

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
TUESDAY, October 2, 2023
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jeremy Katz
Dan Nash, Dave Newlove, Catherine Hembree (Alt), Jennifer Barkley (Alt)

MEMBERS ABSENT: Paul McDonough

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

Chair Koppenheffer called the meeting to order at 7:00 PM.

2. APPROVAL OF MINUTES

A. September 5, 2023

Ms. Hembree was appointed as a voting member for this motion.

Mr. Katz MOVED to approve the September 5, 2023, Minutes as presented in the October 2, 2023 packet.

Seconded by Mr. Nash.

**The Vote on the Motion was (5-0).*

3. PUBLIC HEARING ITEMS

- A. Catherine Patch, 5 Mack Ave (Tax Map 73, Lot 43), zone R3 Class1:** A request for a Special Exception pursuant to section §801.3 to permit the conversion of a One-family dwelling into a Two-family dwelling pursuant to section §310 Residential Three District (R-3) requirements.
ZB2023-12-SE - Continued From 9/5/2023 Meeting

Mr. Nash is recused from this hearing.

Ms. Barkley and Ms. Hembree were given voting privileges for this hearing.

George Parker and Catherine Patch appeared on behalf of the application as well as Aaron Simpson and Laurie Pauli representing the applicant.

Ms. Patch said she is a long-term resident of Lebanon and continues to have a sincere interest in the well being of the property. She would like to add a second door to create a space that could be used by either unit. That would maintain some flexibility between the number of rooms available to either unit. The proposed second unit would have access through an outside door and through the garage. She has ensured that she has met all coding requirements and has brought things up to date. Minor changes were made to the house, and she has made several important safety improvements.

Two family buildings are permitted by special exception in this district. Laurie Pauli, architect for the drawings submitted, spoke about the plans. She testified that these improvements would be a benefit to the community and would solve some of the shortage of housing issues in the area. She is also a friend of the applicant and spoke highly of the character of the applicant.

Each of the two units would be planned for families or up to 4 members who are not related. She does not intend to create a lodging house. All leases would conform to City requirements. Ms. Patch reviewed how she has met the criteria for a special exception. She believes there are several other properties in the Zone 3 area that are two family dwellings, although not on Mack Avenue. She believes her tenants have not caused any difficulties for the neighbors.

The ordinance requires 4 parking spaces for a two-family home. There are currently 5 parking spaces available. At this time, not all the parking spaces are being used.

Ms. Patch was asked to add 3 smoke alarms by the fire department, which has been done. She feels several incorrect allegations have been made against her tenants and cannot find any evidence that supports the allegations. She feels she is making sound decisions regarding her selection of tenants and signs leases with each of the tenants. She has improved the dwelling and the appearance of the property by keeping it maintained.

Ms. Pauli described the plans for the building that were submitted. She explained where the egress would be for each unit, the size of the units, and where the windows would be sized for egress. There is an exit through the garage but it is not defined as an egress.

Separation has been defined by the applicant as a door that can be opened and closed. The Zoning Board may define separation in a different way. The fire department said the door was a separation that met fire code and the fire department's opinion of separation.

Mack Avenue is not a through street. Every house is a single-family home. Clearly what the neighbors are saying is that there are no special exceptions in that immediate area. This area has been rather exclusively maintained as a single-family area. The applicants and the members continued to discuss the nature and parameters of the location of this house.

Parking was discussed. It is a logical assumption that four adults living in a house would each have a car. With the addition of another unit, more parking could potentially be needed. Some of the parking spaces identified in the drawings are now lawn. Right now, more parking is not needed, but if it becomes necessary, Ms. Patch would create more parking as needed, including changing the front lawn. If this is the only multi-family dwelling on Mack Avenue, it would be the only house with parking on the lawn. It is believed that would change the nature and appearance of the neighborhood. The parking ordinances were reviewed by the members and the applicants.

Georgia Tuttle, a resident of 10 Mack Ave appeared. She did not receive notice of the hearing. The neighbors came to the meeting due to safety concerns about the work that was going on at the property. She appreciates the drawings that were submitted. On the 2019 plan and the more recent plan, additional walls were added. Initially there were numerous code violations. She believes some payments are required for fees that should have been paid prior to any construction and should be paid retroactively. She asked about snow storage and where it would be stored if the area that was used in the past became a parking space. There is also a sidewalk that is plowed that is not shown in the drawings. Regarding the parking spaces, she asked for clarification if the cars can be parked in a manner that jockeying cars is required to use all the parking spaces.

