



COMMUNITY DEVELOPMENT

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

Draft Zoning Board of Adjustment Minutes June 12, 2012

Board Members:

Mark Samsel, Chairman - Present
Heath Partington, Vice-Chairman - Present
Elizabeth Dunn, Member - Present
Jim Tierney, Member - Present
Jay Yennaco, Member - Present
Mike Scholz, Alternate – Excused
Mike Mazalewski, Alternate – Present
Tony Pellegrini, Alternate - Present

Staff:

Nancy Prendergast, ZBA/Code Enforcement Administrator
Cathy Pinette, ZBA Minute Taker

Call to Order/Attendance

Chairman Samsel called the meeting to order at 7:33 pm, introduced the Board Members and staff, and explained the meeting process. He welcomed the new alternates.

Lot 25-G-20, Case #21-2012

Applicant – Edward N. Herbert Associates, Inc
Owner – Crayton Irrevocable Trust of 1999 – Lucille Crayton, Trustee
Location – 30 Marblehead Road
Zone – Residential A

The following variances are requested from the Zoning Ordinance to permit the existing lot to be subdivided into three lots: Section 702 and Appendix A-1 – to allow one lot 141.83' frontage where 175' is required.

Ms. Dunn read Case #21-2012 into the record. Ms. Dunn read the abutter list. Ms. Dunn read a letter from Mr. Peter Zohdi, that came in after the agenda was posted, asking for a postponement of Case #21-2012 due to the fact that their client would like to attend the meeting but was currently in the hospital.

- Ms. Dunn stated this would normally be alright but she wanted to see if there was anyone in the audience that was here for the case. Mr. Tierney stated it would be the first case at the next hearing.

- Mr. Ed Crean, 5 Canaberry Road, asked where he could get the information for the case. Mr. Zohdi stated the information is available at the Community Development Office or he could email it to him.
- Mr. Zohdi asked for date specific for the Case.

Mr. Partington motioned to move Case #21-2012 to June 26th, seconded by Ms. Dunn. Motion passed 5 – 0.

Application for Re-Hearing: Case #14-2012, Lot 17-L-82, 3 Grove St.

- The Chairman stated that he received a letter from the applicant's representative. Ms. Dunn read the letter into the record. Mr. Maynard, representing the applicant could not attend due to a previously scheduled appointment and that one of the Board members who was part of the original hearing (Mr. Scholz) is unable to be present at tonight's hearing, he would like all the original members who voted to be present.
- Mr. Partington asked if anyone was in the audience for this case.
- Mr. Steven Serian, 3 Grove Street, the owner of the property, stated he was ok with the hearing being postponed.
- Mr. Yennaco asked if this situation comes up in the future and a Board member is not available who was on the original vote, is this a valid reason. The Chairman stated you would like to have the original Board members but it is not a requirement.
- Ms. Dunn stated that we have two new alternatives this evening and they are not up to speed on the case.
- Mr. Tierney stated that he was the member that Mr. Scholz stood in for at the original hearing and he will reject the request for a new hearing.

Mr. Partington motioned to move Case #14-2012 to June 26th, seconded by Ms. Dunn. Motion passed 4 -1.

Lot 12-A-532, Case #23-2012

Applicant – The Dubay Group, Inc.

Owner – MacThompson Realty, Inc.

Location – 125 Indian Rock Road

Zone – Gateway Commercial District

The following variances are requested from the Zoning Ordinance: Section 706.8 to allow the free-standing sign to be 12 feet in height where 8 feet is allowed; and Section 706.4.2.2 to allow two wall signs for one tenant where one is allowed.

Ms. Dunn read Case #23-2012 into the record. Ms. Dunn read a letter received from Mr. Max Puyanic, stating he will be out of town due to a family matter and would like to postpone his

appearance until the next meeting. Ms. Dunn read a letter from Mr. Jeff Thompson, the owner, stated Mr. Karl Dubay is representing him. Ms. Dunn read the abutter list into the record.

