

TOWN OF EAST KINGSTON, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES

February 12, 1998

FILE

AGENDA

7:30 E. Michael Jr. and Dawn M. Young – Appeal from Administrative Decision (1998-01)  
8:00 Richard Cook - Discussion

**Members attending:** Chairman John V. Daly, David Ciardelli, David C. Boudreau, Norman J. Freeman, Edward Cardone, and Alternate Peter A. Riley.

**Absent:** Alternate Charles F. Marden.

**Others attending:** Atty. James Troisi, E. Michael & Dawn M. Young, Jr., William & Pam DiProfio, Carrie Sullivan, Catherine George, John Melanson, Brett Smith, Dennis Quintal, John Ryan, Robin Lynn Ward, Cheryl Dinardo, Selectman J. Roby Day, Jr., and Richard Cook.

**E. Michael Jr. and Dawn M. Young – Appeal from Administrative Decision:** Chairman Daly opened the public hearing for E. Michael & Dawn Young, Jr. on their application for Appeal from Administrative Decision with respect to the December 1, 1997 decision rendered by the East Kingston Board of Selectmen in relation to Article X – Home Occupations of the East Kingston Zoning Ordinance at 7:35 p.m. The applicants propose to operate a well and pump business known as East Kingston Well & Pump Company from the 140 Depot Road location.

Chairman Daly acknowledged that Attorney James Troisi would represent the Young's in this matter. He then amended, at the applicants' approval, the formal application for this hearing. The application will now read that the applicants are seeking an appeal from administrative decision in relation to the *December 1, 1997* Board of Selectmen's decision, not November 21, 1997.

Chairman Daly also stated that this February 12, 1998 hearing is a rescheduling of the January 8, 1998 hearing at the applicants' request. He continued to say that the Zoning Board of Adjustment has three options to consider in hearing this case.

1. The Board may affirm the December 1, 1997 decision of the Selectmen and deny the Home Occupation permit;
2. The Board may remand it to the Selectmen for further action; or
3. The Board may reverse the Selectmen's decision and grant the Home Occupation permit.

He further stated that Mr. Boudreau would be participating in the discussion portion of the hearing, but will not be voting.

Atty. Troisi introduced himself to the Board and stated that he would be representing the Young's in this case.

At Atty. Troisi's inquiry, Chairman Daly stated that the Planning Board minutes concerning the Young's application have been made part of this record. This would include planning board minutes dated 10/16/97, 11/20/97 and all exhibits from those meetings.

Atty. Troisi stated that the first item in this matter is a housekeeping one. He went on to say that the notice for this public hearing states the applicants propose to operate a well and pump business from the 140 Depot Road location. He stated that this is contrary to the petition filed for the Home Occupation permit. The business on site at 140 Depot Road is limited to a small office for the clerical portion of the business. This small office is the actual nature of the business conducted at 140 Depot Road. All well drilling is done off site.

Atty. Troisi continued to explain that the original application for a home occupation was filed June 26, 1997. A hearing was held by the Planning Board on October 16, 1997 in which the Board was charged with recommending or not recommending to the Selectmen a home occupation permit be issued. At that hearing, under Article X of the East Kingston Zoning Ordinance, the Young's presented their case.

He read aloud 10.1 under home occupations:

*A Home Occupation is a professional or service occupation or business carried out from the home, which is clearly accessory and subordinate to the residential use of the property. A Home Occupation is the provision of a service and/or the production or selling of a product on the premises.*

He stated that at the October 16<sup>th</sup> hearing, he presented a description of the property as a single-family residence with a garage out back, set over a 2-acre parcel. The home was purchased by Michael Young's father in 1988 and subsequently was purchased by Michael Young, Jr. over the past year. Michael Young, Sr. had an office in the house to service the business, which included mailing bills, receiving telephone calls and other clerical details.

Atty. Troisi stated that in 1988 when the Young's purchased the property, they immediately got a permit to raise the barn out back and build the garage, permit #197888. In 1994 there was a permit issued by the building inspector to remodel and area in the garage and put the office in the garage. This would move the office in the house to the garage. This permit was identified as permit #309289. Both permits were presented into the record at the October 16<sup>th</sup> Planning Board meeting.

He further stated that the office constructed in the garage only measures 6' x' 10' with a desk, telephone and file cabinet. This is the extent of the office and business in which a home occupation permit was requested. There are no signs on the buildings.

