



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

Zoning Board of Adjustment
Draft Minutes
January 11, 2011

Board Members

Mark Samsel – Chairman
Tom Murray – Vice-Chairman (Absent)
Dianna Fallon – Secretary
Elizabeth Dunn – Member
Heath Partington – Member
Jim Tierney – Alternate
John Sycamore –Alternate
John Alosso – Alternate (Absent)
Mike Scholz – Alternate (Absent)

Staff

Laura Scott – Community Development Director
Tim Corwin – ZBA/Code Enforcement Administrator

Jim Tierney was seated for Tom Murray.

Public Hearing - Continued from 11/23/10 ZBA Meeting

Lot 1-A-36, Case # 62-2010

Applicant/Owner – Howard Young
Location – 170 Londonderry Road
Zone – Rural District

A variance is requested from Section 602.1 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit a dog day care and overnight boarding business where commercial uses are not permitted in the Rural District.

The case was read into the record by Dianna Fallon, Board Secretary.

It was noted that the applicants were not in attendance at the meeting and there has been no contact with them in the last few weeks by staff, however they were notified of this meeting.

At the November 23, 2010 ZBA meeting, the case was continued until tonight to give the applicants time to apply for a Conditional Use Permit for a Home Occupation. However, there was no application filed with the Community Planner as of today.

Jim Tierney stated that another reason that the case was continued was that the ZBA was interested in additional information to make an informed decision. Since that information was not provided, he stated that he feels the application should be denied without prejudice.

Betty Dunn made a motion to Deny without Prejudice application #62-2010 for Lot 1-A-36.

Dianna Fallon stated that there are 2 letters in opposition to the application and read them into the record.

Mark Samsel asked if this application should be denied outright since there is opposition to the application. Betty Dunn stated that since there has not been an answer to the Customary Home Occupation question, therefore denying it outright would not give the applicant the opportunity to come back to the ZBA to seek relief.

Jim Tierney and Heath Parrington agreed that to deny without prejudice is a better option for this application because of the outstanding questions on the Customary Home Occupation.

Tim Corwin outlined options available to the applicant at this point.

Jim Tierney seconded the motion made by Betty Dunn. The Board voted 5-0 to Deny without Prejudice.

Public Hearings - Continued from 12/14/10 ZBA Meeting

Lot 21-Z-264, Case #67-2010

Applicant – William R. Mason, Esquire

Owners – Leslie Crook

Location – 6 Horne Road

Zone – Residence District A, Cobbetts Pond Watershed Protection Overlay District

Applicant proposes to subdivide an existing lot into two lots, neither having frontage on a public street, and one lot not having the minimum required area. Variances are requested from Sections 401 and 702/Appendix A-1 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit the subdivision of a parcel of land into two lots where (a) both lots will have frontage on a public street of 0 ft. where minimum frontage of 175 ft. is required; and (b) one lot will have an area of 35,109 sq. ft +/- where 50,000 sq. ft. is the minimum required.

Dianna Fallon read the case into the record.

Bill Mason, representing the property owner, provided historical information on the parcel and the original lot layouts. In 1986 the 2 lots were merged through the Planning Board process with the 2 existing structures in place. The proposal is to subdivide the parcel back into two lots, demolish the accessory structure and build a new home on that lot. Pictures of the property and the 2 structures were provided in the ZBA packet for the Board to review.

Bill Mason showed the existing conditions, layout, and dimensions of the parcel and structures on sheet one of the plan set. Sheet 2 of the plan set shows the proposed conditions of the site and sheet 3 of the plan set shows the proposed dwelling.

The applicant consulted with the abutters prior to the plans being submitted to try to mitigate any impacts of the proposal to the abutters, including the location of the structure, providing adequate buffers, and placement of the well and septic systems.

The current property deed describes this property as 2 parcels and it has been functioning as 2 parcels even though the lots were merged by the Planning Board in 1986.

The applicant is in receipt of their Shoreline permit, septic approval, and subdivision approval by the NH Department of Environmental Services. In addition, the NH Natural Heritage Bureau records were checked and there were no issues or impacts found.

Mark Samsel asked about the coverage of the lots and Bill Mason stated that the existing building is 24x20 with a 15x24 deck. The new building will be 32x36 and is well below the lot coverage requirements of the Zoning Ordinance.

