

FILE

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

May 24, 2001

AGENDA

7:30 Suzanne J. Ryan –131 Haverhill Road–Appeal from Administrative Decision and Variance from Article III-A, Sections A-D (Growth Control). (2001-01)

Members attending: Chairman John V. Daly, Vice Chairman David A. Ciardelli, Norman J. Freeman, David C. Boudreau, Alternate members Richard A. Cook, Nathaniel B. Rowell, and J. Roby Day, Jr.

Absent: Donald C. Andolina and Alternates Edward A. Cardone and Peter A. Riley.

Others attending: Richard Friese, Alan Mazur, Glenn Clark – Building Inspector, Kent Shepherd –Deputy Building Inspector, Jack Fillio – Selectman, Suzanne J. Ryan, Atty. Sharon Cuddy Somers – representing Suzanne J. Ryan, Richard Gordon and Donna Martel.

Suzanne J. Ryan –131 Haverhill Road–Appeal from Administrative Decision & Variance Request: Chairman Daly opened the public hearing at 7:34 pm at the East Kingston Town Hall for Suzanne J. Ryan, owner of property located at 131 Haverhill Road.

Atty. Sharon Cuddy Somers, acting as representation for Suzanne J. Ryan, inquired if the board wanted her to present the appeal case and the variance case as separate cases or together.

Chairman Daly responded that he did not believe the board had jurisdiction on the appeal case and then quoted from RSA 674:33 which states:

The zoning board of adjustment shall have the power to:

(a) *Hear and decide appeals if it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16...*

He continued to say that the appeal filed by the applicant is based on the Building Inspector's decision regarding the town's Growth Control Ordinance which was not adopted under RSA 674:16. As a matter of board business he then announced that alternate member J. Roby Day, Jr. would participate in the voting matters before the board in the absence of regular member Donald C. Andolina.

Atty. Somers stated that she hoped to convince the board that the Growth Control Ordinance, adopted by the town, does not apply to the lot owned by Suzanne Ryan. And if the board determines to uphold the Building Inspector's decision she would ask that they (the board) consider a variance. She reiterated that she does not believe the lot in question should be subject to the Growth Control Ordinance.

She then went on to describe the parcel as a small lot located next to the river, which up until 1993 had a house on it. The house dated back to the 1840's-1850's and was bequeathed to Hanna Blaisdell in 1846. This lot has been a long existing lot of record. She went on to say that her client purchased the house in 1979, and at the hands of arson, it was destroyed by fire in 1993. Over a couple of years her client had several conversations with the Selectmen regarding building a new house on the lot and was told by them (Selectmen) she could do so. Mrs. Ryan was also told in 1994 to remove the remaining charred building. This all transpired in the years 1993 and 1994. The town chose to adopt a growth control ordinance in 1998. She said it was notable that the ordinance was drafted to manage the growth in town and work in conjunction with the Master Plan and Capital Improvements Plan, and that the Master Plan section regarding the town's growth management was adopted in June 2000. The Master Plan indicates that the town wants to manage growth to keep in pace with surrounding town's growth. She stated that she had no problem with that.

Atty. Somers continued by saying that the Master Plan has a section regarding the key coverage of school and road impacts in which those specific chapters are dated back to 1995-1996. The school addition is all set now and the road schedule in the Master Plan only goes to the year 2000. The Master Plan as existing reflects some issues of the Growth Control Ordinance but not many. In April the Rockingham Planning Commission stated that there should be a specific growth management chapter in the Master Plan. East Kingston does not have one. Also in November 2000 the Planning Board was to conduct an analysis of growth data to continue the ordinance another year. The November 2000 Planning Board minutes show no such analysis conducted and the December 2000 minutes showed an effort to do so, but not enough data was looked at. The Planning Board discussion on record indicates that comparison should have been made to other towns whose data was not available at that meeting. She stated that the Planning Board specifically decided to encourage elderly housing and light industrial, nonresidential uses – appropriate tools in planning goals, but

these were not addressed when the analysis of the continuation of the Growth Control Ordinance was conducted. The net result is that the board went ahead and continued the Growth Control Ordinance without the adequate information.

