



ZONING BOARD OF ADJUSTMENT

WILTON

NEW HAMPSHIRE 03086

Minutes May 30, 1989

Chairman Mitchell called the meeting to order at 7:00 PM. Present are Neil Faiman, Grayson Parker, George Infanti, Cindy Harris and secretary Joanna K Eckstrom. Reason for meeting is to discuss petitions for rehearing in the Oberg Special Exception for a proposed day care center on Prince Street. Requests for rehearing came from Anne Jasper, Chairman of the Wilton School Board received 5/24/89 and from abutters Steve Blanchard, Jim Boutwell, Adrian gentes and Arthur Martin received today. (Deadline for requests for rehearing was today.)

Mitchell read the requests to the Board. He reminded that this is second time a rehearing has been requested in this matter. Grounds for rehearing would be technical error (by the ZBA) or new evidence. he cautioned that "new evidence" must be information which no one had any way of knowing at the previous hearing. It can't be information that was overlooked due to an oversight on the part of commenters. The other reason for rehearing would be technical error.

Jasper's letter cited technical error in that the School Board was not notified of the hearing. She also suggested new evidence ie how the center can float on less than 40 children. Blanchard's letter alleged that property market values would decrease, cited noise levels and safety factors and said Board did not address these concerns adequately. Mitchell sought the Board's comments.

Infanti asked where does one draw the line? Do Police and Fire Chiefs get individual certified letters alerting them of meetings?

Faiman asked who is supposed to get the letter. Mitchell said he had checked with secretary for protocol. Abutters list is property owners. Town of Wilton got letter (through Selectmen). They probably should have forwarded to school board but it was not a technical error on the part of ZBA in the matter.

Parker concurred. He said he was a quasi representative of the School Board in that he's a taxpayer. There was a means for them to be notified without direct letter. Feels all items noted in these letters were thoroughly addressed at the hearing.

Mitchell said he thought all issues, concerns had been addressed - nothing new here. And for re-hearing, there must be new evidence. As to property values, he recalled there was a realtor present.

Infanti recalled having talked about property values, and he felt concerns were addressed. Remember that Micki Pieterse, agent for the Obergs, was present at their hearing.

Mitchell added that although issues may not, in some peoples' opinions, have been addressed adequately, they were

discussed sufficiently for the Board to have made a decision.

Eckstrom noted as a point of order that the applicants notified abutters they were obligated to notify - the owners of property. Notice was sent to the Town of Wilton and although the school board may not have been notified directly, there are several ways in which the public is notified of upcoming hearings. One is the newspaper ad and news item; the other is the agenda that'sw posted at the post Office and Town Hall before the meeting. Parker added that he recalled the teacher/abutter commenting that the principal had been consulted about this as well.

Mitchell concluded there is no new evidence nor was there a technical error. Parker concurred once again.

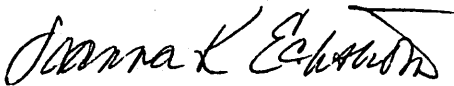
Parker moved that the original hearing decision stands, that no rehearing will be granted; second by Infanti; unanimous approval of motion.

Mitchell summarized the original hearing stands; no new evidence, no technical error, no rehearing. Requests denied.

In other business, scheduled for June 13, Tuesday at 7:30 PM will be Robert Bragdon request for Special Exception under the new ordinance (Article V, Section D-2) and Granite State Concrete if application submitted on time. Site visits will be made at 4 to Granite State and 7 at Bragdon's.

Meeting adjourned at 7:30.

Respectfully,



Joanna K Eckstrom
Secretary