

Hopkinton Zoning Board of Adjustment
Minutes
July 7, 2009

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, July 7, 2009, at 7:00 PM in the Town Hall. Members present: Toni Gray, Harold Perkins, John Boatwright and Charles Koontz.

I. Applications.

Case #: ZO2009-5: Roger D. Smith Mr. Smith of 341 Stark Highway, Dunbarton, addressed the Board requesting a **Variance** to construct a single-family residence with less than the rear setback requirement. The property is located off Briar Hill Road in the R-4 district, Tax Map 241, Lot 52. The application was submitted in accordance with section 4.3 and 15.12 of the Hopkinton Zoning Ordinance.

Mr. Smith began by advising that the same Variance being requested was originally approved by the Board of Adjustment on July 3, 2007; however, due to economic times he has yet to construct the residence and therefore, the Variance had expired. He is now before the Board re-applying for the same Variance that was issued two-years ago.

Mr. Smith reviewed the standards for Variance in accordance with Section 15.8.3 of the Hopkinton Zoning Ordinance.

1. The proposed use would not diminish surrounding property values because:

"Granting the Variance would allow a home to be built comparable with the other homes in the neighborhood."

2. Granting the variance would not be contrary to the public interest because:

"A residential home in a residential neighborhood is in keeping with the existing neighborhood."

3. By granting the variance substantial justice would be done because:

"The existing grandfathered lot meets the acreage requirements, but is long and narrow and was created prior to setback requirements of 1964."

4. The spirit and intent of the Ordinance will not be broken by granting the variance because:

"The Variance would keep values in the neighborhood consistent by allow a similar style home to be constructed."

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.

- (a) An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.

"The building envelope is unusually small allowing only a very narrow home to be constructed."

- (b) The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

"Without a Variance the home could not exceed 16 to 18-feet in width, which would not be consistent in size with other homes along Briar Hill Road.

Mrs. Gray inquired as to whether the abutter, Phyllis Randall, had ever pursued her concerns with respect to the location of her boundary line. In response, Mr. Smith stated that he had not heard from Mrs. Randall after the July 2007 meeting.

Chairman Krzyzaniak referenced the July 2007 minutes of the meeting in which Mrs. Gray had asked if it were possible to locate the deck to the side of the home; thereby, decreasing the non-conformity to the rear of the property. Chairman Krzyzaniak stated that at the time Mr. Smith had replied yes. Mr. Smith recalled the discussions, but believed that there was no requirement that the deck be placed to the rear of the home. He expressed concern with the appearance of the home being very long should the deck be constructed to the side.

Chairman Krzyzaniak informed Mr. Smith that she would not be in favor of granting a Variance for more than what is necessary, especially given the fact that it is possible to construct the deck to the side of the home.

Mr. Koontz questioned whether Mr. Smith was indicating that the lot is unique due to its long and narrow configuration. Mr. Smith replied yes.

Mr. Perkins inquired about the surrounding properties. In response, Mr. Smith stated that there are wetlands and a large field to the rear abutting property. To the right of the property there is a residence and to the left there is a vacant lot.

Mr. Boatwright noted that he had visited the property and believed it to be unlikely that the rear abutter would build in close proximity to Mr. Smith's lot as the area is very steep and wet. Mr. Boatwright stated that he continues to be in favor of the application as he was in July 2007.

There was no one present wishing to give public testimony.

Mr. Perkins stated that if he were present at the 2007 hearing he would have voted against the application with the deck being proposed to the rear of the home. If the request was to construct the residence without the deck he would have voted in favor. However, based on the topography of the lot and Mr. Smith's response to the criteria for a Variance, Mr. Perkins stated that he is in favor of the application. Mrs. Gray concurred, stating that she had voted in favor of the application in July 2007.

Motion made by Mr. Koontz, seconded by Mr. Perkins, to vote on application #ZO2009-5 as presented. All in favor of voting. With five members voting, all five voted in favor of approving the application (Gray, Koontz, Perkins, Boatwright and Krzyzaniak).