- Ms. Dunn asked Mr. Dubay why any other person involved with the property was not at the meeting tonight. Mr. Dubay stated that Mr. Puyanik was essential because he is the tenant for ConvientMD and the variance is for his signage.
- Mr. Tierney stated he did not think relief is needed on Section 706.4.2.2.
- Mr. Dubay stated it has to do with one tenant having two signs.
- Mr. Tierney stated he wanted to move forward with the case this evening.

Mr. Partington asked if there was anyone in the audience for this case. No one was present.

Mr. Partington motioned to move Case #23-2012 to June 26th, seconded by Ms. Dunn. Motioned passed 4 – 1.

Lot 18-L-450, Case#22-2012

Applicant – Attorney John Cronin of Cronin & Bisson, PC on behalf of Cafua Management, LLC

Owner – Estate of Ruth I. Bohne, C/O Janet Weigel

Location – 43 Range Road (18-L-450)

District – Professional, Business and Technology District & Cobbett's Pond & Canobie Lake Watershed Protection District

An Application to Appeal an Administrative Decision has been filed against a decision made on April 18, 2012 by Ms. Nancy Prendergast, ZBA/Code Enforcement Administrator regarding her interpretation of Section 614.2.12.

- The Chairman stated the Board needed input from Attorney Campbell on this case and he was not able to get back to the Chairman with his recommendation in time for tonight's meeting. The Board would like to continue this case.
- Ms. Dunn stated the Board should not hear this case until they hear back from Attorney Campbell. Mr. Tierney agreed. Ms. Dunn stated this is a case where some related issues are under litigation against the Town. These are extraordinary circumstances.
- Mr. Yennaco stated he would recuse himself if the case is read into the record as he is an abutter.

The Chairman appointed Mr. Mazalewski to sit for Mr. Yennaco.

Ms. Dunn stated she does not see a problem with moving the case but does see an issue with hearing it.

Mr. Tierney motioned to move Case#22-2012 to June 26th, seconded by Mr. Partington. Motion passed 5 – 0.

Mr. Yennaco was seated back on the Board.

Attorney Cronin, speaking for the applicant asked the Board why the hearing was moved to June 26th. The Chairman stated that the Board was waiting for input from Attorney Campbell and the Chairman had not heard back from him in time for the meeting.

Lot 17-J-90B, Case #18-2012

Applicant – George Dinsmore

Owner – Marion Dinsmore Revocable Trust

Location – 3 Waters Edge Road

Zone – Residential A District

The applicant is proposing to remove a portion of an existing deck and construct a sunroom addition in its place. The following variances are requested from the Zoning Ordinance: Section 406.2 – to allow for the increase in volume and footprint of the existing non-conforming structure within the building setbacks thereby rendering the expansion more non-conforming; and Section 702 and Appendix A-1 to allow a front setback of 40’ where 50’ is required, to allow a side setback of 18’ where 30’ is required, and to allow a rear setback of 17’-9” where 30’ is required.

Ms. Dunn recused herself from Case #18-2012.

The Chairman appointed Mr. Pellegrini to sit for Ms. Dunn.

Mr. Tierney read Case #18-2012 and the abutters list into the record.

- Mr. George Dinsmore, representing, Ms. Marion Dinsmore, stated Water’s Edge Road was subdivided in the 60’s. He stated the houses were originally all built as 3 bedrooms and changed to 2 bedrooms over the years. They would like to remove a section of the deck and install a sunroom. They will need a variance from Section 406.2, Section 702 and Appendix A-1. He stated the distances to the setbacks will be approximately the same as they are now. He read the 5 criteria into the record.
- The Chairman asked Ms. Prendergast if this is a question of an existing nonconforming, as this is not a substantial change of use of the of the home and the setbacks are already there.
- Mr. Tierney asked Mr. Dinsmore of the room is replacing part of the deck. Mr. Dinsmore stated that the sunroom is about a 4 inch variance. Mr. Tierney stated that ultimately it is only one setback. Mr. Dinsmore stated he did ask for an additional two feet.
- Mr. Partington asked Mr. Dinsmore if the sunroom was the same height as the house. Mr. Dinsmore replied, yes.