Atty. Troisi stated that when the applicants came before the Planning Board in October, their position was that they did not have to meet all the standards of home occupations under 10.3 of the zoning ordinance, because they were exempt as the business was more than 10 years old. He then stated that 10.7 basically says that any home occupation will not be required to comply with this section if the noncompliance was in affect prior to 1/6/89.

He stated that this business was in operation in 1988. He then explained that the second position of his clients that was presented to the Planning Board in October was that in any event, this home occupation substantially subscribes to the standards in 10.3 of the ordinance.

Atty. Troisi then described each standard listed under 10.3 of the home occupation ordinance and responded with the following:

- 10.3.1 The business office is located in the garage.
- 10.3.2 The applicants' feel they meet this.
- 10.3.3 Two commercial vehicles are used and they are shielded by the garage. One is a well drilling truck and the other is a water truck. Other vehicles at the home are personal vehicles. The well drilling truck spends 3 to 4 weeks out of the year at the premises as it is usually at the job site.
- 10.3.4 Adequate off-street parking is provided.
- 10.3.5 The business is conducted by Mr. & Mrs. Young who are residents of the premises.
- 10.3.6 The business does not omit smoke, fumes, noise, etc.
- 10.3.7 The business does not create hazardous traffic conditions.
- 10.3.8 The office is 6' x' 10'.
- 10.3.9 Only two employees and both are residents.

Atty. Troisi again stated that their first position is that the applicants' believe they are exempt under 10.7. He further stated that the October hearing was going pretty well with only two out of five planning board members not wanting to recommend a permit for the business. There appeared to be three members who wanted to give the permit.

He then referred to the October 16<sup>th</sup> Planning Board minutes and stated that Mrs. George requested documented proof that the business was in operation prior to 1/6/89. He stated that there were numerous abutters who spoke in favor of the petition. The abutters were not objectionable to the type of use as described. Most residents resided on Brandywine Drive. He then listed several of those abutters by name.

He continued to say that towards the end of the October meeting, Mrs. George again stated her position that if a business has been in operation prior to the 1/6/89 date, then it would fall under the grandfathered clause of 10.7. There was a motion to deny the petition and it failed 3-2. Mrs. George motioned to continue the public hearing to 11/20/97 to give the applicants the opportunity to provide satisfactory documentation that the business was in existence prior to 1/6/89. The motion was seconded and passed.

He then explained that the applicants left that meeting with a good feeling that if they can back up their claim of operating the business prior to 1/6/89, a recommendation for a home occupation permit would be given. From then, the applicants went off and collected documents of invoices, and affidavits for the continued hearing to be held on November 20, 1997.

He stated that when the applicants returned to the Planning Board in November, the members had changed. Members present at the October hearing were Chairman Richard Smith, Edward C. Johnson, James Roby Day, Catherine George, and Dr. Robert Marston. However, at the November hearing Mrs. George stated that she would be withdrawing from the hearing citing personal reasons. Atty. Troisi stated that those reasons should have been stated and placed in the record. He stated that the applicants' felt that the rug was being pulled out from under them at that point in time.

Atty. Troisi went on to explain that a Mrs. Fillio announced that she was an alternate and would not be taking part in the vote, but she then took charge of the meeting. He stated for the record that he felt this was inappropriate for the alternate to take charge of the meeting. As an alternate, she should have kept a side stance on the issues and allow the five previous members to follow through and hear it.

Chairman Daly responded that that is only Atty. Troisi's characterization of how the November meeting was conducted. He then informed Atty. Troisi that the members of the Zoning Board have read the minutes of both the October and November meetings.

Mrs. Carrie Sullivan stated that she felt it was up to public opinion whether what she did was right, and it's not just up to the Board.