Case #: ZO2009-6 James O'Brien Mr. O'Brien addressed the Board requesting a **Special Exception** to raise poultry at property located at 17 Prospect Street in the VR-1 district, Tax Map 102, Lot 51. The application was submitted in accordance with Table of Uses 3.6.D.2 of the Hopkinton Zoning Ordinance.

Mr. O'Brien explained that he has three children and his proposal to give the children the responsibility to raise the chickens. The plan is to have no more than eight (8) chickens, noting that he has no plans for roosters. The chickens will be housed in a non-permanent structure, located to the rear of the property.

1. Standards provided by this Ordinance for the particular use permitted by special exception.

"Hopkinton Zoning Ordinance page Z-17, section 3.6.D.2, VR-1 district allows for agricultural uses by Special Exception, including raising laying hens."

2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

"No, the hens will be housed in a small non-permanent structure resembling a shed."

3. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

"The proposal is for hens only, no loud roosters. All waste is to be composted. Hens will be housed in a small non-permanent structure with a small fenced-in run. The area is well screened with vegetation and will blend with the environment."

4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

"No, hens will be kept in an enclosed area."

5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

"No, all waste will be composted using best practices and the composted manure will be used on gardens."

6. No significant increase of storm water runoff onto adjacent property or streets.

"No, the hens will be located in the far corner away from the street. Our yard is well drained on sloping land. The hens will be located next to a forested area."

7. An appropriate location for the proposed use.

"Yes, within our yard. Native vegetation will screen most of the area where they are kept and will blend with the surrounding character of the yard and structures."

8. Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

"No, the area they will be kept in is well-screened from neighbors. All waste will be composted using best practices. There will be no roosters."

9. In the public interest and in the spirit of the ordinance.

"Yes, the Ordinance allows for this use specifically. Our yard is large and is an ideal candidate for this type of use."

Abutter Bob Lapree of 25 Highland Avenue spoke in favor of the proposal, stating that the raising of the chickens will be a good experience for the children.

Abutter Terri Lorber of 53 Maple Street asked to view the site map and then stated that he had no objections to the proposal.

Abutters Richard and Anne Simms of 43 Maple Street also viewed the site map indicating that they too had no objections.

Mr. Perkins asked Mr. O'Brien if he would object to a condition limiting him to no more than eight (8) laying hens that are to be housed in a fenced-in area. Mr. O'Brien had no objections.

Public testimony was closed.

Mrs. Gray believed that Mr. O'Brien successfully addressed the criteria to be granted a Special Exception. Board members concurred.

Motion made by Mr. Perkins, seconded by Mr. Boatwright, to vote on application #ZO2009-06 with the condition that the Applicant be limited to no more than eight (8) laying hens that are to be housed in a fenced-in area. All in favor of voting. With five members voting, all five voted in favor of approving the application with the condition as indicated (Gray, Koontz, Perkins, Boatwright and Krzyzaniak).

Case #: ZO2009-7 Lisa Garside Steven Garside addressed the Board on behalf of his wife, requesting a **Special Exception** to operate a yoga center as a home business at property owned by Susan Levesque and Lawrence Ehlinger, located at 100 Chase Farm Road in the R-4 district, Tax Map 243, Lot 20. The application was submitted in accordance with Table of Uses 3.6.A.7 of the Hopkinton Zoning Ordinance.

Mr. Garside began by explaining that, prior to moving to New Hampshire, his wife had owned a yoga center in Cape Coral, Florida. She now would like to teach yoga in their home to no more than ten (10) clients at one time. Hours of operation anticipated at one to two nights a week from 6 PM to 7:30 PM and a class to be held one (1) Saturday a month. Additionally, specialty classes will be held one or two times a month which will be an hour and a half in length.

Chairman Krzyzaniak requested further detail with respect to the days and hours of operation. Mr. Perkins agreed, advising Mr. Garside that he should outline the maximum number of days and times, so to avoid having to come back before the Board in the near future to request permission to expand the days and hours of operation. Mr. Perkins questioned whether the hours of 6:30 PM to 8:00 PM, four (4) days a week, including every Saturday from 9 AM to 12 Noon would be sufficient. Mr. Garside replied yes, but stated that at this time he did not anticipate his wife teaching more than a couple of classes a week.