Kirun Sakarani believes he is a member of the class that the applicant is proposing that her property would be very suitable as a place to live for his wife and himself. He hopes the Zoning Board would grant a variance as this is a good situation for them.

Sanaa Siddiqi, spoke and offered a few clarifications. His attendance at these meetings is not intended to be vindictive. She said she was looking for a single-family home when she chose to move to this neighborhood. She also said there is a very clear boundary defining a driveway and a front lawn.

Jonathan Hastings appeared. He lives at 3 Mack Avenue. He brought up the concerns of the bon fires and said they happened on a day that there was a no-fire warning in the State of New Hampshire. He said he also called the police because there was loud noise after 11 PM. In the case where they called the police, he felt it had gone on too long and too loud. He feels that the area of Mack Avenue does not represent all of the residential areas in Lebanon. His concern is that things may not be done right or as promised, so he is still against turning the building into a 2-family home.

Sanan Siddiqi spoke again. She chose this neighborhood because it is a safe and friendly area to raise her son.

The applicants appeared again to answer any questions about the concerns of the public. Ms. Patch believes she has met all the requirements of the City and the fire department and is willing to meet any additional requirements. Attorney Simpson referenced the wall improvements that were made when she lived in the dwelling, which is a permitted right of a homeowner.

Hearing no additional comments, Chair Koppenheffer closed the Public Hearing.

The members deliberated the application. Ms. Hembree does see a need for affordable housing, but this particular area is uniquely single-family. She has a concern about parking on the grassy area. Mr. Katz believes if a series of requirements are met, then a special exception should be granted. He believes the objection may be to a history with the specific landlord, not that it could not be a two-family dwelling. He believes the Board is not here to judge the user, rather just the use. Chair Koppenheffer agreed they should not be in the business of judging the landlord. Several people and some Board members have concerns about parking in the yard that would adversely affect the nature of the neighborhood. Parking in the front yard is not acceptable.

A short recess was taken at 8:30 PM and the Board reconvened at 8:35 PM.

Mr. Katz MOVED On August 7, and October 2 2023, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Attorney Aaron Simpson, Architect Lauri Pauli, Catherine Patch and George Parker regarding 5 Mack Ave (Tax Map 73, Lot 43) zoned R-3 Class 1: Applicant requests a Special Exception required by section §310 pursuant to Section §801.3. of the Zoning Ordinance to permit the conversion of a One-family dwelling into a Two-family dwelling under Application ZB2023-12-SE

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The subject property is improved with a one-family dwelling constructed in 1920.

2. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must obtain a Special Exception pursuant to §801.3 approved by the Zoning Board of Adjustment.
3. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section 801.3 of the Zoning Ordinance.
4. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning and Development Department on May 18th 2023 additional information and testimony was submitted at the August, September and October meetings.
5. The public members that testified include Dr. Luis Alvaraz who testified in opposition, Georgia Tuttle at 10 Mack Avenue who testified in opposition, Dr. Keily Thomas of White River Junction who testified in opposition, Sanaa Siddiqi who is a tenant at 30 Dana Street who testified in opposition, Kiran Sataran of Timberwood Drive who testified in support, and Margaret Hastings and Jonathan Hastings who are abutters at 3 Mack Drive who testified in opposition, in addition to Christine Apel-Eram who testified neither for or against the application.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by §310 of the Zoning Ordinance. (§801.3.A)
2. The following special conditions/requirements **are** met (§801.3.B):
 - No Additional Criteria are Required.
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) *Staff is not aware of the existing violations that are not cured by the issuance of this special exception.*
4. The character of the area **will not** be adversely affected. (§801.3.D)

The applicant provided reasonable testimony that the character of the area will not be adversely affected. There were multiple objections by abutters that were presented. There was objection that was substantially vague objections to the user and not to the proposed plans of the use. And furthermore, supplemental filings by the applicant mitigate several of these concerns in the opinion of the Board.

