin:** So that would be May 28th 2023, when counting 30 days from April 28th 2023.
- **Chair A. Cline:** So, the Applicant got the decision on April 28th 2023 and they filed an Appeal on May 15th 2023, within the 30-day deadline.
- **S. Ryan:** Why aren't the important dates for the timeline in the Board Members' information packets? Another question: Is the decision involving an interpretation or application of the terms of the ordinance satisfactory? Merely to say that the Town doesn't have to follow its own regulations is not an answer.
- **A. Cline:** No, but Section 175.53.1, cited in the Appeal, is in the Town Zoning Ordinance.
- **C. McMahon:** The Town isn't obligated to follow its own Zoning Ordinance, but it may do so. Could this matter be simplified? Why not have the Town adjust the angle of light fixtures?
- **Chair A. Cline:** Note that we are voting on the Town causing a light nuisance from one private property to another private property, from existing public light poles.
- **Clerk S. Silk:** Could both private Property Owners make an agreement about a schedule for the lights to be turned on and off? If was offered to the Applicant that the lights be turned off until tree leaves can screen the lights. Could the Town adjust the angle of the light fixtures?
- **A. Cline:** That's not what we're here to decide today.
- **Vice-Chair S. Ryan:** Does this lighting serve a governmental purpose? What about the Skate Park at the Nick, Pop Whalen Ice Rink, Wolfeboro Public Library, and the Public Safety Building?
- **T. Austin:** The statute says that when a Public Entity takes on a project that would otherwise be subject [to Town zoning regulations] that Entity must provide written Notice to the Planning Board within in 30 days. The Planning Board is to provide recommendations and suggestions. The Planning Board may have a Public Hearing and, if so, the Planning Board may issue Non-Binding Conditions of Approval. Regarding the project, the Town doesn't have to follow the

Zoning Regulations by the letter for a government use of property. The question before us: are the existing lights in question, situated on private property, a government use of said property?

- **S. Ryan:** Under Section 674.33, we have advice from our attorney re: jurisdiction on construction application terms of an ordinance.
- **A. Cline to S. Ryan:** So, whether or not the light posts belong to the Town, or the light [fixtures] belong to the Town, the Town is getting paid to light a private property, and [in this case] that light is a nuisance to another private property. I don't see how they [the Town] can avoid the zoning interpretation by administering that, in that manner.
- **S. Ryan to A. Cline:** So, you do think that we [Zoning Board of Adjustment] have jurisdiction?
- **A. Cline:** I do think we have jurisdiction. Sarah, what about you?
- **Clerk Sarah Silk:** I agree that we do have jurisdiction.
- **C. Sumner:** In this particular narrow case, I agree that - private party to private party - we have jurisdiction, in this narrow instance.
- **A. Cline:** Should the Town meet the zoning ordinance when it is getting paid to supply light to a private property when there is a nuisance to another [private] property? Even with a nuisance, if the Town lights serve a governmental purpose, to light a public road, should we [ZBA] have jurisdiction? The Zoning Board of Adjustment has jurisdiction solely over private properties.

Vice-Chair Suzanne Ryan made a motion that the Zoning Board of Adjustment has jurisdiction on this Case. Seconded by Clerk Sarah Silk. Roll Call Vote: S. Silk (Yes), S. Ryan (Yes), A. Cline (Yes), C. McMahon (Yes), C. Sumner (Yes, in this Narrow Case). The motion passed (5-0-0).

Chair A. Cline asked the Public to Comment, in favor or opposed to this Appeal, paraphrased below:

- **N. Sabet Stroman, Wolfeboro Resident:** I need some clarification about this lighting: is the Town paying to light a private parking lot?
- **Clerk S. Silk:** The Town is paid by the private property owner who first wanted the light there.
- **Donna Brooks, Wolfeboro Resident:** So, we have a Town light pole that has a private light on that Town pole, and the private property owner is paying the Town to have that pole?
- **A Cline and S. Ryan:** I think the light fixture also belongs to the Town, the private property owner is paying for the light coming from the pole, as if he's renting it.
- **Planning & Development Director T. Austin:** The private property owner paid for the light fixture, the Town installed it. The Town doesn't do this any longer.
- **N. Sabet Stroman, Wolfeboro Resident:** The Town chose the light fixture.
- **S. Ryan:** The old light fixture no longer exists.
- **Peter Cooke, Applicant:** There are two issues here: a) The Town decided to continue the program, saying it was grandfathered. The previous light had been there for years and we had no objection to it. The Town upgraded the light with an LED fixture which is not in compliance with Town zoning: the light is tilted up, more light spreads onto our property and creates a nuisance. We brought our concerns to the Town and we were told that the Town considers itself exempt from the zoning because it is a municipal use. The definition of municipal use is a traditional governmental activity. b) In our opinion: lighting a private property's parking lot is not a traditional governmental use.

- **Chair A. Cline:** The Town used to have an application process for private lighting mounted onto a Town light pole. But in this case, we can't find a record of that.
- **T. Austin:** The original light had an application, the replacement light did not.
- **Peter Cooke, Applicant:** If that's the case, we never received a copy of any of that information. We were told the previous light had been there for many years and no one in the Town could recall how the light got there in the first place.
- **T. Austin:** Permit-wise, there is neither an installation permit, nor an electrical permit.
- **Chair A. Cline:** The private property owner has the opportunity to apply for lighting his site with a site plan approval with appropriate lighting that does not cause a nuisance to surrounding properties.
- **T. Austin:** Correct. One of the things that was discussed is where the Selectmen wanted this process to go. Is it going to be a policy to replace these lights when they short out? Is it going to be once it's gone, it's gone?
- **Chair A. Cline:** Well maybe our decision can help that along.
- **Clerk S. Silk:** Do we have anybody here that can give us any enlightenment on this LED location sheet Exhibit #2, because it has downlight size removed 250 / 400. Because there are two lights on there. And then the light size installed were two 130s. And I'm trying to determine does that refer to some kind of wattage does that just refer to a model number? Do we have any idea what that refers to?
- **Chair A. Cline:** Anybody in the audience know anything about those numbers?
- **T. Austin:** All of those exhibits were provided by the Applicant.
- **Vice-Chair S. Ryan:** I'd like to bring it back to grandfathering. Somewhere along the line, the light was changed to a new LED light because the others are no longer available To the grandfathering: "A use of land which at the time a restriction on that use went into effect, was established, or vested, and has not been discontinued or abandoned, can continue indefinitely." Now here's a key word, "Unless it includes an activity which is a nuisance or harmful to the public health and welfare, but the use cannot be changed, or substantially expanded, without being brought into compliance." That's case law.
- **Chair A. Cline:** Right, case law. And I'm not saying that every one of these replaced lights is causing a nuisance, I have no idea. If they're not causing a nuisance, maybe there isn't an issue.
- **C. Sumner:** The Applicants are here to make the point that the light was replaced. Also, the angle was changed. Because I imagine that the original light was fixed, can we try adjusting the angle?
- **Chair A. Cline:** These lights don't have any shielding below the bulb itself, whereas the old ones may have had some kind of shielding that directed it down or it may have been tipped another way.
- **C. Sumner:** I recall the old lights don't have that adjustment. They only have a hinge that allows it to go up and down and, like Peter Cooke said, it appears that this [replacement] light was moved up in order to better light the parking lot across the street. But it wasn't adjusted up so it's not really a direct replacement. It was adjusted to light a parking lot and a backyard, apparently. So, to Cate's point, is it as simple as just tilting the light back down?
- **Chair A. Cline:** Good question. We don't know the answer to that, because apparently that wasn't tried.
- **Clerk S. Silk:** We all have this picture. And it shows very clearly, right beneath that red arrow, a pivot point, which begs the question: why don't they just go out there and take whatever tools are appropriate and angle this thing down?
- **Chair A. Cline:** I also have that question. But that's not what we're here to answer today.