Mr. Perkins then noted that in reading Mrs. Garside's application she indicates that she plans to hold one (1) to two (2) classes a weeknight, both being an hour in length. Mr. Perkins questioned whether the hours and days discussed would conflict with the written request. Mr. Garside responded no, indicating that the written request of one to two classes a weeknight was intended to mean one to two classes a week. He agreed that limiting the use to four nights a week and every Saturday would be sufficient.

1. Standards provided by this Ordinance for the particular use permitted by special exception.

"Home businesses are permitted per sections 2.1.H.1 and 3.7.3." The home business will be conducted entirely within the dwelling. It will entail contact with the general public at the premises, pursued unobtrusively i.e., indoors, or if the classes were to be conducted out of doors, it would not be visible from the road. In consideration of the intrinsically quiet nature of yoga, it would create no nuisance nor any environmental, health or safety concern for the neighborhood. The business would be incidental and subordinate to the dwelling use, which is a residence. In no way would this business change either the character of the dwelling or the neighborhood. Classes will be conducted by Lisa Garside, tenant of 100 Chase Farm Road. There are no other employees at this time, nor is there any planned for the future. Usable area for people to participate in yoga, in the dwelling, is no greater than 500 square feet.

The use will be carried out entirely within the dwelling, according to the area limitation. There will be no display of goods or wares visible from the street. The building will not be objectionable inasmuch as there will be no emissions of any sort. There will be no changes to the outside dwelling. This property is a single family dwelling. The space available for teaching yoga does not permit more than ten (10) people at one time. Due to the large area of land on 100 Chase Farm Road, parking will not be an issue nor will traffic congestion. There will be no outside storage of equipment. Special Exception rules are understood. There are no commercial vehicles connected with this business and site plan review has been submitted."

2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

"There is no risk of fire, explosion or release of toxic materials in connection with this business."

3. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

"The scale of buildings will not change, access to the property will not change, parking will be unobtrusive as the property is located at the end of the road, unseen by neighbors or from the street.

There will be no pollutants, odors, noise glare, heat or vibration as result of this business. There will be no outdoor storage or equipment, vehicles or other materials."

4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

"Property is situated on a quiet street with two other homes. Traffic up and down the street is minimal, therefore traffic from the street will not become congested or pose a safety hazard. Students will be departing quietly after class one at a time, again not causing any hazards. The plan is to hold one to two classes a weeknight, both being an hour in length. There will be specialty classes once to two times a month which will be an hour and a half in length."

5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

"The property has its own well and septic. No waste will be generated. There is no need for police and fire protection as a result of this business. During operating hours very minimal noise will be heard. Yoga encourages one to be quiet and listen to their surroundings. Classes will be one hour in length and clients will be considered transient in nature. Occasionally, there will be special classes that are greater in length. The septic system is 1500 plus gallons, easily handling the possibility of a student using the bathroom."

6. No significant increase of storm water runoff onto adjacent property or streets.

"No, there will be no increase in storm water runoff as there will be no changes to the exterior of the property."

7. An appropriate location for the proposed use.

"This property is an appropriate location for the proposed use because the serene nature of yoga classes matches the serene nature of the land accompanying the property and beyond. Yoga is based in the natural world, and thereby reflects the natural beauty of the area with its beautiful large lot of land, trees, rolling terrain, mountains in the background, and gorgeous nature sounds throughout the day. This dwelling is a home away from home to be used as a haven for those needing it. Yoga promotes health, well being, safety and peace. All is a general benefit for the town and society."

8. Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

"The business will positively affect the health of the community, will not adversely affect the safety, and will not impact the use or development of neighboring properties."

9. In the public interest and in the spirit of the ordinance.

"This home business is created in the interest of the community. There is a need in the town to provide an authentic yoga center that will improve the health, vitality, and attitude for those attending, as well as a greater sense of well being. Yoga is an excellent reflection of this concept and would be a great addition to the town. Lisa Garside recently owned a yoga center in the city of Cape Coral, Florida. The yoga center was opened and ran in accordance with city regulations and ordinances. The studio provided a safe haven for those who needed it. It was very well received and was a great relief to those who participated, due to the harsh economic struggle in the area."