It was noted that in 1992, a Variance was denied to remodel the guest house in the space above the garage, which Attorney Mason has stated is done.

Bill Mason read the 5 points into the record.

Mark Samsel asked if there were any questions from the Board of the applicant.

Betty Dunn asked for more information about the 1992 Variance application. Dianna Fallon and Tim Corwin explained the information that they found while looking through the property records. It appears that the 1992 Variance was denied but building permits were issued anyway. A thorough analysis was not done to see what was specifically requested of the ZBA and what was approved by the Building Inspector.

Bill Mason explained that the current owner did not make the 1992 application to the ZBA or the improvements to the property. The way the property is currently is how the current owner acquired it.

Betty Dunn asked how much higher will the new structure be. Bill Mason stated that the height of the structure will be as high as the building code allows. However, the new structure will not block the views of any of the neighbors.

Bill Mason went on to explain the proposed layout of the new structure and how it fits with the surrounding lots and the proposed screening. The plans in front of the Board are what was provided to the abutters and what will also be given to the Planning Board for their review.

Mark Samsel opened this application to the public. None being heard, a motion was made by Heath Partington to go into deliberative session. Dianna Fallon seconded the motion. Vote 5-0.

Deliberative Session, Case 67-2010

The Board entered the Deliberative Session based on testimony provided and the five points as read into the record.

Heath Partington stated that this application was creating an undersized lot but that the new building would meet the setback requirements. The existing structure, utilities, and septic make the property unique because they are already there but does not seem to have been done correctly.

Jim Tierney stated that an accessory structure with room above that was converted to dwelling unit on an undersized lot creates a burden to the area. Dianna Fallon agrees with Jim Tierney.

Jim Tierney stated that the lots may have been merged in order to have the accessory structure because you cannot have an accessory structure on a lot without a primary structure as well. The merger may have been the way to have a garage.

Mark Samsel asked Tim Corwin what would happen if variance was denied. Tim Corwin stated that this would become a code enforcement issue and possibly a building code/life safety issue to be dealt with.

Mark Samsel stated that his concern is that the property has been used a certain way for a long time and there is the possibility of estoppel because of the actions of the Town in the past. He feels that the benefits of approving the application are better than the negatives of denying the variance and possible consequences.

Betty Dunn does not feel that the code enforcement issues or the impacts on the Town are something that the ZBA should use in their consideration.

Mark Samsel feels that this application meets the five points.

Betty Dunn asked if there would be more to gain if a more thorough analysis of the file was done by staff.

Dianna Fallon stated that the information in the file is only useful if the Board is taking the history into account when reviewing the 5 points. Heath Partington stated that he feels that the history is the only uniqueness of the property that he can find.

Jim Tierney stated that if it is currently being used illegally that it should not matter in deciding whether or not to approve an application that will make a non-conforming lot with a new structure on it. How code enforcement handles the issue is not the ZBAs issue. The record shows an accessory structure that was used seasonally and the proposal is to tear it down, put in a new year-round home, and create a non-conforming lot.

Motion made by Betty Dunn to continue the case to the January 25, 2011 meeting in order to have more information on the history of the property by staff. Second by Heath Partington. Vote 4-1 with Jim Tierney opposed.

Lot 19-B-912, Case # 68-2010

Applicant/Owners – Robert and Pamela Lundquist

Location – 2 Winter Street

Zone – Rural District

The property is used as a residence and as an Alpaca farm. Applicants periodically operate a retail/gift shop within the residence, selling miscellaneous consumer products related to the Alpaca farm use. A variance is requested from (a) Section 602.1 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit a retail store use where commercial uses are not permitted in the Rural District; and (b) Section 706 to permit a 3.5 ft. x 2 ft. temporary sign advertising the retail/gift shop operation to be displayed on the property on days that the retail/gift shop operates, where temporary signs for commercial uses are not permitted in the Rural District.

Dianna Fallon read the case into the record and then recused herself from the case. Jonathon Sycamore was seated in her place.

Tim Corwin explained the code enforcement actions brought to date on this property and why he determined that the use did not meet the Customary Home Occupation criteria.

Betty Dunn questioned why the 35% related to roadside stands does not apply where the applicant has a room in the house for retail sales. Tim Corwin explained that in his opinion, in order to qualify as a "roadside farmstand" under state law, the sales would need to take place outdoors by the road, and not within a room in the house. Mr. Corwin noted that, nevertheless, the Applicants told him that they could not meet the requirement that 35% of the goods sold are made from products produced on the farm.