Atty. Somers further stated that the lot in question is a pre-existing lot of record for over 150 years – well before the Growth Control Ordinance was adopted. The ordinance specifically states that it does not apply to replacement buildings. She said that this lot had an existing building up until 1993 and there was no timeframe for when it had to be rebuilt.

Chairman Daly stated that the fact is the building was destroyed in 1993 and the applicant is requesting a building permit eight years later. Article XVIII states:

In the event of damage, destruction or demolition of any building not conforming to this ordinance, said building may be rebuilt for its former nonconforming use in the same manner and extent, provided construction is started within one year of its damage, destruction or demolition and is completed within two years.

Atty. Somers responded that that article deals with nonconforming buildings; the house itself was not nonconforming, only the lot, as it does not have the required acreage necessary. She stated that the previous house was too close to the road and that the replacement house would be set farther back from it, which would make the house more conforming than it originally was. She reiterated that the nonconformity has to do with the size of the lot and not the building itself.

When asked if the old building met all other regulations, Atty. Somers replied that the building setbacks were not, however, the new building will meet all setbacks.

Chairman Daly inquired if the applicant would be before the board if the Growth Control Ordinance issue was set aside.

Atty. Somers replied that they would not be here as there are no nonconformities regarding the building. She went on to say that the idea in 1995 was to manage growth at a specific rate. The house was in existence in 1993 and it could have people living in it then. She stated she needs the concurrence of the town to agree the house was there before the Growth Control Ordinance was adopted and that it could have had people living in it in 1995 had it not burned down. She stated that her client is entitled to a variance, as the ordinance should not be applied to her. In addressing the hardship standard, the recent court decision requires the applicant to demonstrate that no fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property. She said that the ordinance was designed to manage growth and that this has no substantial relationship to the property. The proposed new house would not increase the population, nor increase cars in town, it would not put more children in the school, and it would not increase fire and police services. There is no fair and substantial relationship to this proposal and the Growth Control Ordinance.

She stated that the second hardship criteria states that the applicant must show that the zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment. She said if the ordinance were not in play a building permit could be issued tomorrow. This interferes with the use of the property thus a reasonable use of the property is not permitted. She continued to say that her client could rightfully build a house if she wants, or she can sell the property if she wants. The application of this ordinance interferes with her right. She said that the property is a small, residential parcel located within a single-family home area. The new house would not stand out or be inconsistent with other houses around it. There would be no injury to the public or private rights of other if a new house were built. A new house would not impact the private rights of those around the parcel. The rights of the property owner are being affected if she is not allowed to build.

Atty. Somers further stated that if her client goes to sell the parcel with the Growth Control Ordinance in place, it would make for a tough sell if it is known that one can't build on it until later. She stated that the spirit and intent is satisfied, as it is a pre-existing lot of record. A recent court case states that nonconforming acreage is not subject to zoning regulations. The spirit and intent of the Growth Control Ordinance is not designed to apply to situations like this: lots without pre-existing homes are subject to the ordinance.

Chairman Daly agreed that this was a unique situation, however he asked Atty. Somers if the house had been in existence and destroyed fifty years ago, would she make the same argument?

Atty. Somers responded that she sees both ways here and that this is a unique situation. This may be the only or one of the few properties in town with this type of situation. This is an existing lot of record and had the house burned down while the Growth Control Ordinance was in effect, the parcel would be subject to it. Regarding the Chairman's question, she stated that it was a matter of degree.

She stated that her client spoke with the Selectmen and in good faith was told she could build another house. If the town is concerned about the timeframe, there should be an ordinance to address it. It shouldn't be a burden to her client.

Chairman Daly stated that if there is no house on the property, and one wishes to build one, they must apply for a building permit and building permits are subject to the ordinance.

Atty. Somers disagreed and stated that if the original house did not burn, there could be people living there right now. If the house burned seventy-five years ago, too much time has passed for its consideration. She said if the house were demolished today, the ordinance clearly states it can be replaced.

Chairman Daly stated that the property owner has the right to build a new house, but it must be in the timeframe outlined in the ordinance.

Atty. Somers stated that because the new building is not going to be nonconforming anymore, the timeframe issue goes away. Abutting properties would not be affected; the public interest criteria would be met because the property would produce a higher tax yield. Substantial justice would be met as if it weren't for the timeframe of events, her client would not be before the board tonight. She would get a building permit as a matter of right. If the ZBA upholds the Building Inspector's decision, then the substantial justice provides that a variance be granted.