The Chairman opened the discussion to the public at 8:14 pm, hearing no comments; the public comment period was closed.

June 12, 2012 Draft ZBA Minutes

The Chairman entertained a motion to go into Deliberative session. Motion by Mr. Partington and seconded by Mr. Tierney. Motion passed 5 – 0.

- Mr. Chairman and Mr. Tierney had no issues with the variance.
- Mr. Partington stated the variance request was not contrary to public interest, is in the spirit of the ordinance, granting the waiver would do substantial justice, there would be no diminishment of surrounding property, the hardship criteria was met, and the request was a reasonable one, he stated all 5 criteria were met.
- Mr. Yennaco stated he had no issues with the variance.

Mr. Partington motioned, in consideration of the 5 points as presented by the applicant, to grant a variance for Case #18-2012, per plan submitted, seconded by Mr. Tierney with amendments that the applicant just include a variance from Section 406.2 and Section 702 and Appendix A-1 as per plan submitted. Motion passed 5 – 0.

The Chairman advised all of the 30 day appeal process.

Ms. Dunn was seated back on the Board.

Lot 17-L-42, Case #19-2012

Applicant – Edward N. Herbert Associates, Inc.

Owner – 130 Range Road, LLC

Location – 130 Range Road

Zone – Residential A District

The following variances are requested from the Zoning Ordinance to permit the existing lot to be subdivided into two lots: Section 702 and Appendix A-1 – to allow one lot 73.86’ frontage where 175’ is required.

Ms. Dunn read Case #19-2012 and the abutter list into the record. She also stated there was a letter from Mr. DeLuca giving Mr. Peter Zohdi permission to represent him.

- Mr. Zohdi addressed the Board. He stated that all the surrounding lots are less than one acre and they do not have frontage on a town approved road. Mr. DeLuca would like to subdivide his lot. He stated that some lots only have 150 feet of frontage.
- Mr. Tierney asked Mr. Zohdi why Mr. DeLuca did not split the lot in half as the existing building is nonconforming. Mr. Zohdi stated that they wanted to keep the garage with the house lot. Mr. Tierney asked if there was a swale where the proposed driveway is for access. Mr. Zohdi stated that he will put a culvert in and have to get state approval as it is a state road.
- Mr. Dunn commented that it is an irregular shape with the existing house, the panhandle and then a space. Mr. Zohdi stated they are adding a 3 acre lot. He angled the lots so that the garage has a 30 foot setback.

- Mr. Shane Gendron of Herbert Assoc. read the 5 criteria into the record.
- Ms. Dunn stated she did not have the complete abutter list by looking at the tax map, as she only had 5. She found page 2 of the list and read the additional 8 abutters into the record.
- Mr. Mazalewski asked Mr. Zohdi how many bedrooms the house had. Mr. Zohdi stated 4 and he is proposing a single family home.

The Chairman opened the discussion to the public at 8:30 pm, hearing no comments; the public comment period was closed.

- Mr. Zohdi stated that they had previously wanted to put 30 units on the property and now they just want the two houses.

The Chairman entertained a motion to go into Deliberative session. Motion by Ms. Dunn, and seconded by Mr. Yennaco. Motion passed 5 – 0.