Wendi Lundquist, daughter of the applicants, gave a presentation on their current operation. They currently use a room in the home for retail sales and have open houses for the public in the fall and winter months. The applicant brought examples of the products they sell, a picture of their proposed sign, and pictures of alpacas for the Boards information.

The applicant read the 5 points into the record

Mark Samsel questioned why this would not be a Customary Home Occupation. Tim Corwin explained that the Customary Home Occupation Ordinance does not allow for additional parking areas for Customary Home Occupations more than what would normally be there for a residential use. With a retail store and the open houses there can be many customers on the site at a given time, which requires additional parking. He also felt that the alpacas and the trailers, which have since been moved, are outside storage of material, which are not allowed.

Mark Samsel asked if this falls into the agricultural uses allowed. Tim Corwin stated that the applicant cannot meet the 35% requirement.

Betty Dunn felt that the exterior storage is not a valid point but that the 35% of sales is the issue.

Mark Samsel is concerned that if a variance is granted that the use could expand.

Jim Tierney asked how big is the room that is used for retail sales? The applicant stated that a room approximately 350 sq. ft. is used, which is the same room that is used for child care business.

Jim Tierney asked how many cars can fit in the driveway safely? Approx. 16 can park along the current driveway.

Mark Samsel asked if buses visit the site and how many animals are there? It was stated that no buses visit the property and there are usually a maximum of 20 animals at any given time.

Betty Dunn asked how many days a year are there open houses? It was stated that there are approx. 10 per year. Betty Dunn continued and asked that if there were a restriction on the open house/retail sales days, would 12 be ok? The applicant stated that would be doable. Betty Dunn confirmed that these would be Fall and Winter/September-December only? That applicants were agreeable.

Mark Samsel asked why the applicants waited two years to come before the ZBA for the variance when they were informed in 2008 of this requirement? The applicant stated that they did not realize that open houses and small retail would need this type of approval. In 2008 they were looking to do a permanent retail store.

Mark Samsel asked staff if there had been any complaints from neighbors? Tim Corwin said no.

Betty Dunn made a motion to go into Deliberative. Heath Partington seconded. 5-0

Deliberative Session, Case 68-2010

The Board entered the Deliberative Session based on testimony provided and the five points as read into the record.

Heath Partington felt that if the ZBA limits the commercial use in the rural zone too much he is worried that they will not be successful. He does feel that the uniqueness requirement has been met.

Betty Dunn feels that the 5 criteria have been met and since the use is so close to what is allowed by Customary Home Occupations and Agricultural uses that to not approve the Variance would be an injustice.

Mark Samsel wants to restrict the types of retail sales to agricultural products. This is his only concern. And he would be comfortable with approval with conditions.

Johathan Sycamore stated that this is the type of business that you would expect to find in the rural zone.

Jim Tierney has concerns about the sign and wants to limit the sq ft of the retail area in the house but has no issues with being open only on weekends or whether it is seasonal or not. It is their private home and he feels that they can be open when they want. Technically, this is not an accessory use but it is not excessive. Limiting # of days or hours is a code enforcement nightmare while limiting the sq ft of retail space is easier to enforce.

Jim Tierney want to make sure that the sign is placed on their property and not in town right-of-way and only when the business is open.

Betty Dunn made a motion to approve the variance with the following conditions:

- A majority of the retail sales to be agriculturally related products;
- All retail sales are to be inside the residence in an area not to exceed 350sq ft;
- Open houses and retail sales are allowed to take place during the months of September-December;
- Sign, per the picture provided, is allowed only during hours of operation on their property with a Temporary Sign permit; and
- Hours of operation are to be 10am-5pm Saturday, Sunday, and holidays.

Jim Tierney seconded the motion. The motion passed 5-0.

New Public Hearings

Dianna Fallon returned to the Board.

Lot 13-A-196, Case #63-2010

Applicant – Edward N. Herbert Assoc., Inc.

Owner – Abaco Real Estate Enterprises, LLC

Location – 5 Industrial Drive

Zone – Limited Industrial District

A variance is requested from Section 606.1 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit a daycare facility to use a portion of the existing building, where daycare facilities are not permitted in the Limited Industrial District.