Atty. Troisi replied that he was only stating his and his client's position. He then went on to quote the November 20, 1997 Planning Board minutes:

*Chairman Smith stated that Mrs. Catherine George, although present at the October meeting and this November meeting, is excused from voting this evening citing personal reasons. Mr. Robert Nigrello will be voting in her place.*

He then restated that the applicants left the first meeting to do their homework and collect the documentation that Mrs. George and other voting members requested. He then noted the following exhibits as were presented at the November meeting:

1. Reference deed of the 140 Depot Road property to Mr. & Mrs. Edward Michael Young, Jr., dated April 30, 1994 showing the grantors as E. Michael and Norma M. Young, Sr. as purchasing the property on August 4, 1988.
2. Morris pipe and supply company invoice dated 6/28/88 with shipping to 140 Depot Road, East Kingston.
3. Statement from Hedley Tingley testifying material was shipped to 140 Depot East Kingston during 1988.
4. Statement from Gordon Hollabaugh testifying material was shipped to 140 Depot East Kingston during 1988.
5. Statement from Kenneth Strong testifying he did business with Michael Young, Jr. and Sr. at 140 Depot Road East Kingston in early 1988.
6. Statement from Mark Young testifying he has shipped material to the 140 Depot Road location since 1988.
7. Statement from Peggy Tibbetts testifying she dealt with Mr. Young, Sr. at his business location of 140 Depot Road in 1988.
8. Affidavit from Michael Young, Jr. testifying he and his father did business from the 140 Depot Road location in 1988.

Atty. Troisi went on to say that at the second meeting in November, Mrs. Fillio was all over the minutes, which affirms the Young's position that it was Mrs. Fillio who headed that meeting, and she did so in a direction that was different from the direction of the three members at the October meeting. Subsequently, the application for the Young's was denied.

He continued to say that under Article X, once this happens, the application has to be rubberstamped by the Board of Selectmen, which was done on December 1, 1997. It is that December 1<sup>st</sup> decision that the Young's are appealing.

Chairman Daly stated that the action of the Selectmen should not be characterized as a rubberstamp operation. The Board of Selectmen have the right to do, in their judgement, what is correct. They accepted the recommendation of the Planning Board.

Atty. Troisi responded that he will stand corrected on that statement, then pointed out that the December 1, 1997 minutes of the Selectmen reflect no discussion of the issue, only a motion. He quoted:

*Mr. Day motioned to deny the home occupation permit for Mr. & Mrs. E.M. Young, Jr., 140 Depot Road for the East Kingston Well & Pump Co. pursuant to the planning board's recommendation. Mr. Andolina second. The motion carried 3-0.*

He continued to say that Mr. Day also served on the Planning Board in opposition of the applicants request for a home occupation permit. That is why he used the term rubberstamped, as he did not see any discussion in the minutes regarding the merits of the applicants' request.

He then stated that Mr. Day had already formed an opinion of the issue as reflected in the Selectmen's minutes of early 1997 prior to the Young's application to the Planning Board. He then sat on the Planning Board with this predisposed opinion and voted against them. In Atty. Troisi's estimation, this is not fair.

Atty. Troisi went on to say that the Young's have appealed the decision of the Selectmen and that all administrative remedies must be exhausted at the local level prior to petitioning the courts.

He then asked the Zoning Board of Adjustment to review the Young's petition of October and November 1997 and to reverse the Selectmen's December 1, 1997 decision and grant the petition. He stated that Mike Young will be donating a well to the ball field, he

and his wife are good citizens, and numerous abutters approve of the operation of this business. Simply allow the applicants' to conduct the home occupation. The Young's will even restrict the number of vehicles at the premises and keep them in the garage.

Chairman Daly stated that there was no discussion at the December 1, 1997 Selectmen's meeting, and that they were simply acting on the recommendation of the Planning Board's 5-0 vote to deny the application to operate a well and pump company from the 140 Depot Road location, MBL# 04-02-02 predicated on the nature of the business (not a permitted use) and that the business in its entirety is a commercial enterprise located in a residential zone.

Atty. Troisi stated that:

- A. The Young's position is that they come under the definition of a home occupation: a professional or service occupation which is carried out from the home... a service and /or the production or selling of a product on the premises. He stated that out of this really broad definition, there is a very narrow and limited use of these premises. The Young's home business fits very comfortably under this definition's umbrella.
- B. The evidence is uncontroverted that the business was in existence prior to the January 6, 1989 date underlined in 10.7 of the ordinance.
- C. In any event, the business complies with the home occupation standards outline in 10.3.

Chairman Daly opened discussion to abutters.

Mr. William DiProffio of 139 Depot Road stated that he would like to remind the Board that at the November meeting, it was disclosed that prior Selectmen's minutes reflect Mr. Young, Sr., as denying any business was present at 140 Depot Road. He continued to say that the business is not limited to an office. Large pieces of equipment are being maintained in the garage. He stated that in his opinion, the Planning Board found that the business was not grandfathered and that it was in fact a commercial business in a residential zone.

