



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES OF NON-PUBLIC SESSION FEBRUARY 7, 2012

Members present: Chairman Janet Krzyzaniak, Toni Gray, Charles Koontz, Daniel Rinden and David Brock. Staff present: Planning Director Karen Robertson.

(Minutes of public session reflect that the Board of Adjustment entered into non-public session to review a legal memorandum from the Board's counsel under the provisions of RSA 91-A:3, II (e). The Board entered into non-public session, as recorded separately, at 7:19 PM. Vote: Rinden, Koontz, Gray, Brock and Krzyzaniak voted in favor.) Legal memorandum is classified as "confidential and privileged legal communication".

Mr. Brock was concerned that members of the Board had not had an opportunity to review the legal memorandum from the Board's counsel. All members indicated that they had reviewed the memorandum.

While the Board did not review the legal memorandum, members read NH RSA 674:33, II which provides the Zoning Board of Adjustment with authority to modify any prior condition of approval to the extent that any modifications do not affect compliance with the criteria for variance.

Mr. Brock noted that he had prepared a possible motion that he may offer once the Board returns to public session.

(Minutes of regular meeting reflect that the Board of Adjustment returned to public session at 7:27 PM. Vote: Rinden, Koontz, Gray, Brock and Krzyzaniak voted in favor.)

Karen L. Robertson
Planning Director

History:

1. April 4, 2006, ZBA denied Variance (Nelson).
2. June 1, 2006, ZBA denied Motion for Rehearing (Nelson).
3. March 15, 2007, Merrimack County Superior Court remands to ZBA Substantial Justice Criterion.
4. June 5, 2007, ZBA approved Variance (Nelson).
5. August 15, 2007, ZBA approved Motion for Rehearing (Schoch).
6. October 2, 2007, ZBA approved Variance (Nelson).
7. September 14, 2009, BOS approved Building Permit (Nelson).
8. September 12, 2011, BOS approved one-year extension of Building Permit (Nelson).
9. November 17, 2011, ZBA denied Administrative Appeal (Schoch).
10. January 5, 2012, ZBA approved Motion for Rehearing (Schoch).