Dianna Fallon read the application into the record.

Mr. Peter Zohdi of Edward N. Herbert Assoc., Inc., representing the owner, presented the case. Mr. Zohdi described the proposal and stated that 2,000 sq ft of the building will be used for the daycare facility. Ralph Valentine, a Commercial Broker representing the tenant, Green Sprouts, stated that approx 20 children will be in the facility, which will have an industry accepted eco-friendly certification which requires a focus on eco-friendly construction, facilities, and materials. The location of the daycare facility was shown on the plans.

Mark Samsel asked whether this certification will be conducive to the other users in the building. Mr. Valentine stated yes and that the largest user of the facility is a medical office space.

Jim Tierney asked whether there will be any retaining wall or additional drainage structures? Mr. Zohdi explained the drainage facilities and the layout of the lot. Jim Tierney asked whether sheet drainage will impact the outside play areas? Mr. Zohdi noted that the application will be going back to the Planning Board because of the outside play area.

Mr. Zohdi read the 5 points into the record.

Betty Dunn asked what the previous variances were granted for; Mr. Zhodi replied that relief was granted from the 50' residential buffer requirement.

Dianna Fallon asked a question to staff about Planning Board support of allowing daycare facilities in the industrial zone. Laura Scott explained that during a Planning Board town meeting workshop

a proposal was made to include daycare facilities in the industrial zone but it was not included. The Planning Board did not move forward on non-residential zoning amendments so there was no public hearing.

Dianna Fallon made a motion to go into Deliberative Session. Heath Partington seconded. The Board approved the motion 5-0.

Deliberative Session, Case 63-2010

The Board entered the Deliberative Session based on testimony provided and the five points as read into the record.

Heath Partington agreed that 4 of 5 criteria are met, but questioned whether the application met the uniqueness criteria. Jim Tierney noted that a daycare facility across the street was approved by variance and does not negatively impact the neighborhood. Betty Dunn noted that it is not unheard of to have daycare facilities included in industrial areas. These are usually found as accessory uses. However, Ms. Dunn questioned how the application meets the hardship criteria.

Betty Dunn asked what happens if the neighboring property is proposed to be used in a way that is a negative impact to the daycare facility? Mark Samsel does not believe that anything that is allowed in this district and meeting the requirements of the ordinance would be anything so noxious.

Dianna Fallon stated that having children within a work environment is a good thing, but asked how does a new building have a hardship filling the space with allowed uses? The other issue is with the Planning Board's unwillingness to include daycare facilities in this district at the workshop.

Mark Samsel feels the hardship is that it is not an allowed use in the district and has no issue with the request. Betty Dunn stated that she likes the idea but that is not part of the criteria. Jim Tierney noted that he wishes the daycare facility was on the other side of the building.

Mark Samsel stated that the question is whether the proposed use is reasonable. Betty Dunn stated that the application meets the second part of the hardship criteria, but that the first part is the issue.

Jim Tierney made a motion to grant case 63-2010 per plans submitted. Dianna Fallon second.

Betty Dunn asked Jim Tierney how does it meet the hardship criteria? Jim Tierney noted that the applicant stated that the daycare facility across the street is in the same zone and that he feels if other uses are allowed in close proximity and it is reasonable then it meets the hardship. Betty Dunn asked whether this reasoning creates a slippery slope? Mr. Tierney replied that it does to some extent and that is why he does not take these applications lightly. Mr. Tierney stated that it must be reasonable in the area where it is proposed. Mark Samsel agreed with Mr. Tierney.

Jim Tierney stated that his only concern is how it would impact the residential use but he did not hear any concerns from the public.

The Board voted 4-1 to approve the motion. Heath Partington voted against the motion because the application does not meet hardship criteria and nothing distinguishes it from the other properties in the area.

Lot 11-C-13, Case #1-2011

Applicant – Edward N. Herbert Assoc., Inc.

Owner – Indian Rock Realty, LLC

Location – 91 Indian Rock Road

Zone – Commercial District A, Wetland and Watershed Protection District

Applicant proposes to construct an addition onto the existing office building which will add 36 feet onto the back of the building. A variance is requested from (a) Section 601.3 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit a portion of the addition to extend into the Wetland and Watershed Protection District which does not permit office buildings; and (b) Section 702/Appendix A-1 to permit the addition to be located 31 feet front from the property line along Indian Rock Road where a minimum of 75 feet is required.

