

**Minutes from Meeting of July 21, 2004 –PGI, Cronin, Squannacook, Bulldog realty**

Members Present: Stuart Schulman, Chase Duffy, Jay Prager, Robert Cadle, Cindy Maxwell, Mark Mulligan (Bulldog)

The Chairman convened the PGI hearing by reading the legal notice. The hearing is continued to 9/8/04 at 8:00 pm so that it can be re-advertised.

The Chairman convened the Cronin hearing by reading the legal notice.

The applicant was present and wanted to put a second story on an existing dwelling and attach an existing two-story garage. She would be adding two bedrooms and have a septic permit for a five bedroom dwelling.

Discussion ensued regarding roof pitch and height of dwelling. Abutters felt that it would also be more attractive to overall property.

Of note: there will be no three-car garage as shown on the plan so no variance needs to be obtained.

Special permit criteria were discussed, as well as findings of the Board.

The Board reminded the applicant that there is a certain risk because the hearing was not totally properly advertised.

The Board moved to grant a special permit to allow the addition to be built as show on the plan as submitted by the applicant at the hearing with the exception of third garage bay not being constructed at all, as shown on the plan.

The motion was seconded and passed unanimously.

The Squannacook Hills hearing was reconvened and continued, tentatively, to 9/8/04 at 8:30 pm.

The Chairman reconvened the Bulldog Realty hearing.

The Chairman read two memos into the record, one from the BI and one from the Fire Chief.

Atty. Manoogian, referenced page one of the latest plan submitted, specifically referencing the architectural plan on page one, the page 2 clean plan, and the page three and four PB plans. The last page is the final PB plan.

Of note: photos of the original building were resubmitted.

The Chairman asked whether this plan could be executed if some of the building was left standing.

After some discussion amongst the applicants' attorneys, Atty. Connelly said yes and Atty. said somewhat.

Atty. Connelly said that much of the original building would have been razed regardless of ZBA decision conditions.

Mrs. Duffy asked whether trees there have been saved.

Mr. Bucknell said that the trees are in his yard and were removed at the request of the PB.

Mr. Mulligan asked for clarification about how to amend the special permit.

Atty. Connelly said that he was unsure how to run the meeting but said the ZBA needed to decide whether it is a Building Inspector denial or a special permit amendment.

Mrs. Duffy wondered how to amend a special permit issued for something that now doesn't exist.

Atty. Connelly said the ZBA has the right to make a decision to amend a previously granted permit and his job is to convince the ZBA that it has that certain authority. He noted that the applicants are into site for \$460 grand.

Discussion ensued regarding what was represented to the Board and what the definition of a conversion is. Of note: a conversion/renovation was what was represented.

Mr. Prager asked who demolished the building.

The applicant hired a demo contractor who was told to demo the entire building.

Mr. Prager wondered how the whole building could be razed given the permit issued.

Discussion ensued re: what should have been done, ie coming to the ZBA before razing the building.

The applicant stressed a communication breakdown on the team.

Mr. Prager said that the PB and ZBA were on the same page that part of the building be kept.

The Applicants said they were going to raze the building from the start.

Discussion ensued regarding how this messy situation could have occurred.

Mrs. Duffy felt that she has been had.

Discussion ensued regarding how Atty. Manoogian was trying to address the whole building being razed. She the situation grew after she wrote to the Board about the building falling down by mistake. She said that she is relatively new as a lawyer and been before the ZBA only a few times. She said that she read the laws and nothing told her that the wall had to stay up for a renovation. She noted that there is no definition regarding what a renovation or reconstruction is.

Mr. Prager said that he appreciates her input but in reading the decision he doesn't understand how it could be misread.

Mr. Mulligan understands that mistakes were and noted the intent was to grant a permit for a five unit building.

Discussion ensued regarding what was represented to whom, etc.

The Chairman suggested closing the public hearing.

Atty. Connelly said the applicant has a lot at risk here. He said that he wants the Board to understand that a mistake was made and not with any intent to deceive.

The Chairman said that there is evidence of ill intent. He said that he is not accusing anyone, but merely that there is evidence.

Atty. Connelly said that \$460,000 was spent on a bad decision/mistake. He said that he would have recommended that it be done by going to the Board first but this did not happened. He said he was asking that the Board consider conditions that might make this project acceptable to both the Board and town. He noted that the Board is righteously upset but suggested what could happen.

Mr. Mulligan asked about site improvements.

The Applicants said that there is a storm water management system and underground plumbing.

Mr. Prager said that if there is evidence of deceit than the Board should not grant a permit. He said that he is not sure what was going in the heads of the applicants and noted that appearances may be deceiving but are troublesome.

Mr. Cadle said that intent is not at issue. He understands that a lot is at stake but feels uncomfortable that they get an advantage that the average person does not. He said that typically the Board does not let someone tear down a building and put up a new one. He said that this is hard because money is involved, but felt it would be difficult to vote to overturn the BI in these

circs.

The Chairman asked about possible conditions.

Mrs. Duffy said that she doesn't want to amend the decision because she was misled.

The Chairman said that it would be set a precedent if the Board allows this demo and renovation to be the same. He said that it would be changing the towns way of doing things.

Discussion ensued regarding why the applicants didn't dispute that the building was going to be kept up during the initial hearings.

The Chairman said that he wouldn't have granted a permit if known that the building would have been razed

Mr. Mulligan asked what would happen if they had determined that part of building was unsafe during the demolition.

The Chairman noted a case whereby a wall that was supposed to be left standing fell down and the applicant asked for a variance before proceeding any further. He said that he wants to determine how to proceed, ie what to ask town counsel and homework regarding what conditions could be imposed that would make him feel okay.

Of note: to ask whether it is in the Boards authority to grant the relief sought.

The Bulldog hearing was continued to 9/8/04 at 7:30 pm.

The meeting adjourned at 10:15 pm.