

**TOWN OF NORTH HARMONY  
ZONING BOARD OF APPEALS  
WEDNESDAY, 7/22/2009 7:30 PM**

**ZBA MEMBERS PRESENT: GREG MICHALAK      ROGER VAILLANCOURT  
DAVID LLOYD                                      BILL ADAMSON  
RICHARD BARTON  
Brad Lawson, Zoning CEO  
Dave Stapleton, Attorney**

**Others Present:**

<b>Charles Merchant</b>	<b>Lee Chilcote</b>	<b>James Zeger</b>	<b>Eli Byler</b>
<b>Susan Kochin</b>	<b>Pat Zeger</b>	<b>Beverly Kinsler</b>	<b>Ed Chambers</b>
<b>Nancy Chambers</b>	<b>Jon Wood</b>	<b>Louise Ortman</b>	<b>Will Ortman</b>
<b>Paul Silzle</b>	<b>Kathleen Silzle</b>	<b>Barbara McMahan</b>	<b>Jeff Winton</b>
<b>Elaine Winton</b>	<b>David Meyers</b>	<b>Chuck Spinner</b>	<b>Patricia Spinner</b>
<b>Charlotte Grover</b>	<b>John Grover</b>	<b>Boyd Matteson</b>	

**Mr. Barton, acting Chairman, brought the hearing to order at 7:40 PM.**

**Mr. Barton** announced the Zoning Boards agenda for the meeting and stated that the board would also have to discuss a letter that was sent to the board by Mr. Chilcote in regards to a request for an Area Variance that was approved at Zoning Board hearing held on June24, 2009.

**Mr. Barton** stated that the board read the letter dated June 30, 2009 and sent by Mr. Chilcote.

**Mr. Stapleton-** would anybody who is going to testify and address the board stand please.

**Mr. Stapleton-** the board is going to put everybody under oath. Do you all solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God? All Standing, said I do.

**Mr. Barton-** Is Mr. Chilcote here.

**Mr. Chilcote-** Yes

**Mr. Barton-** Would you like to speak.

**Mr. Chilcote-** Yes. (Mr. Chilcote moved forward to address the board)

**Mr. Chilcote-** Unfortunately, I didn't have an opportunity to attend the hearing that was held on June24, 2009.

**Mr. Silzle-**(from the back of the room) we can't hear you.

**Mr. Chilcote-** I'm sorry, I had been at my college reunion and got back in town and opened the mail to find that the hearing was the night that I opened the mail. But I realize I did get notice and I am not suggesting otherwise. The reason I would like to request reconsideration of this matter is the history of this property indicates there has been a number of requests. I would have to refer to Mr. Lawson as to how many, but my recollection is that there were multiple requests from the original house that was built. That had nothing to do with Mr. Spinner. There have been requests since then by Mr. Spinner and depending on how you look at it, the deck could be considered three variances or one. I'm not sure how you consider it. But my objection is that the purpose of the zoning code to maintain green space to 40% of the lot. It's really not to allow successive variance requests to encroach on them. If you look at this property as a whole, and you take out the fact that there is a 50 foot set back from the lake and you were to just look at the rest of the property, you will find that there is a great percentage of that property is covered by; house or deck or walkway or driveway. And all we wanted and all we are requesting is green space and the maintenance of green space. I think frankly that the Town of North Harmony makes a little mistake here in allowing area variances to be

brought to you in pieces. What happened in September of 2008 is that the deck portion and walkway on the north side was brought to you, and the walkway on the south side of the property was withdrawn from consideration by the board. At that time I appeared and I spoke and I requested a couple of things. One was that if there were any other variances, that we be fully involved in the process. I actually requested the board, as a condition, to not grant further variances. I think that was not deemed to be something that you were willing to do or would consider. Our concern is simply that we bought up here 38 years ago and we had a lot of green space next to us that's slowly being swept away through a larger house, decks, walkways and we feel threatened by the number of variances and the amount of space that has been taken. We like the Spinner's a great deal, we think they are very fine neighbors and we appreciate what they have done with the deck and all of that. We are not trying to be un-neighborly. We didn't get notice of this, they didn't talk to us, and we didn't have any information about this. I came over here and met with Sally Carlson and got the file the first time on the 26<sup>th</sup> of June. And I wrote you the letter there after.

