



## COMMUNITY DEVELOPMENT

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### Draft Zoning Board of Adjustment Minutes November 13, 2012

#### Board Members:

Mark Samsel, Chairman – Present  
Heath Partington, Vice-Chairman – Present  
Elizabeth Dunn, Member – Arrived at 7:35 pm  
Jim Tierney, Member – Present  
Jay Yennaco, Member – Arrived at 7:38 pm

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 7:30 pm, introduced the Board Members and staff, and explained the meeting process.

The Chair appointed Mr. Mazalewski to be seated for Mr. Yennaco and Mr. Pellegrini to be seated for Ms. Dunn.

Ms. Dunn arrived at 7:35 pm and was seated on the Board. Mr. Pellegrini was appointed to sit for Mr. Yennaco and Mr. Mazalewski took his alternate seat.

#### Public Hearings

##### **Zoning Board of Adjustment Rules of Procedure (By-Laws) (continued from 10/9/2012 meeting)**

A public hearing is to be held in accordance with NH RSA 676.1 *Method of Adopting Rules of Procedure* to amend the Zoning Board of Adjustment By-Laws to add section 4.2 regarding Joint Meetings and Hearings.

- The Chair stated the Public Hearing was relative to Joint Meetings with other Board's in Town and to add section 4.2 regarding Joint Meetings and Hearings. The Rules of Procedure have been read in another session.

The Chair entertained a motion.

**Mr. Tierney motioned to accept the By-Law changes as proposed, seconded by Mr. Partington. Motion passed 5 – 0.**

Mr. Yennaco arrived at 7:37 and was seated on the Board. Mr. Pellegrini took his alternate seat.

## **Re-Hearing Request - Case #38-2012, 29 Indian Rock Road, Lot 11-C-1010.**

- The Chair stated this a was Request for a Rehearing of an Appeal of an Administrative Decision. Attorney Campbell was contacted at the request of the Chair and Ms. Prendergast regarding the 3 motions made in this case. Attorney Campbell stated they would need to rehear the entire case if they Request for Rehearing was granted..
- The Chair read the applicants written support documents in support of a rehearing into the record. He stated what is in question is the decision that a variance is required to change the color of the reader board. He stated that if they decide to rehear, they would have to rehear the whole case. He stated the applicant's position is that he is changing the color only and color is not copy. The Chair explained that the Board needs to decide if there is any new information in the applicants request or if the Board made a technical error. The Chair stated what is being questioned is the Board's interpretation of the Ordinance. The Board spent quite a bit of time on this case and it is a judgment call. The Chair stated there is no new information provided by the applicant.
- Mr. Tierney stated he wasn't at the original hearing but read the minutes and the decision and it is not a technical error.
- Ms. Dunn, Mr. Yennaco and Mr. Partington agreed with Mr. Tierney.

The Chair entertained a motion.

**Mr. Partington motioned to deny a request for a rehearing for Lot No. 11-C-1010 due to the fact there is no new information and no technical error was made by the Board, seconded by Mr. Tierney. Motion passed 5 – 0 to deny.**

## **Review and Approval of Draft Meeting Minutes**

### **September 25, 2012**

- Minor amendments were made by the Board.

The Chair entertained a motion.

**Mr. Partington motioned to approve the minutes of September 25, 2012 as amended, seconded by Ms. Dunn. Motion passed 5 – 0.**

### **October 9, 2012**

- Ms. Dunn stated she had a lot of corrections and would hand her corrections in to staff.
- The Chair stated he has concerns about the minutes for Case 38-2012 and they need to be revisited.
- Mr. Tierney had a question on the motions in the minutes and the notice of decision and asked which one is correct. Ms. Prendergast stated the rehearing request reflects the notice of decision which is correct.

- Mr. Partington had corrections to the minutes and handed them into staff.
- Minutes will be updated and a revised draft will be provided to the Board.

### **Old/New Businesses**

- Ms. Dunn stated she had three pamphlets to give to Mr. Scholz, the Chair and Mr. Partington from the conference on Religion and Land Use. Mr. Tierney and Ms. Dunn both stated this was an excellent conference.
- Ms. Prendergast stated she does not have any applications for the meeting on the 27<sup>th</sup>. The Chair asked she keep him up to date on whether or not a meeting is necessary.

### **Adjournment**

The Chair entertained a motion.

**Ms. Dunn motioned to adjourn, seconded by Mr. Partington. Motion passed 5 – 0.**

Meeting was adjourned at 8:00 pm.

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