Mr. James Roby Day stated that he is a selectman, and that he sat on the Planning Board which heard the matter at hand. He stated that he would have the board believe that he believes the issues here are being obfuscated and that the suggestion of grandfathering is fallacious. Mr. Michael Young, Sr. confirmed to the Board of Selectmen, at least on one occasion, that there was no business at that address and there never was.

Mr. Day continued to say that the ordinance that put into place in 1989 required that nonconforming uses, in place at that point in time, submit an application and be identified that they are in use. He stated that Mr. Young confirmed and affirmed that there wasn't a business in existence there and there was no intention to have a business there.

Mr. Day stated it is safe to assume the proposition that the Young's say they have reason to be grandfathered is wrong and contrary to the ordinance. He stated that he talked with former Building Inspector Joe Conti regarding Mr. Young's application for a building permit. Mr. Conti confirmed that the garage was intended to only house vehicles and not a business.

He continued to say that the Planning Board denied the application predicated on the nature of the nonconforming use. The Board voted 5-0. The Board of Selectmen confirmed the Planning Board's recommendation, after having watched this situation unfold for some months. The Selectmen agreed with the Planning Board that this is a commercial enterprise located in a residential zone. He stated that it is preposterous to say this business is not conducted from 140 Depot Road. The entire enterprise is sited there.

Mr. John Ryan of 66 Depot Road, Kingston, stated that he is a direct abutter to the Young's and that he has no qualms with the business. He stated that the Young's don't bother anyone. They keep a nice piece of property. He went on to say that there is no street between his property and the Young's and the only noise he ever hears from their property is their children laughing and playing.

Cheryl Dinardo of 35 Brandywine Drive stated that she has a problem with what Mr. Day said at the October 16<sup>th</sup> Planning Board meeting. She stated that he said he could hear noise from the Young's property. She questioned how this could be as he lives over by Pheasant Run and works at the Town Offices. She stated that there has been only a two-week period in which any noise came from the Young's property and that was when his drilling rig broke down and she has lived on Brandywine for four years.

Mrs. Carrie Sullivan stated that she finds it hard to believe that Mr. Conti didn't know there was a business there. He wrote the permit for the office. She went on to say that both sides have made mistakes here. She expressed her discontent that the Young's have to fight to keep their livelihood. The wells are drilled at the job site and that there are bigger issues in town to fight. It's unfair that this small community will force the Young's out of town.

Mr. Ryan stated that the Young's have had the business prior to 1989 without any problems.

Atty. Troisi stated that contrary to Mr. & Mrs. DiProfio, the well and pump business is not a major commercial operation. Back to the petition – with regard to Mr. Day's statement that the concept of the business being grandfathered is fallacious, there is testimony here from neighbors and Mr. DiProfio himself, who stated that the business has been going on since at least 1990. Documentation was provided that shows the business was in operation back in 1989.

He went on to say that the analogy of Mr. Day's conversation with Building Inspector Joe Conti was for his use. The well drilling is done off the premises and the office was moved from the house to the garage. He questioned how Mr. Day could possibly say that Mr. Conti had no knowledge of the business office. Permit# 3092894 was issued by Mr. Conti to "construct office in barn w/toilet and heat, and stove in barn and vinyl side the east end of barn, toilet to pump into existing system".

Chairman Daly asked Atty. Troisi to address the issue of Mr. Young, Sr. denying, to the Board of Selectmen, that there was no business being conducted at 140 Depot Road.

Atty. Troisi responded that Mr. Young, Sr. was asked if there was a well drilling business on the premises. He said that there wasn't, as there was only an office, not a well drilling business. The office is a matter of record. He went on to say that he challenges Mr. Day to prove that the statements, invoices and affidavits reflecting the business as being in operation since 1988, are false.

Mrs. DiProfio of 139 Depot Road stated that she lives closer to the Young's than Mr. Ryan and she would like an explanation of why there were eight trucks at the Young's today. The trucks were all commercial type trucks.

Atty. Troisi replied that the Young's were having their garage cleaned out and the trucks were only there for three to four hours. He went on to say that the applicants will keep to the home office as described, with the two vehicles to be kept indoors.

