

**TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT**

Municipal Building

Monday, January 9, 2023

7 p.m.

In attendance: Chair Bernie Volz, Jean Meloney (Vice Chair), Members Karen Ponton, George Lamprey and Stephany Marchut Lavallee. Alternate Members Timothy Nefores and Alison Toates. Clerk Linda D’Auria. Member Greg Hime was absent without notice.

Public attendance: David Harrington, Paul Nardone and David Krumsiek.

The meeting was called to order at 7:00 p.m.

- **Chair Volz** elects to move past item I, the approval of the December 12, 2022 minutes until after the scheduled hearing.

Voting Members for Case: Bernie Volz, George Lamprey, Jean Meloney, Stephany Marchut Lavallee and Karen Ponton.

Case 2022-1210.A - Amendment to a Special Exception -- Article 9 Section 4 -18 Main Street
Coe Winners, LLC - Map 102-060 Lot 014

Chair goes through the protocol for those in attendance. Clerk provides the case details which is contained in the case file for this hearing. Chair turns the meeting over to the applicant.

Applicant goes over what steps he has taken over the past few months in regards to meeting with the Code Enforcement Officer, Fire Marshall and Fire Chief to have the building up to code for the increased number of seatings requested. The board received a packet with all plans, correspondence and had the building looked at by his architect should the Amendment be granted

Chair asks if anything else should be added, or if there is anyone that would like to speak in favor?

David Krumsiek, co-owner of the property commented that the other abutters were in favor of this proposal. Paul Nardone, who is on the Condo board for Senters Market Plaza also was in favor and said he has only heard positive comments from abutters as well

In regards to the renovations to the building, as it is a Historic Landmark in the town. Coe Winners, LLC have maintained and updated the building keeping it in good repair while maintaining the original “look”, they have also done some upgrading the landscaping around the building.

Chair leaves the hearing open and the Board goes into the discussion

Three questions must be answered to decide whether or not a special exception can be legally granted:

1. Is the use one that is ordinarily prohibited in the district?
2. Is the use specifically allowed as a special exception under the terms of the ordinance?
3. Are the conditions specified in the ordinance for granting the exception met in the particular case?

Chair asks if someone would like to make a motion for increasing the seating capacity to 250 seats, 50 being outside?

Motion by Karen Ponton to grant the special exception as requested by Coe Winners, LLC to increase the seating capacity to 250 seats, inclusive of 50 outside because:

1. The 3 conditions identified for a special exception have been met.
2. The applicant has gone through due diligence with the Town (Planning Board, Fire Department, Code Enforcement).

George Lamprey seconded the motion. All were in favor.

Other discussion:

- The board went over some updates and corrections submitted by the Chair to the Zoning Board By-Laws. It was decided to forward the updates to Attorney, Laura Spencer to go over and make any other needed changes. Once the updates have been received, they will be brought to the next Zoning Board meeting for approval.

Minutes:

- Motion to accept the minutes from December 12, 2022 with one correction was made by Stephany Marchut Lavalley, Karen Ponton seconded the motion. All were in favor.

ADJOURNMENT: Motion to adjourn by Chair Volz and was seconded by Karen Ponton. All were in favor. Meeting adjourned at 8:15 p.m.

- Next meeting is tentatively scheduled for February 9, 2023 at 7 p.m.

Respectively submitted:

Linda D'Auria, clerk