- **Clerk S. Silk:** I'm looking for compliance with the dark sky and asking why is it not possible to come into compliance by changing the angle of this particular light? That's my question.
- **T. Austin:** I think the substance of the appeal is: does full shut-off lighting apply? You [ZBA] answer one way or the other, the Town will respond. Does the ordinance apply?
- **C. McMahon:** Mr. Muccio's Memo, dated April 4, sixth bullet down, says: "New street lighting for non-utilitarian applications is no longer offered by the Wolfeboro Municipal Electrical Dept [WMED] due to the issues such as this. This is a pre-existing light fixture being paid for by a private entity. Unless I'm informed otherwise: we [the Town] have an obligation to fix maintain, replace as needed."
 - "Replace" could include upgrading, but would there be no limit to the intensity of the light? Technology is changing every day. Do we want it [the night illumination] to be like daylight?
 - I don't see, from all the emails that we read, that anybody in Town has expressed a willingness to solve the problem. So maybe that's why we have it.
- **Chair A. Cline:** I think it's here being solved. I think this is the course the Applicants chose, to solve the problem. Other comments from the public?
- **Town Manager Jim Pineo:** Good evening, Jim Pineo, Town Manager. You had asked if anybody is opposed to this Appeal, and that's why I'm in front of you. The Town of Wolfeboro Municipal Electric Department was founded on providing lighting to the Town. That's how we got into this position of the Town delivering lighting product to private entities. It was a long-standing history. The Town is transitioning away from that, for obvious reasons; however, there are still multiple customers that MED has, to whom they provide this service.
 - One of the RSAs which has been referred to me is Section 174 54: Governmental Use of Lands. Under Roman Numeral One in this Section: "Government Use" means a use, construction, or development of land owned or occupied or proposed to be owned or occupied by the State University system, Community College in New Hampshire, or by County, Town, City, School District, Village District or any other agent, for any purpose which is statutorily, or traditionally government in nature." So, "traditionally government in nature" is relevant here, in that the Wolfeboro Municipal Electric Department has traditionally offered this service. We've moved away from this for any new customers.
 - The next thing I did is I went through and I read some of the definitions in the ZBA and Planning Board rules:
 - 1) We must get away from the term "dark sky," it's a buzz term, we need to start using the term "full cut-off" so that we can speak to this matter accurately.
 - 2) The other thing that I'm having difficulty understanding: what is a nuisance to one person may not necessarily be a nuisance to everybody else. I'm trying to glean what that nuisance is.
 - 3) I've heard the term "glare." I would encourage you to look at the definition of glare in your own policies and procedures. "Glare: light emitting from a luminary which is intense enough to reduce the viewer's ability to see and, in extreme cases, causes momentary blindness." Glare is a heavy term to use, I think it's quite severe.
 - 4) Does the light actually trespass onto the Cooke's property? It probably does, but some of that I'm sure has to do with reflection from snow. I'm not certain but if we turn this lamp down, will we create more reflection off of that snow?
 - I understand where the Cookes [Applicants] are coming from and their displeasure with this.