The case was read into the record by Dianna Fallon

Mr. Peter Zohdi of Edward N. Herbert Assoc., Inc., representing the owner, presented the case and provided background information on the property. A copy of the NHDOT proposed reconfiguration of Rt 111 was provided to the Board for their review.

Dianna Fallon asked about the creation of the WWPD because of the work that NHDOT has done in the area of the parcel. Exhibit A was submitted which shows the parcel in 1997 with no WWPD on the lot.

The 5 points were read into the record by the applicant

Heath Partington asked what is the impact on WWPD? Mr. Zohdi stated that during construction 4500 sq ft of the WWPD will be impacted. Mr. Zohdi further stated that the addition is 3800 sq ft., the current building is 4000 sq ft, the construction will be approx 15 ft from the edge of the wetland, and that they will demonstrate to the Planning Board that they meet all of the requirements of the WWPD.

Ms. Dunn asked whether this addition will require additional parking. Mr. Zohdi stated that the nature of the business is for most of the employees to work off site. Much of the building is used for flexible office space and product storage.

Mr. Tierney asked whether the drainage from the new Rt 111 is going away from the building? Mr. Zohdi stated that at this point in time no, but the NHDOT plans can always change. Heath Partington stated that in 1986 a variance was granted from WWPD but that later applications made no mention of a WWPD.

Mark Samsel opened the application to the public.

Patrick Nysten, a Town resident near the intersection of Range Road and Indian Rock Road, reviewed the application and feels that this is the only feasible location for an addition. The owners have tried to make the building attractive and fit within the community. Mr. Nysten supports the proposal.

Dianna Fallon read into the record a letter from Richard Armstrong supporting the proposal.

Barbara Dooley of 7 Heron Cove stated that the property used to be improved with a single family home and has been redeveloped over the years. Ms. Dooley disagrees with Mr. Zohdi's assertion that in 1997 the property was not in the WWPD. The entire area is WWPD that goes into Heron Cove Brook and then into Cobbetts Pond. Nothing on the plan shows well or septic. There will be additional impervious surfaces and thus, more runoff into the pond. She is concerned about the sill and runoff from the NHDOT site and this plan. Could the building be built up instead of out to lessen the impact on the WWPD? Are there sections of the Pond ordinance that they will not be in compliance with?

Mr. Zohdi stated that it is their burden to prove to town staff, engineer, and NHDES that they are meeting all the requirements. Mr. Zohdi noted that the existing septic is under the parking lot, the well is on the other side of the building, and the propane tank will not have to be moved.

Ms. Dunn made a motion to continue the case until the Conservation Commission has a chance to review. Dianna Fallon seconded.

Jim Tierney agreed that the Conservation Commission should review it.

The Board voted 5-0 to continue the case to the 1/25/11 ZBA meeting to allow the Conservation Commission to review and comment.

Lot 18-L-450, Case #2-2011

Applicant – Edward N. Herbert Assoc., Inc.

Owner – Ruth Bohne

Location – 43 Range Road

Zone – Professional, Business, & Technology District

A variance is requested from (a) Section 706.4.2 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit a freestanding sign advertising Delahunty Nurseries & Florists where signs advertising off-premise businesses are not permitted; (b) Section 706.6 to permit a 51 sq. ft. freestanding sign where a maximum of 20 sq. ft. is permitted; and (c) Section 706.6 to permit the freestanding sign to have changeable copy where changeable copy is not permitted.

Dianna Fallon read the case into the record.

Mr. Peter Zohdi of Edward N. Herbert Assoc., Inc., representing the owner, presented the case. Mr. Zohdi explained how the Bohne lot and the Delahunty lot is configured and the road layout. The application is to place the freestanding sign for Delahunty at the corner of 111 and Delahunty Drive to give the public better directions. There will not be any line of sight issues. The existing sign will be moved.

Heath Partington stated that the issues are two-fold: the location of the sign and the size, not just the location of a sign on a different property.

The 5 points were read into the record.

Jim Muller, abutter, was concerned about the proposed sign. He does not have issues with moving the current sign but wants to make sure that a flashing neon sign will not be there.