Mr. Day stated that he takes offense to the characterizations of him and the Board of Selectmen made by Atty. Troisi. He then requested the Board read the memorandum of Mr. Conti's account of the Young's business written by Mr. Day. Mr. Day stated that he believes Mr. Conti conveyed the facts to him. He further stated that Mr. Young, Sr. on more than one occasion, stated to the Board of Selectmen that no business was being conducted at 140 Depot Road, and that there was no intention to do so.

Mrs. Dawn Young stated that she recalls the issuance of the office permit clearly. She stated that Mr. Conti came to the house and was very strict on what the Young's were allowed to have in their office. Allowed were only one phone, one desk and chair, one filing cabinet and a computer if necessary. This was in 1994.

Atty. Troisi directed attention to the memorandum of Mr. Conti's account of the Young's building permit. He stated that the first paragraph is an introduction to the memo and that the second paragraph states "not intended for business use". The business in question is the well and pump business. No where does Mr. Day talk of an office permit.

Mr. Riley noted that the garage is 50' x 70' and the office is 6' x 10'. He inquired what else is in the garage.

Mr. Young replied a car-lift and maintenance shop for the business, not for public use.

At the inquiry of Mr. Riley, Atty. Troisi stated that the business is incorporated at 140 Depot Road. It has been in the name of Michael Young, Jr. for four years and in Michael Young, Sr.'s previous to this. Also at Mr. Riley's question, Atty. Troisi stated that the warrant deed as described earlier was in fact recorded and that it was the same premises as deeded to Young Sr. in 1988.

Mr. DiProfio stated that the business was originally sited in Salem, NH, not 140 Depot Road. The business slowly shifted to East Kingston.

Mr. Riley questioned if the business qualifies as grandfathered if the business was two separate entities in 1994 and 1988.

Atty. Troisi responded that both businesses, EM Young and East Kingston Well & Pump were owned by Michael Young Jr. East Kingston Well & Pump is a splinter off of EM Young. EM Young is now located in Salem. As long as the use of the property is not abandoned for a period of one year, the previous use may be applied to the property. Again, Michael Young, Jr. had ownership in EM Young and East Kingston Well & Pump.

Mr. Riley stated that he was not sure the transfer of use applies to incorporated entities.

Atty. Troisi stated the name of the business in 1988 was EM Young and in 1994 it was East Kingston Well & Pump Company, Inc. The name changed, but the use did not.

Mr. Day stated that it was not Mr. Young, Sr.'s intention to admit to the operation of any business being conducted at 140 Depot Road.

Atty. Troisi repeated that Mr. Conti issued a building permit for the office in 1994. He then apologized to Mrs. George regarding his remarks concerning her abstaining from the voting process at the November 20<sup>th</sup> meeting. He stated that he did not realize her reasons were for a personal family matter.

Ms. Robin Lynn Ward of 10 Brandywine Drive stated that she has been a resident on Brandywine for four years. She stated that at the last meeting Mr. Day and the DiProfio's complained of noise and traffic generated from the Young's home. She, an abutter, has not heard this noise or seen this traffic. She stated that it would be a shame to lose this family from the community. They offer much to this town. We should be honored to have them as residents in this town.

She continued to say that more traffic is generated from the golf course and that Route 107 is used by many eighteen wheelers, which has far more traffic and noise than made by the Young's. She is at home 98% of the time and will argue this noise issue with anyone. She then stated that the Young's business does not diminish her property value or the properties abutting the Young's. The Young's are taxpayers, too.

Mr. Brett Smith of Ashlie Road stated that the Selectmen's complaint to cease the business at 140 Depot Road comes four years too late. In Mr. Smith's opinion, the business should be allowed to continue from the Young's home v. making them move the business to another location and leasing the buildings. Mike Young's property with buildings comfortably accommodates the business' needs.

Mr. Smith continued to say that the Young's lawyer is eating up Roby Day. The Board should see that and move on to the next agenda.

At Mr. Cardone's inquiry, Atty. Troisi stated that the business' vehicles are registered at 140 Depot Road. This has been the case for the past ten years, including when the business was named EM Young.

Mr. DiProfio responded that Mrs. Fillio at the November meeting asked at what address the vehicles were insured. He said that the Young's had indicated they were insured elsewhere, not at 140 Depot.

Discussion of whether the town has record of the registration history of the vehicles in question transpired.