Abutter Mark Jalbert of 86 Chase Farm Road expressed concern with the potential increase in traffic and the fact that the street curves with no warning to drivers. He suggested that signage may be appropriate to address safety concerns. Mr. Jalbert had no objections to the proposed use of the property. In response to Mr. Jalbert's concerns with traffic safety, Chairman Krzyzaniak recommended that he address his concerns, including his suggestion for signage, to the Planning Board during their review of the site.

Public testimony was closed.

Motion made by Mr. Koontz, seconded by Mr. Perkins, to vote on application #ZO2009-07 as presented. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application. Note: Hours of operation are to be as represented to the Board. The Applicant adequately addressed the standards set forth in paragraph 3.7.3, including the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

Case #: ZO2009-8 Collette Labrecque Collette Labrecque addressed the Board for a **Variance** to allow a roof over a dog pen to remain in a location that is less than the side setback requirement. The property is located at 346 Spring Street in the R-1 district, Tax Map 221, Lot 107. The application was submitted in accordance with section 4.4.1 of the Hopkinton Zoning Ordinance.

Mrs. Labrecque presented a letter from the closest abutter, Tom Yestramski, in which Mr. Yestamski indicates that he has no objections to the proposal. She further presented photographs of her property showing extensive flooding that had occurred as a result of recent rain.

The dog pen is used to house seven huskies and one Samoyed that are owned by Mrs. Labrecque. Over the years, the dogs were used for dog sledding and showing. The pen which consists of a chain link fence and dog house has existed for approximately six (6) years in its current location. Over the years, Mrs. Labrecque had tried using tarps as a temporary roof to protect the dogs during inclement weather such as snow, rain and hot sunny days and found it to be dangerous. The tarps would cave in due to heavy snowload. At one time she had placed boards under the tarp thinking that it would

prevent the tarps from collapsing, but instead the snow load caused the boards and roof to collapse into the pen. Mrs. Labrecque stated that at that point she had decided that it was necessary to construct a temporary roof (19' x 50') over the dog pen. She said that she had considered the roof temporary as it will only be there for the duration of the dogs and is free-standing, constructed of wood with a tin roof. Mrs. Labrecque's oldest dog is ten years old and as they pass on she does not have immediate plans to replace them.

Approximately one year ago Mrs. Labrecque had telephoned the Town Hall asking whether or not her constructing the temporary roof over the dog pen would require a building permit. She stated that she had spoken with Karen Robertson, and was told that there would be no permit required since the roof was free-standing, had no sides, and was temporary. Relying on what she was told she had gone ahead and constructed the roof, but later learned from Karen that the Town's rules do not have separate standards for temporary versus permanent structures. Mrs. Labrecque was then told that a building permit would be required and that the roof was considered a structure that would have to meet setback requirements of 10-feet from the side and rear property lines.

When measuring the distances from the roof to the side property line, Mrs. Labrecque had found that the roof, including the overhang, was only four-feet from the Yestramski (side) property line. She had discussed her alternatives with Karen in addressing the setback issue and determined that based on the lack of dry property available, during spring; she should apply for the Variance.

Again, Mrs. Labrecque reviewed with the Board photographs of her property showing the extensive flooding that takes place, not just on her property, but also on her neighbors' properties. She believed that the flooding limits her ability to relocate the dog pen and roof to the right side or rear of the property.

1. The proposed use would not diminish surrounding property values because:

"The roof is constructed of wood and tin and is held up with steel poles. The purpose of the roof is to provide shelter for my dogs during inclement weather. The roof has been in place for approximately one year and in its present location does not appear to have affected property values. I have included photographs for you to view."

2. Granting the variance would not be contrary to the public interest because:

"While the roof is permitted I have been told that the Town's Ordinance requires a 10-foot side setback. The roof in its current location is only four feet from the Yestramski (side) property line. The area in question is vegetated and abuts Mr. Yestramski's electrical business. I have spoken with Mr. Yestramski with respect to the location of the roof and he has said that he has no objections to the location."