- Mr. Partington stated that it appears to meet many of the criteria but questions whether the size of the lot makes this unique. He stated it meets the spirit and intent; it won't change the character, and is comparable with surrounding properties.
- Mr. Yennaco agreed with Mr. Partington and no abutters have expressed concerns.
- Mr. Tierney has an issue with the frontage. The size of the lot is reasonable, it is a unique piece of property, and there are possible site issues with the driveway. The Chairman asked Mr. Tierney what would be his suggestion for that. Mr. Tierney stated he would divide the lot with at least 100 feet of frontage. He doesn't see the significance of the garage.
- The Chairman stated it could be an access issue for public safety.
- Mr. Yennaco stated that site distance on 73 feet might not be the worst case scenario.
- Ms. Dunn stated that this plan would need to go to the Planning Board also.
- Mr. Tierney stated his issue is finding this to meet the spirit and intent. This is not a good lot in his opinion; it is going to be set too far off the street.
- Mr. Dunn questioned whether a road could be put in there. Mr. Tierney stated, yes.
- Mr. Yennaco stated that if the increase the frontage it would be another nonconforming lot.
- Ms. Dunn stated that this is in the spirit and intent of the ordinance, where it is an 8 acre lot and there is no way to develop it, it is a large parcel. She does not want an issue with the back 3.6 acres and it should be contingent on merging the lots.

- Mr. Yennaco agreed with Ms. Dunn

Ms. Dunn motioned, in consideration of the 5 points as presented by the applicant, to grant a variance for Case #19-2012 to allow one lot with 73.86 feet of frontage, where 175 feet is required and approval is contingent that the back 3.677 lot delineated on the plan be merged with Lot 17L62. Seconded by Mr. Partington. Motion passed 4 – 1.

- Mr. Tierney stated this variance does not meet the spirit and intent of the ordinance.

The Chairman advised all of the 30 day appeal process.

Lot 16-Q-208, Case #20-2012

Applicant – Edward N. Herbert Associates, Inc.

Owner – Susan J. Alosky Rev Trust of 1996, Susan Alosky-Trustee

Location – 19 Viau Road

Zone – Residential A District

The applicant is proposing an addition to an existing structure on an existing non-conforming lot. The following variances are requested from the Zoning Ordinance: Section 401 – to allow for an increase in the extent of non-conformity; Section 406.2 – to allow for an increase in volume and footprint of the existing structure within the building setbacks whereby rendering the structure more non-conforming; Section 616.10.3 to allow relief from submittal of a storm water management and erosion control plan; and Section 702 and Appendix A-1 to allow 160'+/- frontage where 175' is required, to allow a front setback of 37' where 50' is required, to allow a side setback of 17' where 30' is required, and to allow building construction on a lot of 38,507 +/- square feet where 50,000 square feet is required.

Ms. Dunn read Case #20-2012 and the abutters list into the record. She also read a letter from Ms. Susan J. Alosky stating Edward N. Herbert Associates, Inc. would be representing her.

- Mr. Shane Gendron, Herbert Associates, on behalf of the applicant stated the owners are proposing a 24" x 28" addition and a 6" x 23" addition for a hallway. They know that they have to go to DES. They only needed a minimal shoreline permit. They have received this and ask that it be entered as "Exhibit A". The addition will not meet the building setbacks and lacks frontage on a town approved road. The addition will add 212 sf. of impervious area but the entire 810 sf. addition will be guttered with downspouts routed to a mini drywell for dispersal. Mr. Gendron read the 5 criteria into the record. He presented several pictures of the existing house and the addition on the wall board.
- The Chairman asked if you would see the addition from the view in one of the pictures. Mr. Gendron stated you will only be able to see the addition from a boat.
- Mr. Partington asked Mr. Gendron to speak about the relief he is seeking under 616.10.3. Mr. Gendron stated they are not cutting any vegetation, they will be doing an overdig for the addition and cutting away some of the driveway. They will be adding gutters, there is an existing catch basin, there is crushed stone around the generator and there is heavy landscaping. Mr. Partington asked about a section on the plan. Mr. Gendron stated that was the new hallway.