Mr. Freeman asked if the newly proposed house had more square footage than the original house had.

Mrs. Ryan responded that the house plans submitted with her application are only sample proposals and that she has no specific building plans—they are just conceptual plans. If she were to sell the property she couldn't say as to what type of house would be built by the new owner.

Atty. Somers added that because of the size of the lot, they couldn't build anything much bigger than the original house and still meet all the setbacks. If relief from other setback restrictions were needed, that would be up to the future owner or Mrs. Ryan to apply for.

Mrs. Ryan stated that the original house was approximately 1,776 square feet with a two-story section in the front of the house with one and a half stories in the back. She thinks the conceptual plan has less square footage.

Mr. Ciardelli asked if it weren't for the Growth Control Ordinance, would the applicant have gotten a building permit – was that all that was needed?

Building Inspector, Glenn Clark replied that if the applicant were building a new house today, she could not build exactly as before. One needs a building permit for most any project, as that is how the town keeps up with what is going on. He stated that the lot in question is an undersized lot. Mrs. Ryan contacted him via phone and asked what she needed to build a new house on that lot. Since the house burned down eight years ago and to change the house from its previous layout, a building permit is required. He stated that he informed Mrs. Ryan that because the house burned down eight years ago and no replacement house was built within the one-year timeframe, she was no longer grandfathered. A new house permit would be required and all new dwelling building permits for 2001 have already been issued. He said he advised her of the proper procedure to appeal his decision not to issue her a building permit. Even though the lot size is an issue, the house itself was not nonconforming, only the land was.

Chairman Daly stated that the court case acknowledged earlier also clearly states that the property is not exempt from other zoning ordinances.

Mr. Clark added that the ordinance in town states any project that is \$1,000 or more in value requires a building permit.

Chairman Daly redirected the discussion back to the hardship issue.

Mr. Day inquired if the board had moved from the appeal issue.

Chairman Daly responded that he is waiting for a ruling on that but in his opinion he does not think the board can act on it. He continued to say that the *Simplex v. Town of Newington* case consisted of three elements of the hardship issue and that all three must be fulfilled to satisfy the hardship test:

- 1) that the zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property and its environment;
- 2) that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and
- 3) that the variance would not injure the public or private rights of others.

He went on to say that the restriction as it applies to the Growth Control Ordinance is a temporary problem; not a hardship issue.

Atty. Somers stated that this was the hardship – not being able to proceed in the timeframe her client desires is the hardship, whether she is building a new house or selling. This restriction will impact her ability to sell the property as one can not be expected to carry a mortgage and pay taxes on the parcel yet be unable to build on it until next year. This restriction does interfere with the reasonable use of the property.

Mr. Boudreau stated that this would be the case with any new lot in town.

Atty. Somers responded that it should not have to apply to a replacement dwelling situation like this. If the building permit were granted there would be no increase in population like it would with a new dwelling. Up until the original house burned in 1993 it always had people living in it; by the history of the lot's use they are not adding to the population.

Mr. Day stated that in reading the newspaper article dated June 1993 when the house burned, there were repeated comments of vandalism and kids invading the premises – this implies that there was no one living in the house.

Mrs. Ryan stated that there was no one living there at the time of the fire. Questions of when the last time the building was occupied were raised. Mr. Kent Shepherd stated that he has been a Haverhill Road resident since 1975 and that the house was never occupied to his knowledge. Mr. Clark stated that he has resided in town since 1971 and has never known the building to be occupied.

Mrs. Ryan replied that the house could have been lived in.

Atty. Somers stated that issuing a building permit would not add to the existing population bases, nor would it increase the demand on existing town services. Even if no one lived there, those restrictions were considered part of the property.

Mr. Clark stated that the property card on the parcel for the years 1972-1979 indicated there was no plumbing. It is unlikely anyone occupied the house for many years prior to the 1970's without any plumbing.

Mr. Day added that the tax card also indicates a value of \$27,100 for the property. This figure represents an undeveloped lot or a very cheap house. He asked what Mrs. Ryan was paying taxes on. He stated that it appears taxes were paid on undeveloped land and further stated that the Office of State Planning and other land use agencies have clearly determined that open space is the cheapest form of land development for a municipality, which would conflict with Atty. Somers' statements that constructing a new house would be a benefit to the public interest.