3. By granting the variance substantial justice would be done because:

"Granting the Variance will allow me to continue to provide shelter for my dogs from the snow, rain and sun. I have contemplated moving the dog pen; however, I believe that I am unable to do so without having to address a major drainage problem that exists in the neighborhood. As you can see by the attached photographs flooding of our property and neighboring properties occurs extensively during the spring. In fact, we have ducks that come and swim in the water.

4. The spirit and intent of the Ordinance will not be broken by granting the variance because:

"The spirit and intent of the Ordinance will not be broken. While the dog pen is allowed with no setback requirements the roof that provides shelter for the dogs is less than the required setback to the side property line. The roof or dog pen is not used for commercial or residential purposes. The setback requirement is 10-feet and the roof is approximately four feet from the side property line."

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.
 - (a) An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.

"An area Variance is needed to allow me to provide shelter for my dogs during inclement weather. The extensive flooding of the property is believed to be a special condition that I believe prevents me from being able to relocate the dog pen so that the roof is in compliance with the side setback. Extensive redesign and drainage reconstruction would most likely be necessary in order to prevent the spring flooding of my driveway, side yard, rear yard, and my neighbors' properties. At times, flooding is so extensive that one of my neighbors has concerns that the flooding will impact their leach field. As you can see by the photographs ducks tend to come to the property during flooding."

- (b) The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

"I have looked at alternatives, such as relocating the dog pen and roof to another portion of the property that would allow compliance with the side setback, and believe that it is not reasonably feasible. I would have to bring in lots of fill and address the drainage issue in order to relocate the pen. Given these economic times the cost would be a great burden for my family. I believe that the location of the temporary roof, within four feet of the property line, adjacent to a commercial use provides little or no impact to the neighbor."

David Moul and Beverly Moller of 326 Pinewood Drive addressed the Board as abutters in favor of the proposal. Mrs. Moller reiterated the fact that a great deal of fill would need to be used in order to address the flooding of the Labrecque property. She believed that it would be very difficult to relocate the dog pen and roof to different location due to the extent of flooding that occurs during the spring.

Ira Migdal of 312 Pinewood Drive addressed the Board as an abutter questioning why a Variance is necessary for a temporary structure. In response, Mr. Perkins stated that the Variance is necessary because it is a structure that does not conform to the setback requirements.

Mr. Perkins noted that in voting on the application he is not considering the Applicant's statement with respect to an economic hardship. However, he did believe that the Applicant adequately addressed the criteria for a Variance. The location for placement of the dog pen is limited due to seasonal flooding of a majority of the property. All members concurred.

Motion made by Mr. Perkins, seconded by Mr. Boatwright, to vote on application #ZO2009-08 as presented. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application.

The Board took a five minute recess before hearing the next application.

Case #: ZO2009-9 Christopher Clorite Christopher Clorite addressed the Board requesting a **Variance** to temporarily allow two principal residences to exist at property located at 1078 Bound Tree Road in the R-3 district, Tax Map 206, Lot 5. The application was submitted in accordance with section 4.4.3 of the Hopkinton Zoning Ordinance.

Mr. Clorite proposes to live in the mobile home that is currently on his property while constructing his new residence. He estimated that it would take him approximately one year to construct the residence. Within a specified time of receiving the certificate of occupancy permit he would remove the mobile home from the property.

1. The proposed use would not diminish surrounding property values because:

"The Variance would permit me to build a new house and remove the existing poor condition mobile home thereby making the property more aesthetically pleasing and increasing the value of surrounding properties."

2. Granting the variance would not be contrary to the public interest because:

"The Variance would only be in effect from the start of construction through a specified time limit after receiving a certificate of occupancy for the new home."

The abutters I have spoken with are in favor of having a house in their neighborhood over the existing mobile home. As you can see there's no adverse affect on the public interest."