- Ms. Dunn stated that the applicant was looking for 37' where 50' is required and 160 +/- frontage. She asked how close the nearest neighbor was. Mr. Ron Caush, the builder, addressed Ms. Dunn. He stated that the closest neighbor was approximately 75 feet. Ms. Dunn asked why the addition wasn't moved back to meet the setback. Mr. Ron Caush, the builder, stated that it would work with the existing structure and match the roof line. Ms. Dunn stated that at this time there is a canopy on the lot. Mr. Gendron stated that the applicant would be taking that down.
- The Chairman opened Case #20-2012 to the public.
- Ms. Prendergast stated that Mr. Gendron is looking for relief from Section 616.10.3 that will allow him relief from the Cobbett's Pond Watershed.
- The Chairman stated that this property received a variance in the past and asked Ms. Prendergast if there were any stipulations with that. Ms. Prendergast read Case 21-99 into the record.

Hearing no comments from the public, the public comment section was closed.

The Chairman entertained a motion to go into Deliberative session. Motion by Mr. Partington, and seconded by Mr. Yennaco. Motion passed 5 – 0.

- Mr. Partington stated that it was positive that they are treating the water and it is a lovely home but the home currently meets the setback requirements. He is not sure if this meets the hardship criteria.
- Mr. Yennaco stated with Section 616 this is a positive with taking the driveway and adding the addition for the run off. He does not see any opposition from the abutters. Mr. Yennaco asked Ms. Dunn about the canopy she saw when she visited the property. Ms. Dunn stated the canopy would have to be removed. Mr. Yennaco stated that an additional impervious area would be needed if they change the configuration of the addition.
- Ms. Dunn stated that there are many houses on the pond that are smaller and denser, and this is already a three bedroom.
- Mr. Tierney stated the addition of the garage will have more sheetflow towards the neighbor's property. He stated this lot was granted an addition 12 years ago for a garage. He does not have an issue with the front setback but does with the side setback.
- Ms. Dunn asked Mr. Tierney if a variance was granted for 37' in front and not 17' in the side would that work for him. Mr. Tierney stated, yes, maybe 25'
- The Chairman concurs with some comments and not others. He is looking at what is in front of him tonight and not old variances.
- Mr. Yennaco respectfully disagreed, stating he is looking at 17' and 37'.

- Mr. Partington heard from the applicant that that was a good location for the roof line and the Board should not be redesigning. There is nothing behind the lot so it would not block any views.

Mr. Partington motioned, in consideration of the 5 points as presented by the applicant, to deny a variance for Case #20-2012 as it does not meet the hardship criteria, seconded by Mr. Tierney.

- Mr. Partington stated there were no abutters present but encroaching that close to a setback that is currently met and the property can be currently used.
- Mr. Yennaco states that they are requesting a variance that is substantial and there were no abutters that are in opposition or in favor.
- The Chairman stated that it is being used currently, no diminution of value, not contrary to public interest and will continue to be used in a fair manner.
- Betty stated it was a question of whether or not it was in the spirit of the ordinance.
- Mr. Tierney stated the hardship issue had not been satisfied.

Motion failed 2 – 3

- Ms. Dunn stated she would be willing to grant a variance for 37' frontage but a 17" side setback from the neighbor is an issue. The Board has an obligation to look out for the neighbors and the town. 401, 406.2 (in the same footprint), 616.10.3, and 702 – vote to grant everything except the 17' side setback and deny the 17' side setback.
- Mr. Tierney agrees with Ms. Dunn.
- The Chairman stated the applicant has already met the State DES permit and Ms. Prendergast will still have to review. He is concerned that the Board is playing with design here.
- Mr. Tierney stated they can still meet the side setback.

Ms. Dunn motioned to open to the public again, seconded by Mr. Yennaco. The Motion passed 3 – 2.

- Ms. Dunn asked where the leach bed was. Mr. Gendron pointed to the pictures on the board showing where he thought the septic and leach bed were. He stated it would be a huge expense to the owner to move that. He is willing to work with the applicant on the side setback.
- Mr. Ron Caush, the builder, stated he would be working on the addition if it was approved. He can move the addition 5 or 6 feet. It will remain a three bedroom home.

The Chairman entertained a motion to go into Deliberative session. Motion by Ms. Dunn, and seconded by Mr. Yennaco. Motion passed 5 – 0.

