



ZONING BOARD OF ADJUSTMENT

WILTON

NEW HAMPSHIRE 03086

SPECIAL MEETING

JULY 20, 1989

A special meeting of the Zoning Board of Adjustment was called to order at 7:30 by Chairman Tom Mitchell. Members and alternates present were Neil Faiman, Grayson Parker, George Infanti, Steve Blanchard, Roger Wellington and Joanna K Eckstrom. Press was represented by Mike Cleveland - Cabinet and Peter Ferrand - Telegraph. Mitchell described purpose of meeting as twofold - first to clarify the Board's decision regarding Granite State Concrete Co Inc of 7/12 and second to discuss a request for rehearing in the matter.

Mitchell said that several had misunderstood the Board's 7/12 decision. A building permit had been issued and certain parties felt that the ZBA had overstepped the Planning Board's authority for Site Plan Review. Mitchell said he'd spoken with Town Counsel Silas Little. Little said that clarification could be made to state that the Building Permit would be granted upon favorable site plan review by Planning Board. A motion to add "site plan review" to original motion to grant was suggested.

Grayson Parker said that he expected the matter to go to site plan review anyway. Asked why building permit had been issued.

Frank Millward, Building Inspector, replied that he believed the permit needed to be issued within 72 hours of the ZBA's decision, therefore, he issued the permit. Mitchell asked Millward what the procedure would be in a normal application, not requiring any other Board's consideration. Millward said he'd referred the matter to the Planning Board in the first place because it was placing a piece of machinery in the residential-agricultural zone. ZBA's decision was to overrule him and issue the permit and believing this had to be done within 72 hours, he repeated, he issued the Building Permit to Granite State.

Mitchell added that the building permit had been issued in error, and according to Little, the remedy for this was to make the permit legal by subjecting it to favorable site plan review by Planning Board.

Peter Leishman, attending for and representing Granite State, said they felt all along that Site Plan Review would be necessary but that when he visited Selectmen on Monday, 7/17 that Board did not ask for building permit back.

Grayson Parker moved to "clarify the original decision by adding that Granite State go through Planning Board prior to issue of valid building permit." Second by Neil Faiman. Voting unanimously in favor of the motion were Tom Mitchell, Grayson Parker, George Infanti, Neil Faiman and Roger Wellington (sitting for absent Cindy Harris).

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Dick Rockwood, Planning Board member, asked Granite State if it had the permit. Leishman repeated that it had been issued to Granite State and the Selectmen did not ask for it back, therefore they still had it.

Grayson Parker noted that Granite State is a major investor in the railroad. Quinn Bros. is not only an abutter to Granite State but also a competitor. If Quinn wanted to move his material via rail, would he get the same deal as Granite State. Leishman assured yes, that the industry is very highly regulated.

A letter requesting rehearing was received in Town Hall on Wednesday from Anthony Perfito of Isaac Frye Hwy. Mitchell read the letter into the record.

Neil Faiman suggested and asked the consensus of the Board whether he should step down in the matter of the request(s) for rehearing inasmuch as he had spent time in discussion with Tom Newbold in Concord in the matter. He saw the discussion as potentially conflicting. Board consensus was that since letter was from Perfito, not Newbold, there was no need for Faiman to step down.

Steve Blanchard felt there was no technical error as cited by Perfito; the issues were separated in the beginning by Faiman's suggestion, said Blanchard. (See minutes of 7/12)

Tom Mitchell said there was no technical error in that everyone got the same information at one time.

Neil Faiman said all had same opportunity to view any information and anyone of the abutters or those in audience could have requested to look at the information package.

Mitchell added that any information relevant to the hearing came out within the hearing; nothing was made available to the Board or anyone prior to the hearing.

Dick Rockwood suggested that maybe the info should have been read into record.

Grayson Parker moved "that the technical error cited here by Anthony Perfito is not founded". Second by George Infanti. Motion carried unanimously. Request for rehearing denied.

In other business, Mitchell noted that legal notices (advertisements) were not appearing in the paper. Secretary advised that she had not put notices in paper since becoming Secretary, that she was told that posting notices of decision and making decisions available for inspection in Town Hall was sufficient. Also the cost of legal advertisements was \$25+ and there was no money for such advertisements. Mitchell suggested that the application fee could be increased to accommodate this or that Zoning Budget moneys could be used.. He had attended Monday's Selectmen's meetings to find out how this could be done. Sought Board consensus of paid legal advertisements.

Grayson Parker said this would open a Pandora's box of problems. It would mean more work for the secretary, not to mention the additional cost.

Dick Rockwood and Steve Blanchard both agreed that anyone really interested in the outcome of a hearing would attend that hearing.

George Infanti thought at first that it would be a good idea but realized that it is expensive.

The consensus was that it's not worth it to put ads in the newspaper and secretary will continue having decisions made available for public inspection within 72 hours. Minutes should be available within 144 hours.

Scheduled for the August meeting (9th) are Robert Manning, Jack Skelly, Constant and Colleen Yanusewski and tentatively, Linda Vanetti. Site visits will begin at Yanusewski property at 6:45. Board members should meet at Brookside Mobil at that time.

Meeting adjourned at 8:15 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joanna K Eckstrom". The signature is written in dark ink and is positioned above the printed name.

Joanna K Eckstrom