3. By granting the variance substantial justice would be done because:
"Granting the Variance will allow me to continue to provide shelter for my dogs from the snow, rain and sun. I have contemplated moving the dog pen; however, I believe that I am unable to do so without having to address a major drainage problem that exists in the neighborhood. As you can see by the attached photographs flooding of our property and neighboring properties occurs extensively during the spring. In fact, we have ducks that come and swim in the water.
4. The spirit and intent of the Ordinance will not be broken by granting the variance because:

"The mobile home is over twenty years old and is in disarray. This is my only residence and property. I don't have the financial freedom to remove the mobile home and rent living space elsewhere during the construction. By granting a Variance I would be allowed to use the property as the zoning intends with a single residence, following the construction of the new home. The lot would also comply with the current zoning which restricts mobile home to parks."
5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.
 - (a) The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment.

"The zoning restriction of one house per lot is unique because the existing home is a mobile home. If it were a twenty year old stick built home I would put on an addition and reconstruct the structure. The restriction of one home per lot will be complied with following the construction of the new home."
 - (b) No fair and substantial relationship exists between the general purpose of the Zoning Ordinance and the specific restrictions on the property.

"No fair or substantial relationship exists as the Variance would be on a temporary basis only and would only, technically, be non-conforming after the new house is completed and before the mobile home is removed. After this, the lot would comply with all Town zoning. Temporary relief could be granted to this property without frustrating the purpose of the Ordinance."
 - (c) The Variance would not injure the public or private rights of others.

“The new home will be located with a greater setback from the road creating more privacy for the public and abutters.”

Mr. Perkins inquired as to the timetable for construction. In response, Mr. Clorite anticipated construction to begin in the fall with the home to be completed within one year. He estimated that within two months of receipt of the certificate of occupancy the mobile home would be removed.

Mrs. Gray questioned why it would take two months from the issuance of the certificate of occupancy for the removal of the mobile home. Mr. Clorite stated that he would need the time to hire someone to remove or demo the mobile home. Chairman Krzyzaniak agreed, suggesting that Mr. Clorite may need six months for the removal of the mobile home with the understanding that during that time period no one is to live in the mobile home. Other members disagreed, expressing concern with the time table as suggested that Mr. Clorite and Chairman Krzyzaniak.

Chris Boudette of 1057 Bound Tree Road addressed the Board as an abutter in favor of the proposal. Mr. Boudette believed that a time period of six months from the issuance of the certificate of occupancy would address any issues that may arise as due winter weather or road postings.

Mr. Koontz and Mrs. Gray suggested a 30-day time period with the understanding that the Applicant could come back before the Board to request an extension.

Board members stated that the Applicant adequately addressed the criteria to be granted a Variance as set forth in paragraph 15.8.3 of the Zoning Ordinance. The replacement of the mobile home with a new residence would eliminate the grandfathered non-conformity on the property.

Motion made by Mr. Boatwright, seconded by Mrs. Gray, to vote on application #ZO2009-09 with the condition that within one-year of November 1, 2009, construction of the new residence shall be completed and within 30-days of issuance of the Certificate of Occupancy the mobile home is to be removed from the property. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application.

II. Review of the Minutes and Notice of Decision of June 2, 2009.

Mr. Koontz, seconded by Mr. Perkins, moved approval of the Minutes as presented. With five members voting, all five voted in favor (Gray, Koontz, Perkins, Boatwright, and Krzyzaniak).

Mr. Perkins, seconded by Mr. Koontz, moved approval of the Notice of Decision as presented. With five members voting, all five voted in favor (Gray, Koontz, Perkins, Boatwright, and Krzyzaniak).

III. Other Business.

Voting Procedure – The Board briefly discussed the procedure by which they following in deciding to vote on an application. It was a consensus of the Board to eliminate the process of making a motion to vote on each application before the Board. Instead, it was agreed that they would go directly to a motion either in favor, opposition, or to continue the application.

IV. Adjournment.

With no other business to come before the meeting, motion was made by Mr. Perkins, seconded by Mr. Boatwright, moved to adjourn at 9:15 PM. Motion carried unanimously. The next regular scheduled meeting of the Board is Tuesday, August 4, 2009, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning/Zoning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.