**Mr. Barton-** You weren't sent a notice?

**Mr. Chilcote-** I was, but the notice that I got was a notice of a hearing that had occurred. It was postmarked, but I don't remember the postmark date. I'm not contesting the notice, Sir. The notice was probably sent out the 16<sup>th</sup> of June, it took five days to get to Cleveland, I arrived back on the 24<sup>th</sup> of June, opened my mail and found that the hearing had already taken place and I was in Cleveland. I'm not – I'm not suggesting that you didn't give notice, but I am requesting the rehearing so that we can talk about this. I think it would have been appropriate to contact me. If I had had the chance to speak, I would have supported a deck on our side with a couple of restrictions. One that it be reduced to four feet, because that's what's on the north side of the property and the second is that we establish some kind of a buffer between us. I would be willing to make an equal buffer on my side so there would be two feet on each side of the property to ensure that in the future that there's green space between us. If that could be done, I would be supportive of the variance request, but I realize you've granted the request and apparently my opportunity to be heard has passed. I'm asking for your reconsideration of the matter tonight.

**Mr. Barton-** Anyone else wish to speak on this issue? Please state your name for the record.

**Mr. Spinner-** I'm Chuck, Charles M. Spinner, neighbor of Mr. and Mrs. Chilcote and I received a letter, not from **Mr. Chilcote**, but from the town clerk and we had to come down here and pick up the letter that they sent. I would just like to respond to that letter. First of all I want to know if you ( Mr. Chilcote) wrote the letter that you sent, it wasn't the secretary, those were your thoughts.

**Mr. Chilcote-** Those are my entire thoughts- yes.

**Mr. Spinner-** Ok. There are a number of mistakes in there, and you spoke to Nancy Thomas, not Sally Carlson and it is James Levesque, not Charles Levesque and there are a number of other mistakes. We have requested three variances. The Chilcote's have been present at just one of these hearings. They were not present at the last variance hearing that allowed us to build a Trex walkway from our kitchen to our front deck. The Chilcote's said in the letter they were surprised that a decision was made at this meeting and in the letter, put into public record, that our application was flawed and that the board abused its discretion in granting the variance. They indicated in this letter that they were shocked that we did not contact them that a decision was made. Despite what this letter would indicate it is not my job to report the findings of the committee to the Chilcote's when they were not interested enough to attend the meeting or weren't able to attend the meeting, it's just not our job. It should not surprise the Chilcote's that decisions are made at meetings that examine a request for variances. The Chilcote's further stated that they fully expected to be consulted by the Spinner's with respect to any further area variances, such as the one for a trex walkway that was just recently received from the board. Obviously from the contents of this letter, Mr. Chilcote would be surprised tonight to learn that this spring I did indeed bring his wife Tuney Chilcote over to our house, and in the presence of my wife, showed Tuney the beautiful Trex walkway along the north side of the house. I then indicated to Tuney that Patrice and I intended to apply for a variance for a Trex walkway, instead of a concrete walkway along the south side of our house. Upon reading about lake preservation, I discovered that

