

Minutes

Special Work Session - Board of Adjustment

Town of Wilton, N.H.

September 10, 1986

*have  
not  
been  
proper public  
notice.  
6P  
See 9.17.86 hearing*

Members present: Acting Chairman, Tom Mitchell, Steven Blanchard,  
Herb Klein, Grayson Parker, Ed Lamminen, Recording Secretary-Gail Proctor.

Others present: David Stein-Selectmen

The meeting was called to order by Acting Chairman, Tom Mitchell at 7:32 P.M.  
in the Town Hall Court Room. Chairman Mitchell explained to the Board the  
purpose of the special meeting to:

1. Approve the minutes of the Levesque hearing (Case #12,  
August 27,1986).
2. Act on an appeal for a rehearing from the Selectmen on  
the same case.

Chairman Mitchell explained to the Board that the request must be acted  
upon within 10 days and a hearing scheduled within twenty days. In order to  
accommodate the weekly newspaper deadlines, Chairman Mitchell scheduled this  
session as soon as possible. Chairman Mitchell stated that he received the  
formal request for a rehearing on September 9, 1986.

Copies of the minutes were distributed to the Board members and the  
following additions were made:

1. E. Lamminen requested that the minutes include the  
statements from the ZBA Handbook p. 13, para. b, which describe "special  
conditions". Mr. Lamminen read this paragraph to the Board and the public

at the original hearing and he felt that it was an important point that supported Mr. Levesque's case.

2. S. Blanchard requested that his statement pointing out, ". . .that the property was in the aquifer." should precede Mr. Levesque's statement that, ". . . there will be Town water and sewer for the restaurant."

3. S. Blanchard requested that the phrase, "with a site-plan review" be inserted after the statement, ". . . that these details would be taken up by the Planning Board." (P. 3 Minutes)

4. S. Blanchard requested that Mr. Maxi be identified as an abutter and that Charles McGettigan and Michael Davidson be identified as residents.

Being no other comments, additions, or corrections, Chairman Mitchell moved that the minutes be accepted with the above additions. The motion was seconded by Grayson Parker and the minutes were approved by a 5-0 vote.

Chairman Mitchell distributed copies of the Selectmen's request for a rehearing of the Levesque case (#12). Chairman Mitchell then explained to the Board that the purpose of this meeting was to review the Selectmen's request and to decide if the request contained sufficient new evidence for a rehearing of the case. Chairman Mitchell also explained that the Board must review the request to determine if the Board was in technical error when the Levesque decision was made.

The Board spent the remainder of the evening reviewing and discussing

the Selectmen's request for a rehearing on the Levesque case.

Chairman Mitchell proposed the motion:

Should the Board hold a rehearing on the Levesque case as requested by the Selectmen of the Town of Wilton.

Steven Blanchard seconded the motion.

Being no further discussion, the Board voted 4-1 to not grant the rehearing. T. Mitchell cast the affirmative vote.

Recording Secretary, Gail Proctor asked the Board to consider collectively to record a statement outlining the reasons for the decision. Chairman<sup>Mitchell</sup> suggested that the Board review the rehearing request point by point and make appropriate comments on each statements. It was the agreement of the other Board members that a simple statement would be adequate.

Herbert Klein drew up the statement as follows:

"The four points delineating the application for rehearing of Case #12-86 fails to reveal any new evidence or technical error by the majority of the Zoning Board of Adjustment at its initial hearing."

The concurring Board members accepted this statement for the record.

Meeting adjourned at 9:13 P.M.

*Gail Proctor*  
Gail Proctor, Recording Secretary