5. **No** hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)

9. The general welfare of the City **will** be protected. (§801.3.I)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 7th day of August, 2023, hereby **GRANTS** the requested Special Exception per Section §801.3 of the Zoning Ordinance to allow the conversion of a One-family dwelling into a Two-family dwelling at 5 Mack Ave (Tax Map 73, Lot 43), as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, fire permit, impact fee permit, water and sewer impact and connection fees and shall comply with all applicable local, state, and federal regulations. Any prior to construction deemed not to be in compliance with the fire code for a two-family shall be upgraded to the satisfaction of the building code and fire inspectors.
2. The project shall be completed in accordance with the applicant's submitted representations and proposed operational plan and shall be attached to this order.

Seconded by Ms. Barkley.

The Board discussed the motion. The Board does approve an actual plan and specifications help staff understand the plans. They become part of the approval. The members discussed adding conditions relative to the parking and the new wall on the second floor.

Chair Koppenheffer MOVED to add the following conditions. 3. Onsite parking shall be limited to four total vehicles. 4. The barrier shown in red on the second floor in the corridor leading to the unit labeled unit 1 or 2 bedroom shall be either a door with locks on each side or a wall, thereby ensuring the separation of the two units.

Seconded by Ms. Barkley.

****The Vote on the Motion was (5-0).***

The revised final motion is stated below.

Mr. Katz MOVED On August 7, and October 2 2023, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Attorney Aaron Simpson, Architect Lauri Pauli, Catherine Patch and George Parker regarding 5 Mack Ave (Tax Map 73, Lot 43) zoned R-3 Class 1: Applicant requests a Special Exception required by section §310 pursuant to Section §801.3. of the Zoning Ordinance to permit the conversion of a One-family dwelling into a Two-family dwelling under Application ZB2023-12-SE

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The subject property is improved with a one-family dwelling constructed in 1920.

2. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must obtain a Special Exception pursuant to §801.3 approved by the Zoning Board of Adjustment.
3. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section 801.3 of the Zoning Ordinance.
4. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning and Development Department on May 18th 2023 additional information and testimony was submitted at the August, September and October meetings.
5. The public members that testified include Dr. Luis Alvaraz who testified in opposition, Georgia Tuttle at 10 Mack Avenue who testified in opposition, Dr. Keily Thomas of White River Junction who testified in opposition, Sanaa Siddiqi who is a tenant at 30 Dana Street who testified in opposition, Kiran Sataran of Timberwood Drive who testified in support, and Margaret Hastings and Jonathan Hastings who are abutters at 3 Mack Drive who testified in opposition, in addition to Christine Apel-Eram who testified neither for or against the application

II. CONCLUSIONS OF LAW

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1. The Special Exception is specifically authorized by §310 of the Zoning Ordinance. (§801.3.A)
2. The following special conditions/requirements **are** met (§801.3.B):
 - No Additional Criteria are Required.
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) *Staff is not aware of the existing violations that are not cured by the issuance of this special exception.*
4. The character of the area **will not** be adversely affected. (§801.3.D)

The applicant provided reasonable testimony that the character of the area will not be adversely affected. There were multiple objections by abutters that were presented. There was objection that was substantially vague objections to the user and not to the proposed plans of the use. And furthermore, supplemental filings by the applicant mitigate several of these concerns in the opinion of the Board.

5. **No** hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)

9. The general welfare of the City will be protected. (§801.3.I)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 7th day of August, 2023, hereby **GRANTS** the requested Special Exception per Section §801.3 of the Zoning Ordinance to allow the conversion of a One-family dwelling into a Two-family dwelling at 5 Mack Ave (Tax Map 73, Lot 43), as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, fire permit, impact fee permit, water and sewer impact and connection fees and shall comply with all applicable local, state, and federal regulations. Any prior to construction deemed not to be in compliance with the fire code for a two-family shall be upgraded to the satisfaction of the building code and fire inspectors.
2. The project shall be completed in accordance with the applicant's submitted representations and proposed operational plan and shall be attached to this order, with the following exceptions.
3. Onsite parking shall be limited to four total vehicles.
4. The barrier shown in red on the second floor in the corridor leading to the unit labeled unit 1 or 2 bedroom shall be either a door with locks on each side or a wall, thereby ensuring the separation of the two units.

Seconded by Ms. Barkley.

**The Vote on the Motion was (4-1).*

Chair Koppenheffer opposed.

Mr. Nash returned to the meeting.