wooden or Trex walkways are preferable to concrete sidewalks. Concrete sidewalks are impervious materials, water runs off this material, a Trex walkway would be pervious material and allow water to fall through on to the ground below and into the french drain. Since the Chilcote's daughter, for two straight years has stated that the runoff from our house is destroying her families foundation, I thought this explanation that I offered to Tuney, would be understood, welcomed and transmitted to her husband. I would think that true environmentalists would clearly side with the trex option. Mr. Chilcote once suggested that a pervious concrete be used, but I researched it and it's not suitable for our winters and it's not used in other construction projects in the area. The bottom line is that Mrs. Chilcote obviously did not communicate to her husband any of the above conversation that I had with her this spring in the presence of my wife as Mr. Chilcote prompted the statement that informing him of a change of heart on our part was a matter of common courtesy and neighborly relationships, and since he now knows that such information had been given, I think as a matter of common courtesy and neighborly relationships, an apology to my wife and me for such insulting statements as this should be appropriate. The following sentences also underlined in the Chilcote letter to the board, still need to be responded to; and he called attention to this tonight, "Our interest has been and always will be in preserving green space". If this is their meager objection, it seems pretty hollow in light of the green space that has been eliminated with other building projects in the area as well as their selloff of land for a house bought not long ago across the street from our property in the attempt to receive variance for multiple right of ways to the lake in order to parcel off land for other building projects in this area. In this same paragraph in talking about variances, Mr. Chilcote states that, unlike the Spinner's, we have never sought a variance or any construction that does not meet present zoning requirements. This is exclusively due to the fact that construction occurred in the 1920's prior to the adoption of the current zoning code. The Chilcote's break wall which extends two feet onto our property is in amazing shape for being built in the 1920's or prior to that, I would have thought that their break wall had been built much more recently and that a variance would indeed be needed for such an intrusion onto another's property. It is helpful to us there's steps and we use those steps but Mrs. Chilcote has indicated that they are their steps, but they are both of our steps now because the brake wall is extended over to ours. I don't know if there was a permit for that or not. Then Mr. Chilcote also described our building project as piece meal and I quote, "piece meal incremental approach used by the Spinners to achieve their aim". Our lakefront house has been a lifelong dream for us, this is our home and we love it. We would have loved to have had the money to do all our improvements at once, in these tough economic times that has been impossible and to suggest that we did it for any other reason, incrementally, is just not right. I've previously tried to reason with Mr. Chilcote but he is persistent for whatever reasons to object to our home improvements. I highly doubt that a permit desired for green space plays a major part in these constant objections. The people here tonight, and there are many of them, feel the improvements we have made have been a major improvement to our house as well as to our neighborhood. The variance board has legitimately approved our variance, there were no objections at the time and we had indicated to his wife that this is exactly what we were going to do. If that was not communicated to Mr. Chilcote, that's not my problem. I feel that if there were no objections, an apology to my wife and me and to this committee would be in order for the inconvenience the Chilcote's have caused by the rather hurtful letter that they chose not to give to us in person but that we received from the town clerk, which is by the way Nancy Thomas, not Sally Carlson. Finally in terms of common courtesy and neighborly relationships, I have this petition that I will now give to Charlotte Grover of Animal Control.

**Mr. Barton-** Does anyone else wish to speak at this time?

**Charles Merchant-** I'm a neighbor in the area, 3122 Chautauqua Avenue and I was present at the time the board granted this variance. You were advised by Mr. Stapleton at that time and you did in fact review the various steps in requirements for granting that variance. Of course each is a separate issue and this particular variance whether it's the third or the fiftieth is separate issue that you considered at that time. My recollection was that Mr. Spinner could, if he chose to, build a concrete walk the same width as the proposed deck without a variance, so the board took that aspect into consideration when it reached its decision. I think

that the board acted properly, legally, and reasonably in granting that variance. I supported it then and I support it now.

**Mr. Barton-** Anyone else?

**David Meyers-** I live at 3154 Chautauqua Avenue immediately next to the Spinner's and on the opposite side from the Chilcote's. I just wanted to state that I've owned that property since 1970 and I've come out here since I was an infant. I have a lot of memories and recollections of the neighborhood. The house that the Spinner's bought was a rather unattractive box and everything they have done since has only improved the appearance of the house. They have a Trex walkway on my side and it is no problem, it's very attractive. They have landscaped and everything they have done has actually improved the appearance of the cottage, so I have no objection to the variance. I didn't come to any meetings, but I just wanted to state that at this time that I have no problem with anything they have done so far.

**Mr. Barton-** Anyone else wish to speak? He asked Mr. Stapleton if there are legal issues that need to be considered here or anything that needs to be brought to light. He asked if all the right channels were taken with the letters and so forth.

**Mr. Stapleton-** Yes. Everything has been proceeding normally, the way it should. Mr. Chilcote has presented his letter with the various legal reasoning's that he thinks the board should rehear the matter. He has put in his letter various statements that he says are factual misrepresentations by the Spinner's at the previous hearing. He said the board has heard from Mr. Spinner, so no it's up to you whether there is anybody on the board who wants to make a motion for the rehearing as we have talked about in the past. The motion of course would have to be seconded and then there would have to be a unanimous vote by everyone here for the ordering of a rehearing. This would bring us back to the beginning and we would start all over again on the application.

