

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

MEETING MINUTES

March 24, 2009

PUBLIC HEARING

Chairman Jim VanValkenburgh called the meeting of the zoning Board of Adjustment to order. In attendance were members Wayne Elliott, Bill Whalen, Tim Grant, and alternate Ann Littlefield (acting clerk). Public notice was posted, abutters were notified by certified mail, and the notice was published in the citizen on March 17, 2009.

Chairman VanValkenburgh recused himself and turned the hearing over to Co-Chair Tim Grant.

CASE #442 – A request from Barry and Terry Hersh to hear An Appeal From An Administrative Decision. Applicants are appealing the issuance of a Building Permit for TM 18 Lot 70. The property is located on Broadview Drive in the Commercial, Shorefront, and Aquifer Districts (TM 18 Lot 70).

Barry and Terry Hersh were told they had the option to postpone the hearing due to the fact that there would only be four voting members. They were informed they could choose to wait until a full five-member board was in attendance. Barry and Terry Hersh did not indicate they were sure they wanted to postpone.

Discussion followed to include confusion over the fact that ZBA members did not seem to have all documents submitted by Barry and Terry Hersh and perhaps not all documentation submitted by Hersh legal counsel. Ann Littlefield stated she did not copy the lengthy documentation from Hersh legal counsel due to postage costs; the thought being that Barry and Terry Hersh would lead members through the packet during their testimony for their appeal.

Bill Whalen stated confusion as to exactly which Plonski building permit was being appealed. He further expressed confusion with several letters bearing the same date.

Tim Grant asked members if they all had read the letter(s) of complaint. Members confirmed they had but it remained somewhat unclear as to which building permit was being questioned.

Terry Hersh stated that she was under the impression this hearing was being held to determine whether to grant a rehearing. She stated there seemed to be an error in the wording at the bottom of the Public Notice, which was misleading. Terry Hersh stated her legal counsel was not in attendance because of this. Upon closer scrutiny, Ann Littlefield acknowledged misleading wording was

indeed in evidence. Tim Grant acknowledged this as a procedural error and asked that the Public Notice wording be corrected in the future.

Joseph Plonski, owner of the Broadview Drive property in question, spoke at this time. Mr. Plonski stated that permit #2636 was issued in Oct. 2005 to re-locate a cottage. The cottage was re-located in Dec. 2005 and the permit expired in 2007. And, as part of that same permit, an addition was built onto the cottage. He questioned whether the Hersh appeal was timely. He rhetorically asked if the issue was really about multiple dwellings on one lot. His permit #2909 had nothing to do with creating multiple units.

Barry and Terry Hersh requested their request be postponed.

Tim Grant asked if there was a motion to table the appeal. Wayne Elliot made a motion to table the application Bill Whalen seconded the motion. A vote was taken and the motion passed unanimously. Voting was Tim Grant, Wayne Elliott, Bill Whalen, and Ann Littlefield. CASE #442 is tabled until the next regularly scheduled meeting. An apology was extended to Barry and Terry Hersh for all misunderstanding.

Tim Grant adjourned the meeting at this time.

The next scheduled public hearing date is Tuesday, April 28, 2009 at 7:15 p.m.

Respectfully submitted, Ann E. Littlefield, Clerk.

These minutes are subject to the review and approval of the Zoning Board of Adjustment. Until such time as approval by vote is recorded, posted and/or website minutes are representational of the Public Hearing and are for informational purposes only.