- Ms. Dunn stated the septic system location creates a hardship.

Ms. Dunn motioned, in consideration of the 5 points as presented by the applicant, to grant a variance for Case #20-2012 to Sections 401, 406.2, 616.10.3, 702 and Appendix A to allow 160' where 175' is required and to allow a side setback of 22' where 30' is required.

- Mr. Partington stated he agreed with the Chairman that the Board are not designers and the Board put the designer on the spot.
- Mr. Yennaco agrees with Mr. Partington.

Mr. Partington motioned, in consideration of the 5 points as presented by the applicant, for Case #20-2012 to grant relief from Sections 401, 406.2, 702 and Appendix A to allow 160'+/- frontage where 175' is required, to allow a front setback of 37' where 50' is required, to allow a side setback of 17' where 30' is required, and to allow building construction on a lot of 38,507 +/- square feet where 50,000 square feet is required, and purposely leaving out relief from 616.10.3 because it does not meet the criteria. Motioned seconded by Mr. Yennaco. Motioned passed 3 – 2.

- Mr. Tierney stated that this application does not meet the hardship criteria. Ms. Dunn stated hardship, spirit and intent and diminution.

Mr. Tierney motioned to deny, in consideration of the 5 points as presented by the applicant, for Case #20-2012, Section 616.10.3, seconded by Mr. Partington. Motion failed 2 – 3.

Ms. Dunn motioned to grant, in consideration of the 5 points as presented by the applicant, for Case #20-2012, Section 616.10.3, seconded by Mr. Yennaco. Motion passed 3 -2.

- Mr. Tierney stated it did not meet the spirit and intent of the ordinance.
- Mr. Partington stated that it does not meet the hardship criteria and there is nothing unique to require relief from the Cobbett's Pond Watershed.

The Chairman advised all of the 30 day appeal process.

The Board took a recess at 10:40 pm and was back in session at 10:47 pm.

Lot 22-L-27&28, Case #24-2012

Applicant – Vars Associates Inc.

Owner – Lei Wen

Location – 75 West Shore Road

Zone – Residential A District

The applicant is proposing to raise the roof of an existing non-conforming structure. This structure is an outbuilding to the existing home. The following variances are requested from the Zoning Ordinance: Section 406.2 to allow for an increase in volume of the existing structure on

a portion on the structure that is currently non-conforming and thus rendering the structure more non-conforming.

Ms. Dunn read Case #24-2012 and the abutter list into the record. She also read a letter from Ms. Lei Wen, the owner of the property, to have Vars Associates represent her.

- Mr. Charles Vars, Vars Associates, addressed the Board. He stated the applicant wants to make a nonconforming structure more useful. He will use the word “cottage” when referring to this building as there is other out buildings on the property. He spoke to the drawings that were included in the Boards packets showing elevations and pictures of the cottage. He stated the cottage is very close to the road and the property line but they are using the existing footprint. Mr. Vars read the 5 criteria into the record. He stated that all of the adjacent owners signed a letter stating that this improvement will not diminish the neighborhood but would greatly improve the area. Ms. Dunn read the letters into the record from Elana Richards, Richard & Haeton Hannon, Richard Kunzler and Dawn Bracuto. Letters were admitted as “Exhibit A”.
- The Chairman asked if this was a grandfathered use, and why it was before the Board.
- Ms. Prendergast stated because it was nonconforming.
- Mr. Tierney stated it was because they were raising the roof.
- Ms. Vars stated that Windham is the only community he has ever dealt with that has the statement “volume” in their ordinances.
- Mr. Tierney asked Mr. Vars if the intent was to add gutters to the lake side of the cottage. Mr. Vars stated that was not his intent, if he puts a pitched roof on only half of the roof the sheeting would go towards the lake.
- Ms. Dunn asked Ms. Prendergast if this application falls under the Cobbett’s Pond watershed. Ms. Prendergast stated yes and the applicant will have to do an applicant for that.
- Ms. Dunn asked Ms. Prendergast if this is a minor or major application. Ms. Prendergast stated that after the applicant provides all the impervious surfaces she will make a determination if it is minor or major.
- Mr. Tierney asked Mr. Vars if the property was sloped or flat. Mr. Vars stated it sloped about 10 feet over 120 feet.
- Mr. Mazalewski asked Mr. Vars if the applicant would be opposed to having a stipulation that it would not be used for occupancy. Mr. Vars stated there is no opposition to that. He is also looking at the plumbing to better protect the lake.
- Ms. Dunn asked if the cottage would be used solely for personal use and no commercial use. Ms. Wen, the owner, stated it would be use for personal use only.