- B. City of Lebanon, 5 Airpark Rd (Tax Map 131, Lot 1), zoned IND-L and 0 Hall Rd (Tax Map 159, Lot 7) zoned RL-3:** Applicant requests a Special Exception pursuant to Wetlands Conservation District Section §401.5 of the Zoning Ordinance to allow wetland impacts associated with the extension taxiway "A", safety improvements, and the relocation of a localizer antenna, shed and access road at the Lebanon Municipal Airport. **ZB2023-13-SE - Continued From 9/5/2023 Meeting**

Leslie Merrithew, Gregg Cohen, and Carl Gross appeared on behalf of the application. A visual presentation was in the packet. Ms. Merrithew is the consulting engineer. It is a safety improvement project to address several issues at the airport. She addressed several hotspots on the runway that are a problem and safety concern. There is no full-length taxi runway. Part of the current runway is used to taxi down as well as takeoff, instead of using a full-length parallel runway. To do this they would need to relocate a localizer antenna array which is a piece of equipment that allows landing in foggy conditions and issues of visibility. It is currently located in a non-standard location off the center of the runway.

There would be minor potential impacts to the wetlands. There are some grading impacts, and some removal of obstructions such as bushes and vegetation that have grown too high.

Gregg Cohen reviewed the requirements for a special exception. He said they are seeking an exception to add fill to 2.2 primary acres. A portion of the area is a drainage swale that would be completely filled and a new swale would be duplicated in another area. There would be a temporary disruption during the improvements to another 6 acres. He said there is not another area where these safety improvements can be made. Any other location would have more significant wetland impacts. This work is being done to meet the improved FAA safety standards.

They are trying to coordinate a meeting to get credit points to mitigate the disruption of the wetlands. The actual fee has not been determined. The Conservation Commission has not given final approval and they are working with the commission to proceed in a manner that is acceptable to the Conservation Commission. The plant species that are impacted would be mitigated with new plantings. A wetland permit and alteration of terrain permit have been submitted. The project is not located in a potential flood zone and all storm water drainage requirements would be met.

The Conservation Commission provides an advisory comment. The minutes from the Conservation Commission meeting were provided to the Board. Several of the criteria were not being met completely therefore they did not make a recommendation.

Chair Koppenheffer opened the Public Hearing.

Kirun Sankaran spoke on behalf of the application. The Lebanon airport should be safely operated and should not use the same runway to taxi and takeoff.

Sarah Riley, Chair of the Conservation Commission spoke to give some additional information. She believes the comments to the Zoning Board were not as clear as needed. The minutes from their meeting have been provided to the Zoning Board. Some of the purposes of the ordinance are being violated. While it is true this can only be done in this one location, the Commission believes it is important that the concerns of the Commission are heard. The intent is to provide dialogue between separate organizations within the City. There are issues with invasives, impacts to the Truesbrook watershed, and buffer areas among other things.

Hearing no one else from the Public, Chair Koppenheffer closed the Public Hearing.

Ms. Barkley was a voting member for this hearing.

Mr. Nash MOVED on October 2 2023, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Leslie Merrithew consultant with Stanton, Gregg Cohen consultant with Stanton, and Carl Gross Airport Manager with the City of Lebanon, on behalf of the City of Lebanon, 5 Airpark Road (Tax Map 131, Lot 1) zoned IND-L and 0 Hall Road (Tax Map 159, Lot 7) zoned RL-3: Applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance to allow wetland impacts associated with the safety improvements and extension of taxiway A. ZB2023-13-SE

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The City of Lebanon is constructing safety improvements and extension of taxiway A over the City-owned lots on 5 Airpark Road (Tax Map 131, Lot 1) zoned IND-L and 0 Hall Road (Tax Map 159, Lot 7).

2. The construction of the safety improvements will impact a total of 2.2 acres of wetlands.
3. The City has applied for a wetlands permit from the NH Department of Environmental Services. The wetlands permit was reviewed by the Conservation Commission at its August 10, 2023 and September 26, 2023 meetings. The City now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland impacts.
4. The Conservation Commission reviewed the wetlands application and provided a positive referral to NHDES. However, the Commission expressed an opinion that the project did not meet criteria 401.1.A, B, & C.
5. Sarah Riley, Chairman of the Conservation Commission spoke further at the Commission's concern.
6. Kirun Sankaran spoke in favor of the project.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in Section 401.5 of the Zoning Ordinance:

1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District. (§401.5.A)

Airport design regulations do not allow flexibility for alternate location of improvements.

2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)

The airport is a designated Federal use and alternate uses are not allowed.

