

3-8-2019

Hi Beth,

Fritz and I spoke with the Town's lawyer yesterday. He told us that he doesn't believe there's an authority to grant a one-time exemption, (i.e., that neither the Select Board nor Planning Board has the authority to grant an exemption from an issued CUP). He advised that doing so would open the town up to claims that it selectively/wrongly enforces conditions.

He offered that if you wish to have more guests than now allowed by the CUP, you'd need to apply to amend the CUP and the public hearing process would need to be followed. He also recommended that when considering a change in numbers, the Planning Board should also consider related issues such as parking, septic, etc.

I'd also offer that, while I highly doubt any of us want to rework your entire CUP just to consider a higher guest limit, there's no guarantee that other issues wouldn't be brought up since it is an open, public process.

Please let me know if you'd like to go ahead and apply to amend your CUP. As mentioned, the next real opportunity to hold a public hearing would be at our meeting on 3 April. To meet that date, I'd ask that the application and completed abutter form be submitted by 18 March.

In case you do want to go ahead, I've attached the CUP application, abutter form (I don't think we had that when you first applied), and the CUP processing checklist (I don't think we had that either). Please note that the processing checklist is used by the board to be sure required items are covered, but it's also a good FYI for applicants.

I understand that this isn't the answer you were hoping for, but at least it's definitive and I hope it helps at least somewhat.

Mark

cc:

PB Vice Chair

PB Professional Consultant

PB Ex-Officio

Town Administrator