- Ms. Dunn asked Ms. Wen if the septic system was located on Lot 22L28. Ms. Wen stated yes and was installed in 1984.
- Mr. Tierney asked Ms. Wen if Lot 22L28 across the street was official merged with hers. She believes it is two separate lots.
- Ms. Wen stated she just wants to renovate the cottage to do exercises, the roof is leaking and the ceiling is low.

The Chairman entertained a motion to go into Deliberative session. Motion by Mr. Tierney, and seconded by Mr. Partington. Motion passed 5 – 0.

- Mr. Yennaco stated he had no issues and the application met the 5 criteria.
- Mr. Tierney and Mr. Yennaco had no issues with the application.
- Mr. Partington stated he has no issues and it appears there are pretty heavy trees blocking the view from the other lot.
- Ms. Dunn stated that it meets the 5 criteria and what is unique is that the building is already there.

Mr. Partington motioned to grant, in consideration of the 5 points as presented by the applicant, for Case #24-2012, relief from Section 406.2 per plan submitted.

Ms. Dunn stated that the applicant knows it cannot be used for commercial or any other purpose.

Seconded by Mr. Yennaco. Motion passed 5 – 0.

The Chairman advised all of the 30 day appeal process.

Review and Approval of Draft Meeting Minutes – 5/22/2012

- Minutes were amended for minor spelling and grammar.

Mr. Tierney motioned to accept the amended minutes of May 22, 2012, seconded by Mr. Yennaco.

- Ms. Dunn stated that at some point the Board should talk about amended minutes being signed off by a Board member. Mr. Yennaco stated he is comfortable when the Board accepts them. Mr. Tierney stated only if there are major changes.

Motion passed 5 – 0.

Binder Updates – Tab 1 – Member List, Tab 4– Application for Re-Hearing; Tab 9– Nonpublic Session Minutes

Old/New Business

June 12, 2012 Draft ZBA Minutes

- Mr. Partington asked that Mr. Tierney's term be changed on paperwork to reflect the correct date of 2015.
- Ms. Prendergast asked the Board to keep their information from this weeks packet for cases continued until next meeting.
- The Chair stated he received a letter dated May 15, 2012 regarding an appeal. He stated this letter should have been distributed earlier as it would have helped this evening. The Chair also received 2 confidential letters.
- Ms. Prendergast stated she spoke to the IT Department about encryption for emails and the Town does not have that ability, she will make photo copies for the Board.
- Ms. Prendergast asked the Chairman if she should open mail addressed to him. The Chairman stated no.
- Ms. Prendergast stated Attorney Campbell is available to meet with the Board on June 26th at 6:30 pm.
- Ms. Prendergast stated that Ms. Scott would like to know if she should attend the August 20th Court appearance with Attorney Campbell or if a member of the Board would like to attend. The Chairman stated he will speak to Attorney Campbell. Ms. Dunn stated she will attend with Attorney Campbell. Ms. Scott need not attend.

Mr. Partington motioned to adjourn, Seconded by Mr. Tierney. Motion passed 5 – 0.

Meeting adjourned at 10:38 pm.

These minutes are in draft form and respectfully submitted for your approval by Cathy Pinette,
ZBA Minute Taker