

MINUTES for HOPE BOARD OF APPEALS MEETING

Thursday, February 15, 2018 6:30 pm

Hope Town Office

The meeting was called to order by Chair Brian Powers, Sr. at 6:42 pm. Board members present: Steve Bowman, Mary Ireland, John Jensen and Brian Powers, Sr. Absent: Ron Wright Also attending: Samantha Mank, Town Administrator and Code Enforcement Officer

Minutes of February 5, 2018 approved.

The use of an audio recording device at hearings was discussed. There seems to be no objection.

During the discussion of the STOP WORK order and the subsequent APPEAL on the 75 Loon Lane property on Hobbs Pond, the following were some of the issues raised:

- The Code Officer's reference to "erosion control measures" is not mentioned in Gibbons' appeal. What steps have been taken to correct this problem?
- The building height and proposed foundation are unknown.
- P. 99 in Manual: "Any significant alteration of a nonconforming structure is an extension or expansion. When an ordinance prohibits enlargement of a nonconforming building, a landowner cannot as a matter of right alter the structure, even if the alteration does not increase the nonconformity."
- Permit not sought nor obtained for demolition of structure closest to Pond.
- How building dimensions as shown on Site Plan dated May 31, 2017 were determined.
- How the 75' setback boundary was established.
- Are there ties or references on site or elsewhere that memorialize the exact location and dimensions of the buildings that have been torn down?
- We now seem to be working under Section 6.12.3 Non Conforming Structures subsection 6.12.3.3 Reconstruction or Replacement.
- If the Planning Board does issue a new permit, all details of the construction process should be monitored.
- Does the plan increase the volume of the area originally occupied by the structure less than 25' from the Pond?
- Communication before decision to demolish everything was lacking and act violated permit.

Possible actions the Appeals Board might take were discussed. Motions to (1) affirm STOP WORK order; suggestion that owner of 75 Loon Lane (2) meet with the Planning Board and reapply for permit (with specific terms to accompany permit); and (3) resolve erosion prevention issue after contact with DEP - seemed most critical at this point after Ordinance Review and prior to hearing.

The next meeting is Monday, February 26 at 6:30 pm for the hearing on 75 Loon Lane.

The meeting was adjourned at 8:02 pm.

Respectfully submitted,

Mary Ireland, Secretary