**From the back of the room-** If I could just say one thing....

**Mr. Barton-** Please state your name again.

**Mr. Chilcote-** Lee Chilcote, 3151 Chautauqua Avenue. I understand what Mr. Spinner has said but, I want to make it clear to the board that, had I been, had I consented, and if I had been given an opportunity to talk about the substance of the variance, perhaps I could in turn be supportive, so we wouldn't be here. I tend to want to allow any owners, just as I would like to be treated, to exercise the property rights and that's why I was definitely supportive of a Trex deck. I made that clear in the letter. I've made that clear to everybody here. I don't understand why the Trex deck on our side has to be five feet wide, when they placed a four foot deck on the other side of the property and I really don't understand why they couldn't be more cooperative. You have the power to establish a buffer or a condition to your variance grant and I would have requested that and that buffer would have been a two foot buffer from the property line. These properties are close together, the distance from my wall to my property line is within a foot and the same distance between Mr. Meyers property and there, the other side of the line, it's eleven and twelve feet respectively. Therefore, if you are going to fair about it, and be balanced about it, you would require a four foot deck and you might consider some buffering. Obviously buffering handled between the parties themselves, privately and I would welcome that. But I don't have any ability to do that. I attempted to talk to Mr. and Mrs. Spinner tonight. I came out here at five o'clock to talk to them about this and they did not want to talk to me. They said. "we'll see you at the hearing". I'm not trying to get into neighborly things; I'm very supportive of what they've done as well. But I think it's fair in the scheme of things to be heard and all I'm asking is to be heard, just to be considered.

**Mr. Barton-** That's your right. Just to be clear, you're basically concerned about the five foot walkway. If you had it to do over again, you would have just as soon it been a four foot. Is that correct?

**Mr. Chilcote-** If could have had my wish, Mr. Spinner and I would come in here together and ask for a four foot walkway. We would have jointly supported this together had I known about it.

**Mr. Barton-** Just a minute please. I'm confused as to why you didn't get information in regards to this hearing.

**Mr. Stapleton-** He said he was at a reunion.

**Mr. Barton-** So it was sent to your address?

**Mr. Chilcote-** I'm not contesting that there is any legal challenge to the notice at all.

**Mr. Barton-** OK

**Mr. Chilcote-** I'm not doing that, it wouldn't be appropriate; it was postmarked probably the sixteenth of June. Sometimes it takes five days for mail to get here, it probably arrived on the twenty-first or twenty-second. I didn't get home until the twenty- fourth

**Mr. Barton-** I see.

**Mr. Stapleton-** And quite frankly, for everybody's knowledge here, everything should be posted on the North Harmony Web Site. So check monthly if you have any interest in what's going on with town government including the zoning as well as the town board and planning board meetings, all of those meetings are publicly noted on the web site.

**Mr. Lawson-** And then typically, Nancy does not send out whole packets to people unless it is requested. So they would get the notice and then say well, I better see Nancy and request it.

**Mr. Chilcote-** I came over here on the twenty- sixth, the first opportunity I had to get up here so I could get a package of it. There was nothing in the notice that indicated to me precisely what was going on here. Frankly, I didn't know it had been decided until I walked in here.

**Mr. Spinner-** He is saying there should be an equal buffer on each side. There is an equal buffer on each side, there is seven feet to the Meyers property, and there is eleven feet in between the two and there's twelve feet in between the Chilcote's and mine, so the five feet would indicate another seven foot buffer as well, on his side. He suggested at one time in the proposal that we have as a buffer between the two houses, a common garden area, but this is a rental property and he rents this out at least six or seven weeks during the summer months and there is no way that my wife and I are going to maintain a garden area between the two houses such as that. So the last time we requested a variance we were going to see our grand kids and I told Lee what we were doing and that there's going to be a variance meeting and he said, "Well, draw up some plans for me and send them to me". Even though I didn't have to do this, I stayed up most of the night and made up those plans and showed them to him, so to indicate that we didn't communicate this is not right. There is seven feet between both houses, there's just more footage on his side than there is on Meyer's side.

**Mr. Barton-** Anyone else wish to speak? Dave (Lloyd) you weren't here last month were you?

**Mr. Lloyd-** No.

**Mr. Michalak-** He could put concrete by right, we discussed it and I'm still in agreement with our decision.

**Mr. Lloyd-** With a seven foot buffer on both sides, I don't find the argument compelling enough.

**Roger Vaillancourt-** the reason we went five foot is because the deck itself goes out five foot, so it just lines up a straight edge. That is why we agreed on the five foot. If not, the walkway would have been recessed in from what the deck already is. That is why we agreed on the five foot. I think it is fine.