Jay Yenacco, business owner, stated that he is looking to upgrade the sign but to keep it the same size and configuration. There is an access issue but also a safety issue with people stopping in the road because the public can not find the access to the business. Mr. Yenacco wants to have lights on the sign and is ok with external illumination.

Dianna Fallon made a motion to go into Deliberative. Heath Partington seconded. The Board approved the motion 5-0.

Deliberative Session, Case 63-2010

The Board entered the Deliberative Session based on testimony provided and the five points as read into the record.

Mark Samsel stated that he feels that all the 5 points have been met and that this may be one of many issues like this coming to the ZBA because of actions by NHDOT. Ms. Dunn thinks this is a unique situation because of the state's actions.

Betty Dunn asked if this would have to go to the Planning Board and Ms. Scott confirmed that it would.

Heath Partington made a motion to grant Case #2-2011 for a variance from Section 706.4.2 and Section 706.6 to allow a sign of the same size and type per plan submitted.

Jim Tierney noted that the application lists existing and proposed regulations because the application was submitted after the posting of the proposed sign ordinance. Ms. Scott and Mr. Corwin clarified that only the current sections of the ordinance were listed in the hearing notice because the section of the proposed ordinance that applicant asked for relief from merely clarifies the language of the existing ordinance and does not contain additional requirements that the applicant requires relief from.

The Board approved the motion 5-0.

Lot 16-D-14, 25 North Shore Road, Case #60-2010 – Request for Re-Hearing

Chairman Samsel asked whether the Board could continue deliberations on this matter. The Board looked at the statute and concluded that they are required by statute to hear the application tonight.

Chairman Samsel suggested that they address each paragraph of the letter from Mr. Joseph Maynard of Benchmark Engineering, representing the applicants, to determine whether new evidence has been presented or whether a technical error was made.

Chairman Samsel read the first paragraph of the letter and asked whether the Board had any comments. Ms. Dunn stated that the basic purpose of the ordinance is to have single family dwellings, 1 per lot. Nowhere does it say more than one dwelling per lot. Mr. Tierney stated that they can choose to have an apartment within their home. Chairman Samsel noted that Mr. Maynard

cites the Keene case, Malachi v. Glen, and makes three points regarding the contrary to the public interest criteria. Mr. Tierney noted that the applicant could have built a larger home. Ms. Dunn noted that that would have been impossible because of the lot, but that's the reality of the lot. Mr. Tierney stated that this is a newly designed property and they could have created it so that it complied with the ordinance. Here, the applicants want to get a separate dwelling. Mr. Partington noted that the \$100k issue is new. Mark Samsel stated that there were no technical errors and that the \$100K is not new information.

Chairman Samsel read paragraph 2 and stated that the Board had already addressed these issues and that no technical error was made nor was any new information presented.

Chairman Samsel read Paragraphs 3 and 4. Mr. Partington stated that no one on the Board used these as reasons for denial and therefore, points three and 4 are moot. Chairman Samsel agreed.

Chairman Samsel read paragraph 5 and stated that the Board already addressed the financial issue. With respect to criteria 5(a)(ii), Ms. Dunn stated that it's not an allowed use. Separate apartments are not allowed uses. So no new information, no technical errors made.

Ms. Dunn stated that the number of homes that have accessory uses is irrelevant because presumably they meet the criteria, this does not, plus they may be historical; they may predate the ordinance.

Mr. Partington did not think it mattered that none of the abutters opposed the application.

Mr. Partington motioned to deny the rehearing request for case 60-2010. Second by Dianna Fallon. The Board approved the motion 5-0 finding that no new material information was presented and no technical error was made by the Board.

Review and Approval of December 14, 2010 Draft Meeting Minutes

Mrs. Dunn motioned and Mr. Partington seconded the motion to approve the December 14, 2010 minutes. **Motion passed 4-0**, with Mr. Tierney abstaining.

Continuation of Deliberations re: Changes to ZBA Bylaws

The Board agreed to continue deliberations on the Applicant Withdrawal, Applicant Continuance and Board Initiated Meeting Changes draft by-law language to the next meeting.

Adjournment

Ms. motioned and Mr. Partington seconded the motion to adjourn. **Motion passed 5-0.**

The next meeting of the Zoning Board of Adjustment is scheduled for January 25, 2011 at 7:30 PM in the Community Development Department.

These minutes are in draft form and are submitted for approval by Laura Scott and Tim Corwin.