Atty. Somers replied that the Board of Selectmen advised her client that this lot was a buildable lot – the taxes and relationship with the town have always been that this was a buildable lot.

Mr. Day stated that he does not see why this lot can't eventually be developed –the record shows that taxes were paid on the properties value of \$27,000.

Mrs. Ryan responded that the taxes on the lot would increase as the assessment of the property increased.

Atty. Somers stated that basic land use law states that a fundamental lot of record is exempt for subsequent zoning regulations – the town's Growth Control Ordinance should not be applicable to this lot. The Growth Control Ordinance is not retroactive. She further explained that the Growth Control Ordinance adopted in 1998 cannot affect this lot of record dating back to 1800's. A new subdivision of twenty lots would be subject to it.

Mr. Clark stated that whether or not this was a lot of record, a house was not in existence for more than eight years when Mrs. Ryan applied for a building permit. Based on there being no house on the property at that time, a new dwelling building permit would be required (under a "new" home permit). All of the "new" home permits for the year 2001 have already been issued and Mrs. Ryan's application would have to go on a waiting list (for 2002 permits) behind seven others who own land and wish to build a house.

Atty. Somers again argued that this places unnecessary hardship on the parcel as no one else on that list had existing dwellings on lots that were burned down. The board must recognize the uniqueness of this situation.

Mr. Freeman stated that if he lost a house and did not rebuild it before one year and a day, he too, would have to be placed on the waiting list until a permit was available.

Atty. Somers replied that the Growth Control Ordinance does not address timeframe limitations.

Mr. Clark stated that two of the eight applicants on the waiting list spent over \$100,000 on their lots –that’s a hardship too.

Mr. Day asked if other property owners of two-acre undeveloped lots in East Kingston should be able to circumvent the Growth Control Ordinance because they bought their lots before the ordinance went into effect?

Atty. Somers replied that the board should consider each of those cases.

Mr. Day further asked if it was Atty. Somers’s position that when then the Growth Control Ordinance was put in place if all lots of record pre-existing it should be exempt from it.

She replied that the ordinance should not be applied here as the intent of the ordinance should not be applied to lots of record.

Mr. Ciardelli stated that this boils down to timing – the only hardship is the applicant’s timing when applying for a building permit. If she waited until next year, we would not be here deciding this matter.

Atty. Somers stated that she did not agree as it goes again to issue of when to build or market the property. There are complications if they were to market the property now as the lot could not be built on until next year – she believes this is a hardship. Her client should be able to use a timeframe that is desirable to her.

Mr. Ciardelli asked if this is the first time Mrs. Ryan has applied for a building permit since 1993. The response was affirmative.

Mrs. Ryan asked if the seven or eight permits on the waiting list were re-existing lots of record. Mr. Clark stated that he did not know and would have to look.

Atty. Somers stated that she speculated that many of those building permit applications came from subdivisions where the Growth Control Ordinance would apply –the ordinance was on the Planning Board books for many years, but there are no mechanisms to address this issue. It was not her client’s desire to take down the house after it burned. It was an act of arson, yet she chose not to leave the house there.

Mrs. Ryan stated that she would have to be clairvoyant to know that there was a timeframe to rebuild the house. She was told to rebuild or take it down.

Mr. Day read an excerpt from the June 27, 1994 Selectmen’s minutes:

Mr. Donald said the structure was not safe although not an immediate problem. He noted the ordinance requires something to be done within a year of fire.

Mrs. Ryan replied that the rubble had to come down within a year, not that she had to rebuild in one year. The Selectmen gave her an extension to remove the debris.

Mr. Day continued to read from the June 27, 1994 minutes:

Mr. DiProffio stated the board would accept the following: by October 1, 1994 it would be demolished or Mrs. Ryan would present a plan, which would be accepted by Joseph Conti, Building Inspector.

Mr. Day stated that his presumption to the issue in 1994 was speaking to the reconstruction of the house.

Mr. Clark said that the property has been residential for as long as he has known (1971) and that before it burned you couldn’t see the house behind the brush. After it burned, the house should have been removed or rebuilt.