3. The design and construction of the proposed use **is** consistent with the purpose and intent of §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will** be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands (§401.5.C)

The NHDES process incorporates the United States government Corp of Engineers (USACOE), and EPA, and United States Fish and Wildlife review input to ensure adequate conservation measures are taken.

4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of lines and, therefore, is not applicable.
5. The proposed use **will not** create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason. (§401.5.E)

The NHDES and Federal permitting process thoroughly address these concerns.

6. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. (§401.5.F)

The permits have been applied for and the project will not proceed until they are obtained.

7. The project is capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and will be implemented in a way which conforms to those practices (§401.5.G)

The project will be required to obtain an Alteration Terrain Permit which mandates adherence to best management practices.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of October, 2023**, hereby **GRANTS** the requested Special Exception, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

Seconded by Mr. Katz.

**The Vote on the Motion was (5-0).*

- C. **AAM Lebanon Residences, LLC, 25 Foothill Street (Tax Map 24 Lot 14, Plot 100), zoned IND-L:** The subject property is located within the Altaria Planned Unit Development (PUD) and is currently improved with a hotel which the applicant proposes to convert to a 120-unit multi-family dwelling. Per Section 501.4.D of the Zoning Ordinance, the Altaria PUD may include a maximum of 34 dwelling units, 33 of which have been constructed at 18 Merchant Street. To allow the proposed change of use at 25 Foothill Street, the applicant requests a Variance from Section 501.4.D to allow 119 additional dwelling units, whereas only one (1) additional dwelling unit is allowed pursuant to the permitted residential density for the Altaria PUD. **ZB2023-16-VAR**

Chair Koppenheffer suggested that the application is not complete. Several plans have not been submitted, including a current and a proposed site plan, and a parking plan, and there is no traffic report. Therefore, the hearing should be continued.

Mr. Katz suggested that the applicant decides when the application is complete, and it is up to them to provide all the necessary information or so to speak, suffer the consequences. If the applicant would like to proceed it will be allowed.

Tom Chesnard, Attorney, appeared representing the applicant. They are happy with a continuance. He asked if they would be first on the next agenda. Unless there is a very simple matter to dispense with, they will be first. There would be no additional notice requirements.

Ms. Barkley was given voting privileges for this hearing.

Mr. Newlove MOVED to continue this hearing to November 6, 2023.

Seconded by Mr. Nash.

****The Vote on the Motion was (5-0).***

4. REQUEST for REHEARING

- A. Cicotte Holdings, LLC, 51 Evans Dr (Tax Map 78, Lot 40), zoned RO-1:** Motion to rehear an appeal dismissed due to lack of subject matter jurisdiction by the Zoning Board on August 7, 2023, pursuant to Section 802.5 of the Zoning Ordinance, appealing the Zoning Official's Notice of Violation and Administrative Decision pursuant to section §801.1 Administrative Appeals, that the property is not in the flood zone, that the parking area is grandfathered, and deadlines demanded by the City are unreasonable. **ZB2023-11A-AAD**

Mr. Nash recused himself.

Although this is a request for a rehearing, this essentially cannot be a rehearing because the decision that was reached at the last hearing was that the Board did not have jurisdiction. It is a request for reconsideration. No testimony is taken, the Board simply considers if they were right in deciding they have no jurisdiction, or do they want to reconsider that they did have jurisdiction and therefore schedule a hearing in this matter. A solicitation of legal counsel was previously obtained regarding the matter.

Ms. Barkley and Ms. Hembree were voting members for this hearing.

Mr. Katz made a motion to move to nonpublic discussion to discuss the opinion from legal counsel at 8:55 PM.

Seconded by Mr. Newlove.

****The Vote on the Motion was (5-0).***

The Board returned at 8:58 PM.

The question about reconsideration was discussed.

Mr. Katz MOVED to deny the request for reconsideration.

Seconded by Chair Koppenheffer.

****The Vote on the Motion was (5-0).***

Mr. Nash returned to the meeting.

5. STAFF COMMENTS

Mr. Nash said they should consider having two meetings in a month. Because in the event there is an exceptionally long meeting, one applicant has to wait another whole month before bringing forth their application. It will be discussed in the future.

6. ADJOURNMENT

Mr. Katz MOVED to adjourn the meeting at 10:00 PM.

Seconded by Mr. Nash.

****The Vote on the Motion was approved (5-0).***

Respectfully submitted,
Linda Billings, Recording Secretary