**Mr. Adamson-** I agree with Mr. Vaillancourt

**Mr. Barton-** I guess then, the board is satisfied with the decision that we agreed to last month, so then there is no motion that needs to be made.

**Mr. Stapleton-** Well you have to ask, does any single board member wish to make a motion.

*Each board member declined to make a motion.*

**#1. Jim & Barb McMahan requesting an Area Variance to build a deck closer to the road than allowed in Section 404 of the Zoning Ordinance at property located at 5701 Magnolia Rd. #132, specifically 315.17-1-42 (old# 16-1-8.25).**

**Mr. Barton-** Please tell the board what you are interested in doing.

**Mrs. McMahan-** My name is Barbara McMahan 132 Waters Edge, Chautauqua Escapes and I'm asking for a variance for one edge of our deck addition. We want to put an addition onto our existing deck, it is

uncovered, there is no roof or anything over it. Our road is curved so one edge of the deck is going to extend out further than the allowed, twenty-five feet from the road.

**Mr. Barton-** Right.

**Mrs. McMahan-** It's going to be, I think it's going to be twenty-one feet.

**Mr. Lawson-** Twenty feet.

**Mrs. McMahan-** Twenty feet, ok.

**Mr. Lawson-** According to the drawing, yes

**Mrs. McMahan-** When we were out there measuring it, it's twenty or twenty-one. The other side is within the variance, so we are asking and I have letters here from each one of the neighbors, on either side that says they don't have a problem with this because of the curved road our deck will be set back even further than our neighbors. So if you are standing at the side of his house or my house, his deck sticks out further than ours does. This is what I'm asking.

**Mr. Barton-** Do you have an original architect drawing of your home?

**Mrs. McMahan-** I do, but I don't have it here.

**Mr. Lawson-** A sight plan, he means a survey, an actual survey.

**Mrs. McMahan-** Brad does.

**Mr. Lawson-** No, this is what we got when the house was built.

**Mrs. McMahan-** I mean I have my blue print of the house, but that was it.

**Mr. Lawson-** You're looking for the site plan, the original surveyed site plan.

**Mr. Barton-** Right.

**Mr. Lawson-** The house was brand new so unless they surveyed it after the house was built, they would probably not have one. I don't know if you have an extra survey of the property there.

**Mrs. McMahan-** I have the same thing you have in your office.

**Mr. Lawson-** What you have is a copy of what the developer gave to the town at the time that it was built.

**Mrs. McMahan-** I don't know whether it's relevant, but when the Escapes put in the road, which is not a public road, our road runs parallel with Magnolia.

**Mr. Barton-** It's a private road then.

**Mrs. McMahan-** Yes, when they put it in, they put it in over part of our supposed property. So if you really looked at it, we would only be asking for a 2 ½ - 3' variance.

**Mr. Barton-** I see.

**Mrs. McMahan-** They didn't pay any attention to the survey or anything.

**Mr. Lawson-** This is going to be a wood deck?

**Mr. Barton-** You're not going to have it covered.

**Mrs. McMahan-** No, absolutely not.

**Mr. Barton-** Guard rails on it?

**Mrs. McMahan-** Yes.

**Mr. Barton-** How high would they be?

**Mr. McMahan-** The same as the existing deck, I didn't measure them.

**Mr. Barton-** The deck is going to be the same elevation as the deck that is existing.

**Mrs. McMahan-** Yes.

*The board spent some time reviewing photos and drawings of the property and proposed project.*

**Mr. Barton-** So the neighbors on the right side facing the lake, they are not opposed to the deck.

**Mrs. McMahan-** Correct.

The board reviewed **Town Law Sec. 267-b, Area variance Items 1-5) 1) No; 2) No; 3) No; 4) No; 5) No.**

**Mr. Barton** asked if anyone wished to speak regarding the application.

**Mr. Barton motioned to grant an Area Variance to Mr. & Mrs. McMahan to construct a uncovered deck closer to the road than allowed in Section 404 of the Zoning Ordinance at property located at 5701 Magnolia Rd. # 132, specifically Section 315.17-1-42, as outlined in their application and as previously discussed. Mr. Michalak seconded and the motion was carried unanimously.**

**# 2. Jim Zeger requesting an Area Variance to demolish an existing home and construct a new home closer to side and road setbacks than allowed in Section 401 of the Zoning Ordinance at property located at 91 Goose Creek Rd., Specifically Section 367.15-1-34.**