Mrs. Ryan stated that she is in the house restoration business and that she had hoped to save the two rooms left and reshape the building into a saltbox.

Fire Chief Alan Mazur recalled that when the fire department had to extinguish the fire, they had to use a defensive attack as the floors were so rotten.

Mrs. Ryan stated that the house had new sills and a new sub floor. A 200-amp service was installed, as were lots of other improvements to the inside of the house.

Atty. Somers brought attention to an earlier statement made by the Chairman regarding the board's jurisdiction under RSA 674:33. RSA 674:33 notes that the board has jurisdiction over ordinances adopted under RSA 674:16. She then read an excerpt from RSA 674:16:

II. The power to adopt a zoning ordinance under this subdivision expressly includes the power to adopt innovative land use controls which may include, but which are not limited to, the methods contained in RSA 674:21...

She noted items listed under RSA 674:21 as timing incentives, phased development, intensity and use incentives, transfer of development rights, planned unit development, cluster development, impact zoning, performance standards, etc. She said that both the language from RSA 674:16 and 674:21 indicate its applicability to the Growth Control Ordinance. Furthermore, if the ZBA does not hear her appeal, there is no clear understanding of who should – there is no avenue to appeal the Growth Control Ordinance. She stated that even the Wetlands Ordinance is administered by the ZBA. When looking closely at RSA 674:33, it includes other innovative land use controls like a growth control ordinance. She stated she wanted it on the record that she objects to the claim that the ZBA does not have jurisdiction to hear appeals regarding the Growth Control Ordinance.

Mr. Day stated that the first element of hardship as determined by the Simplex case, states that the restriction renders no reasonable use of the property. He said he does not see how this applies to the lot in question. The building permit was denied based on timing, the use of the property was not denied.

Atty. Somers responded that the reasonable use of the property is for a single family home in the timeframe that is appealing to the property owner. It is her client's wish to do so within the calendar year or to have the restriction removed from the property so she can sell it. Her client is entitled to a building permit for that lot. The timing is a hardship that interferes with her client's rights. The unreasonableness is that her client has to wait a year to get a building permit.

Mr. Ciardelli stated that the house burned in 1993, the rubble was removed in 1994. He asked what action has the property owner taken on the property in the past seven years.

Atty. Somers replied none – it has only been within the past year that her client has considered doing something with it.

Mrs. Ryan stated she has received septic design approval and has since gotten a well cover; she is upgrading the septic system from before 1993. She said that there was work going on when the house burned and it was her intention to have someone live there. There were demolition concerns and then time passed. In the recent year she said she wanted to reactivate her use of the property. The original house was maintained, but on a minimal level.

Mr. Ciardelli stated the property sat idle for the past seven years and if permits were available the board would not be hearing this discussion right now. Had the applicant filed for a permit earlier, she wouldn't have this problem.

Atty. Somers stated that it was her client's right to chose when she wants to build on her property. Though she does not consider this matter an emergency, the lot did have a previous dwelling on it and it should not be subject to the Growth Control Ordinance and the town's timeframe.

ABUTTER QUESTIONS AND COMMENTS

Donna Martel of 4 Burnt Swamp Road asked when the last time someone lived in the house. No one from the meeting could give an answer.

Fire Chief Alan Mazur also a direct abutter to the property stated that he nor his wife had ever seen anyone working on the house when it was standing.

Mrs. Ryan stated that the work was done before he and his wife lived there.

Mr. Clark stated that if all the work on the flooring and sills were done as stated by Mrs. Ryan, then a building permit would have been required.

Mrs. Ryan replied that the Town never required a permit.

Redirecting to the hardship issue, Atty. Somers stated that Mrs. Ryan lost a potential buyer of the property because of the Growth Control Ordinance and its building delays – the sale fell through. This is another indication of hardship and interference to the rights of her client.

Mr. Day stated that the Planning Board minutes dated May 17, 2001 indicate that the Planning Board noted an upcoming ZBA case (Ryan Case) and commented that the allegations set forth in the appeals application regarding the incompleteness of the Planning Board's review of the Growth Control Ordinance were erroneous. Mr. Day stated that he has to take this statement on its face value. The Planning Board knows the process to extend the Growth Control Ordinance in accordance with the Rockingham Planning Commission's outline.