- From the Town's perspective, for us, this is a very slippery slope. If we don't have a good definition of what a "nuisance" is, with everybody's interpretation of it, it's problematic for us.
- MED went in, they replaced what they could, as close to in-kind as possible, due to the fact the previous light is no longer manufactured.
- So again, I think this adds a problem for us: every time we have a change in technology, must we go in front of the Planning Board, or other Boards, as a governmental agency, for Site Plan Review?
- I'm not sure. Lastly, Suzanne, you are absolutely correct: I do try to, every time I can, go in front of Planning and Zoning to deliver what we are bringing forward, for product.
- But if we're going to do this each time we've got to change a light fixture in Town, or another piece of infrastructure, it's going to become burdensome and unwieldy to manage.
- I hope I've answered some of your questions. We don't believe that we have to follow the rules in place [cited by Appellant], based on past practice of the Town and essentially being grandfathered by that statute. Thank you.
- **Chair A. Cline:** Jim. I have a question: I don't know if you have the application, but under RSA 674 54, Section I, that you just read.
- On the next page, the lawyer cites 2-A. Do you have an opinion about that paragraph? It's on page 11 of 12, top of page: "2-A: any use, construction, or development of land occurring on governmentally owned or occupied land but which is not governmental use as defined in Paragraph One shall be fully subject to local land use regulations."
- And Jim you said that in RSA 674.54.1, the purpose of which is statutorily or traditionally governmental in nature, you were pointing out that this activity in Wolfeboro is traditionally governmental.
- I would ask whether there was a wider definition of "traditionally governmental" that might apply for that paragraph, instead of one unique situation in one location.
- **Town Manager Jim Pineo:** Yes, this situation is very unique: 1) There are only a few towns in the state of New Hampshire that have their own Electric Departments. And that is compounded by the fact that the Electric Department in Wolfeboro was originally designed for delivering light only; whereas, other jurisdictions deliver water and light. So, Attorney Cowles cites this additional RSA, but our Counsel has cited the other RSA as taking precedence.
- **Chair A. Cline:** Do you know, offhand, how many of these lights that have been changed are the same situation: where the light is paid for by a private party to light a private location, causing a nuisance to another private party; as opposed to the ones that were changed that are simply lighting governmental areas. Do you have any idea how many there are?
- **Town Manager Jim Pineo:** I think Barry [Muccio, Town Lighting Director] said that there are significant numbers of these out there. I do not have an exact number.
- **Anne Blodget:** We know where all the nuisance lights are. I disagree with Mr. Pineo.
- **N. Sabet Stroman:** Just look outside [to Town Hall parking lot] at the hideous lighting!
- **Vice-Chair S. Ryan:** New Hampshire is one of 19 states to adopt a policy on lighting. Shall we send this to our attorney?
- **Chair A. Cline:** Let's respond to people who have nuisance complaints. Some of the Town history on the control of lighting is missing; I'm not finding any records for the previous Town Lighting Committee.
- **T. Austin:** Let's remove the nuisance?
- **Chair A. Cline:** Yes, let's remove the nuisance.

Clerk Sarah Silk made a motion to close the Public Hearing. Seconded by Chair Audrey Cline. The motion was approved unanimously.

Vice-Chair Suzanne Ryan made a motion to approve Case #4-AAD-23 and to uphold the Appeal as submitted and to require the Town to remediate the nuisance. Seconded by Catherine McMahon. Roll call vote: S. Silk (Yes), S. Ryan (Yes), A. Cline (Yes), C. McMahon (Yes), C. Sumner (Yes). The motion passed (5-0-0).

- d) LACONIA AREA COMMUNITY LAND TRUST doing business as LAKES REGION COMMUNITY DEVELOPERS, BECK DRIVE, Tax Map #175-20-1, Case #03-SE-23: Modification of a Special Exception Granted for Phase III of a Three-Phase Affordable Housing Development, to Allow 30 Rental Units in Place of 20 For-Sale Units.

Chair A. Cline: May we continue the hearing for this Case, with a date and time certain?

Megan Carrier, attorney for the Applicants: Yes, I'd like to be present.

Vice-Chair Suzanne Ryan made a motion to Continue the Hearing for this Case #4-AAD-23 to June 26th, 2023 at 7:00 p.m. Seconded by Charles Sumner. Roll call vote: L. Freudenberg (Yes), S. Silk (Yes), S. Ryan (Yes), A. Cline (Yes), C. Sumner (Yes). The motion passed (5-0-0).

Chair A. Cline asked to reschedule the next Zoning Board of Adjustment [ZBA] meeting from July 3rd 2023 to July 17th 2023.

V. Minutes of Previous Meetings: 11/14/2022, 1/9/2023, 3/6/2023, 4/20/2023

VI. Communications and Miscellaneous

Next month, the Zoning Board of Adjustment will meet on Monday, July 17th (instead of Monday, July 3rd).

VII. Motion to Adjourn

At 9:40 p.m. Vice-Chair Suzanne Ryan made a motion to adjourn. Seconded by Luke Freudenberg. The motion passed unanimously.

Meeting Minutes respectfully submitted,
Elivia M. Nicolescu