Atty. Troisi repeated that if the Board were to look at the eight to ten exhibits that were introduced at the November meeting, the documentation of the business' existence in 1988 would be met.

Chairman Daly stated that there is conflicting evidence of different character on both sides of the argument about when the business was operating at 140 Depot. He then reminded the Board that their purpose here is to determine if the Selectmen made the right decision in accepting the Planning Board's recommendation to deny the application for a home occupation permit. He continued to say that the Zoning Board's jurisdiction is to affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

Atty. Troisi directed attention to the October 16<sup>th</sup> Planning Board minutes which states that Mr. DiProfio said Mr. Young, Sr. purchased the property and relocated the his business from Salem, NH here. Atty. Troisi agreed that this was done in 1988 when Mr. Young, Sr. purchased the property in 1988.

He then stated that the two business vehicles, water truck and drilling rig, are the only two business vehicles for this business. The drilling rig is usually located and stored at the job site, but from this point forward, when kept on the premises, it will be kept in the garage.

Mr. DiProfio responded that he did not say the business was moved to 140 Depot in 1988, he said it moved around 1990.

Chairman Daly asked if there were anymore questions from the applicants, the abutters, or the Board. With a negative response, he advised the Board to make a motion on their decision.

**MOTION: Mr. Freeman motioned to REVERSE the December 1, 1997 decision rendered by the Board of Selectmen and GRANT the application for a home occupation permit on the condition that no more than two commercial vehicles may be kept on the premises and that they be garaged. Mr. Ciardelli second.**

DISCUSSION:

Mr. Boudreau stated that the condition set would make the business conforming as more than one commercial vehicle may be kept on the premises as long as it is shielded from sight. This would take away the pre-existing condition and make the business a conforming use.

Mr. Riley stated that under 10.5 it is not a permitted use.

With no further discussion, Chairman Daly called the vote: Mr. Ciardelli, Mr. Freeman and Mr. Cardone in favor.

**The motion passed 3-0.**

Chairman Daly reminded Atty. Troisi of the twenty-day appeal period under RSA 677.

**Richard Cook – Discussion:** Chairman Daly opened discussion with Richard Cook at 8:55 p.m.

Mr. Cook stated that he was seeking clarification for the requirements of applying for a variance. He went on to say that he was currently trying to develop the light industrial zone on Haverhill Road and while looking through the ordinances, discovered that some setbacks or restrictions may not be met by reason of the wetlands, telephone and gas line easements that make up the light industrial zone.

He inquired as to what the needs are to grant a variance, should he apply for one. He inquired definition to the term hardship as one of the five criteria to be met. He continued to say that he understood that a financial hardship was not a considered hardship in this criteria. The light industrial park has some peculiarities, both legal and otherwise. Not sure what will and will not qualify as hardship.

Chairman Daly stated that the term hardship as defined by the Supreme Court is very difficult to explain. It does have to relate to the property, a unique characteristic or something peculiar about the property. He described a variance granted in relation the golf course as an example.

Chairman Daly then advises Mr. Cook that this discussion is non-binding and unlike the Planning Board, this Board cannot direct or guide Mr. Cook's proposal in a specific direction. This is an informative discussion only.

Mr. Ciardelli read from the Board of Adjustment Handbook:

*Peculiar characteristics, means a condition of the land such as shape, size, topography, sub-surface conditions, or any obstruction which prevents the owner from complying with the zoning ordinance.*

Mr. Cook asked if this would include man-made obstacles such as the power lines and gas lines.

Chairman Daly responded that those issues could be considered.

Mr. Cook then expounded on a project in which he abandoned, in which the state considered a certain piece of land a flowage. This made it difficult to bring in fill or install culverts on that property. He asked if something similar to that example could have been remedied with a variance.

Mr. Freeman stated that the Zoning Board cannot go against state law. Its authority is over town regulations and that no Zoning Board decision can supercede state laws. The Planning Board has the authority to waive Site Plan Regulation and Subdivision Regulations, but not Zoning Regulations. Those must go before the Zoning Board.

**October 23, 1997 Zoning Board Minutes:** With no corrections or objections, the October 23, 1997 Zoning Board of Adjustment Minutes were approved for the record.

This February 12, 1998 Zoning Board of Adjustment meeting adjourned at 9:05 p.m.

Respectfully submitted,

Catherine Belcher

Minutes completed and on file February 17, 1998.