

UNAPPROVED

Town of East Kingston, New Hampshire
Zoning Board of Adjustment Meeting Minutes

October 25, 2007

7:00 PM

AGENDA

7:00 PM The Zoning Board of Adjustment will review and approve minutes of the following meetings:

- August 23, 2007
- August 30, 2007
- September 27, 2007

Members Attending: Chairman John V. Daly, Vice Chairman David A. Ciardelli, Norman Freeman, Paul Falman
Alternate Members: Catherine Belcher, Tim Allen
Others Attending: Attorney Peter Loughlin

Mr. Daly opened the meeting of the East Kingston Zoning Board of Adjustment (ZBA) at the East Kingston Town Hall on October 25, 2007, at 7:00 PM.

Review and approval of the August 30 minute (Richard and Camille Goff Special Exception Hearing) Chairman Daly, Vice Chairman Ciardelli, Peter Riley, Catherine Belcher, and Tim Allen were present at this public hearing.

Mr. Daly was Chair for this meeting. Mr. Daly stated that one of the questions that had come up in this meeting was the measurement from the septic system. There was Board discussion regarding this, and the fact that it was not designated in the ordinance just where that measurement was to begin and end.

Mrs. Belcher reported that Mr. Donald, East Kingston Building Inspector, had ascertained that since he would be the person inspecting the septic systems and knew what to look for, no further clarification would be needed in the ordinance. It was Mrs. Belcher's thought that it should be clarified in the ordinance since there was a definite difference in the state standards and the Town's, and that the Building Inspector was not present at Zoning Board meetings for clarification. She reported that the Building Inspector was looking into the matter and would be presenting wording for the change in the future to the Planning Board. Mrs. White conveyed that Mr. Donald has supplied a packet of information from the State to the Planning Board Chairman, and that they would be meeting to put together some changed wording for the ordinance.

The minutes of August 30 were reviewed, and there were no changes submitted.

MOTION: Mr. Daly **MOVED** to accept the minutes of August 30 as presented. Mr. Ciardelli seconded, and the motion carried unanimously.

Review and approval of the August 23 minutes (Continued Rehearing for Industrial Tower). Vice Chairman Ciardelli, Norman Freeman, Peter Riley, Catherine Belcher and Paul Falman were present at this public hearing.

Mr. Ciardelli was Chair at this meeting. These minutes were challenged by Attorney David Spear, who had requested changes in the wording of some of his statements. The Board had charged Mrs. White to listen to the tape of the meeting again and ascertain if the changes were indeed warranted. Mrs. White reported that after listening to the tape, all but the last two items on Mr. Spear's request were correct. The last two were not exactly as Mr. Spear had stated. It was the Board's decision that the minutes be changed to reflect just what was heard on the tape, and not necessarily what Mr. Spear had suggested to be rewritten. Mrs. Belcher offered some other minor changes. Mrs. White will change the minutes as directed, and distribute a new copy to all the members.

MOTION: Mrs. Belcher **MOVED** to accept the minutes of August 23 to be amended as discussed. Mr. Ciardelli seconded, and the motion carried unanimously.

Review and approval of the September 27 minutes (Continued Rehearing for Industrial Tower). Vice Chairman Ciardelli, Norman Freeman, Peter Riley, Catherine Belcher and Paul Falman were present at this public hearing.

Mr. Ciardelli was Chair at this meeting. Mr. Ciardelli reported that the wording was very confusing, and that he had suggested some minor changes to the order of the wording in order to clarify the statements.

Mr. Falman submitted a change on pages 2 and 12.

There was Board discussion and it was the consensus of the Board that the word *feels* should be changed to *opined*. For consistency, the statement at the end of each criterion was also changed to read, "The Board voted ___ to ___ that the criteria was satisfied/not satisfied".

Mr. Ciardelli reviewed with the Board members that Criteria #3a and #5 were not met; the Board agreed those were the criterion that were not met.

MOTION: Mr. Falman **MOVED** to accept the minutes of September 27 as amended with the changes as discussed. Mr. Ciardelli seconded, and the motion carried unanimously.

Mrs. White will amend the minutes as directed, and distribute a new copy to all the members.

BOARD BUSINESS

Applicant's and Owner's request for rehearing. Mrs. White reported to the Board that a request for rehearing had been received that morning from the applicant and the property owners, and she distributed copies to the Board members.

It was noted that a decision whether or not to hold the rehearing would have to be made within 30 days of the receipt of the request. A meeting date of Tuesday, November 13 was decided upon.

Discussion of who needed to be notified and whether or not attendees could make comments ensued. It was ascertained that the parties submitting the request for rehearing would be notified, and there will be no public input. The decision whether or not to grant the rehearing must be made within 30 days of the receipt of the request, and the actual rehearing must be held within a reasonable amount of time after the decision to hold that rehearing.

Mrs. White will submit the public notice, notify the applicants and the owners, and post the notice at the Town Offices and the Post Office.

Mrs. White will also supply a copy of the Request for Rehearing and the amended September 27 minutes to Mr. Loughlin.

The meeting was adjourned at 8:25 PM.

Respectfully submitted,

Barbara White

Barbara White
Recording Secretary

John Daly
ZBA Chairman

David Ciardelli
Vice Chairman

Minutes Approved on _____