Mr. Barton asked Mr. Zeger to explain to the board the reason for his request. Mr. Zeger stated that he and his wife Pat purchased a double lot at 91 Goose Creek Road and would like to demolish the existing cottage and construct a Cape Cod style home. Mr. Zeger stated they the new home would be about the same foot print as the existing home with no encroachment to the neighbors. The setbacks on the existing home are approximately 12' and 15', the new home will be squared up with both setbacks being 15 feet or more from the neighbor's property line. Mr. Zeger stated that he has spoke with his neighbors and no one was opposed. Most neighbors said the new home would increase the value of the property. The board reviewed Mr. Zeger's plans as well as photos of a similar home Mr. Zeger provided. Mr. Stapleton questioned Mr. Zeger about the neighboring homes setbacks; he wanted to be sure that there was no concern about fire access in case of an emergency. Both Mr. Lawson and Mr. Zeger stated that access would not be an issue. The board reviewed photos as well as the **Town Law Sec. 267-b, Area variance Items 1-5) 1) No; 2) No; 3) No; 4) No; 5) No.** Mr. Barton asked if anyone wished to speak regarding the application.

**Mr. Barton motioned that an Area variance be granted to Jim Zeger to demolish an existing home and construct a new home closer to side and road setbacks than allowed in Section 401 of the Zoning Ordinance at property located at 91 Goose Creek Rd., Specifically Section 367.15-1-34 as stated in the application submitted. Mr. Vaillancourt seconded and the motion was carried unanimously.**

**# 3. Jonathan Wood requesting a Special Use Permit to build a Potato Chip Manufacturing Plant at property located at 3583 Wall Street Rd., Specifically Section 330.00-1-14 (old1-1-22) which does not comply with Section 407 of the Zoning Ordinance.**

Mr. Barton asked Mr. Wood to explain to the board what he intends to do. Mr. Wood said he has purchased the old "Swanson Potato Chip" equipment and would like to establish a small (20'x40') barn type motif facility in keeping with the area to produce potato chips. Mr. Wood apologized to the neighbors present for not having spoken personally to them about his plans. Mr. Wood said the facility would be across from the Woodcrest Golf Course and would not be a plant, but more of an agricultural tourism site. He said people could tour the facility and watch the production of the chips as well as purchase them. He said he has spoken with Supervisor Carlson about his intentions and has also gone through the proper steps with the IDA to reach this stage in the process. Mr. Barton stated for the record that Mr. Wood's golf course is a well kept facility and he is pleased to have it in the town. He said that the ZBA will send this application to the Planning Board for its review and recommendation because this type of construction is not specifically addressed in Section 407 of the Zoning Ordinance. Jeff Winton, 3353 Wall Street Road asked if once this is referred to the PB there is a similar meeting such as this, at which the public is allowed to attend and speak. Mr. Barton said yes, they hold their meetings the second Tuesday of the month (8/11/09). Mr. Winton expressed an interest in being further informed on this. Mr. Barton asked Mr. Stapleton what Mr. Wood would need to take to the PB in order to expedite the process. Mr. Stapleton said he already has the

checklist, but there will be questions about environmental impact and any services the town might have to provide. He said an engineering analysis of the operation (i.e. machine types and what they do) would be helpful. He said more specifics would also be helpful. He said since this is under 5,000 sq. ft. it will not go to the town board. He said although a short form SEQR has been provided, the PB may want a full blown SEQR and it would probably be a good idea to provide this when Mr. Wood appears before them. Kathleen Silzle stated that she was more worried about the manufacturing aspect of the operation and if it would set a precedent for the area. Mr. Barton said each circumstance is reviewed by the board on an individual basis. Mr. Barton said after the application is reviewed by the PB he is sure the Zoning Board will have a number of questions about the project (traffic, emissions, etc.).

**Mr. Barton motioned that the application of John Wood for a Special Use Permit to construct a Potato Chip Manufacturing Facility at property located at 330.00-1-14 be referred to the Planning Board for review and recommendation for comment on whether or not this use should be treated as a use by right under this district and conditions that might be imposed. Mr. Lloyd seconded and the motion was carried unanimously.**

*The hearing was adjourned at 9:12 PM.*

*Penny Best  
Deputy Town Clerk*