Chairman Daly stated that the issue here is the Building Inspector's decision, not the value of the Growth Control Ordinance itself. The application is to appeal the Building Inspector's denial of a building permit. The board can grant the appeal, grant it with conditions, or deny it.

MOTION: *Mr. Ciardelli motioned to deny Suzanne J. Ryan's Appeal from Administrative Decision from the Building Inspector's April 11, 2001 decision to deny a building permit based on the board's determination that the Building Inspector did not err in his decision. Mr. Day seconded.*

DISCUSSION: Mr. Boudreau stated he felt the same way. Chairman Daly stated that the board couldn't decide any differently. The situation was unique, but he could not see how the board could fault the decision of the Building Inspector given the facts and circumstances.

Chairman Daly called the vote. Those in favor of denying the appeal: Mr. Ciardelli, Mr. Day, Mr. Freeman, Mr. Boudreau, and Chairman Daly – the motion carried 5-0. The appeal was denied.

On the matter of the variance request, Chairman Daly listed the five criteria that must be satisfied in order for the board to grant one (variance). They are:

1. The proposed use would not diminish surrounding property values;
2. Granting the variance would be of benefit to the public interest;
3. Denial of the variance would result in unnecessary hardship;
4. Granting the variance would do substantial justice; and
5. The use is not contrary to the spirit of the ordinance.

Mr. Day stated that the hardship test as defined by the Supreme Court consists of three elements as follows:

1. The zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment.

He stated that he fails to see how this ordinance denies the reasonable use of the property. The applicant can still build on the property, just not right now. The property is not unique to make that element valid.

2. That no fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property.

He stated that there is a fair and substantial relationship as presented. The Growth Control Ordinance controls the growth of new dwelling. He stated that the argument also fails this element.

3. That the variance would not injure the public or private rights of others.

He stated that he is not sure about this one either. There was no presentation on the impact of abutters.

Chairman Daly stated that under the hardship test, the zoning restriction noted does not apply to the Growth Control Ordinance as the Growth Control Ordinance does not create a zoning restriction – it just says the applicant can't get a permit this year as only so many are allowed in a year. He too, does not believe the first element for the hardship test was satisfied.

He further noted that the application does not satisfy the spirit of the ordinance as well. The timing issue comes into play – though he is sympathetic to the cause, the board must apply the standards that are given. Eight years has lapsed since the destruction of the original house.

Mr. Day stated that the argument of granting the variance would be of benefit to public interest is false as creating another residence in town would not benefit the tax base. The Office of State Planning says otherwise –this is not an argument to use to satisfy that criteria.

Chairman Daly noted the criteria failed by the applicant:

1. Hardship – Mr. Day, Mr. Ciardelli, and Mr. Boudreau stated their opinions that the applicant failed to meet this criteria;
2. Spirit of the ordinance –Mr. Day stated the ordinance is working the way it is supposed to.
3. Benefit to public interest – Mr. Day reiterated it is not in the public interest given the tax base argument.

Mr. Boudreau stated that he had problems with the applicant meeting the hardship criteria as any new lot would have the same hardship. The applicant had eight years of opportunity to build a new house.

MOTION: *Mr. Boudreau motioned to deny Suzanne J. Ryan's request for Variance from Article III-A, Sections A-D for reasons noted in the discussion (hardship, spirit of ordinance, & benefit to public interest criteria not satisfied). Mr. Freeman seconded. With no further discussion the motion carried 5-0. The variance was denied.*

OTHER BUSINESS

ZBA Roster: A current roster of the ZBA members was distributed and one correction was noted. The recording secretary would send out corrected rosters with the board minutes.

Minutes: The board reviewed the minutes dated December 7, 1999 and motioned to approve them as presented.

Zoning Ordinance: 2001 Zoning Books were distributed to all members present along with other informational items.

Town Hall Sound Issue: Richard Gordon requested that the board address sound issues as he found it very difficult to hear much of the discussion between the applicant and the board. He was advised to submit a letter of complaint to the Selectmen but later stated he would attend one of their meetings and complain in person. Mr. Fillio stated that there is some opposition from the Selectmen to install a PA system.

With no further business the meeting adjourned at 9:00 p.m.

hmi

Catherine Belcher,
Secretary

Minutes completed and on file May 28, 2001.

approved July 12, 2001