



ZONING BOARD OF ADJUSTMENT

WILTON

NEW HAMPSHIRE 03086

SPECIAL MEETING  
NOVEMBER 1, 1989

Chairman Thomas Mitchell called the Special Meeting to order at 7:31 PM. Seated on the Board were Mitchell, Cynthia Harris, Grayson Parker, George Infanti and Alternate Roger Wellington. Joanna K Eckstrom, Secretary recorded the minutes.

Mitchell announced that purpose of special meeting was to consider request for rehearing by Linda Vanetti. Board must determine if there was technical error committed or if there is sufficient new evidence to warrant a rehearing. Mitchell read Ms Vanetti's letter. (Copies had been given to respective Board members prior to opening the meeting. Copy attached.)

Mitchell said that he did not feel there was sufficient new evidence to warrant a rehearing.

Mr Parker concurred; he saw no new evidence.

Mr Wellington asked which Special Exception was referred to as having been granted in Paragraph 3 of Ms vanetti's letter. Board noted this was Skelly's. Bob Bragdon had also been granted a Special Exception, however, his application had an attached building. Wellington agreed; he saw no new information in Ms Vanetti's letter.

Mitchell asked for a motion in the matter. Wellington moved to grant the request for rehearing; second by Mr Infanti. The Board voted unanimously against the motion.

Mitchell announced that a second letter requesting a rehearing had been received from Joanna K Eckstrom, private citizen. He quoted RSA 677:2 on page 40 of the Zoning Handbook and said that Eckstrom's request could not be considered as she was neither a Selectman, a party to the action or proceedings or any person directly affected by the decision. Additionally, she is not an abutter, he said, therefore her letter has no legal ground for consideration for rehearing.

Mr Parker and Mr Infanti thought that Eckstrom might have been party to the proceedings in that she was recording Secretary at the hearing.

Mrs Eckstrom defended her right to request a rehearing referring to her ownership of property in the Residential zone and being a taxpayer in Town as well as being a registered voter in the Town. She added that the Board had considered requests for

rehearings from people whose only interest in a decision of the Board was as "concerned citizen". She cited the request of Anthony Perfito of Isaac Frye Highway, in particular, in the Granite State Concrete hearings in summer of 1989. Perfito was not an abutter in the case but the Board considered his request for rehearing and voted upon whether or not a technical error had been committed or whether there was sufficient new evidence to rehear the case. Eckstrom said she expected the same consideration.

Alternate Board Member Steve Blanchard asked from the audience Mitchell's definition of "affected party". He recalled the instance mentioned by Eckstrom and said he did not realize one must be a direct abutter in order to be able to request a rehearing. He added that he wanted his name added to Ms Eckstrom letter as he would like consideration for rehearing on the same grounds she presented. Mitchell responded that Blanchard could not add his name. Deadline for requesting rehearing had passed and if he'd wanted to sign his name, he could have done so by the deadline.

Mitchell continued that although Eckstrom's letter would not be considered as he previously noted, she would be given the courtesy of the Board's response to her claims.

Eckstrom requested permission of the Chair to speak and said she was stepping down while her letter was being discussed. She took a seat in the audience for the remainder of the proceedings. Cynthia Harris recorded minutes for the remainder of the meeting.

Respectfully submitted,

Joanna K Eckstrom  
Secretary ZBA

(as recorded by Cynthia Harris, acting secretary)

Chairman Mitchell read Secretary Eckstrom's Items from a letter Joanna Eckstrom presented to the board. Mitchell summarized each line item.

#1-Mitchell did not see error because Secretary Eckstrom was not allowed to participate in the closed discussion. Eckstrom during Vanetti's hearing was acting as a secretary-she did not have any reason to participate in the closed discussion. Eckstrom did not have any new information to add to the discussion.

Harris stated that the Planning Board does not allow alternates to speak during closed discussions.

Eckstrom feels it was a technical error because she was not allowed to speak. Eckstrom stated that the Planning Board does allow alternates to speak, the Planning Board does not have closed discussions.

Blanchard-Skelly's special exception was allowed. Felt it was the same issue.

Vanetti-What about Bragdon's and Skelly's-they were both allowed. Why not me?

Mitchell stated that we were dealing with a detached building. We have to deal with every case individually.

#2-There was no site visit-Mitchell stated that site visits are an option of the ZBA. We go as a courtesy to applicant to get a better idea of what is being discussed. The ZBA is not obligated to visit any site. With Vanetti's, everyone on the board did visit the site at different times.

Eckstrom-why didn't two members formally say they went to visit the site? Since 1988 every case she has been involved with has had a site visit. Things on the site could have changed from August '88 to March '89 that might have made a difference in the decision-Vanetti could have widened her driveway and added parking spaces.

Parker-that has nothing to do with our hearing or our decision.

#3-Grayson Parker had a conflict of interest in previous hearing-Why not this time? Parker stated that if there was a conflict his decision would be in Vanetti's favor. This hearing is so cut and dry and such a violation of previous law that anyone making the decision could've and would've voted the same way. Two years ago at the previous hearing he felt too ill at ease because of his friendship with the Vanetti's. Now he feels that his vote did not have any conflict with the friendship. As previously stated his vote would've been in Vanetti's favor.

#4-Definition of "residential Building" is misunderstood. Taken to mean any ~~XXXXXX~~ house that is occupied and lived in. The Planning Board was trying to make it less complicated for people who owned big old rambling houses to convert part of their home into an apartment to make it affordable for them to maintain ownership-the definition of

residential Building does not include detached buildings that are used for storage or garages.

Eckstrom stated that the letter of the ordinance does not define residential building in the zoning ordinances for the Town of Wilton. The Planning Board failed to define it.

Wellington-Article V, Section A-4 is what we based our decision on.

Mitchell-residence is defined in the dictionary.

Blanchard-concerning the applicant, it (the Section referred to by Wellington) wasn't specified to applicant as to which section of the ordinance. The applicant is working within the spirit of the law. She has an old rambling building.

Mitchell-it is not an old rambling building; it's a detached garage.

Blanchard-The ZBA had their minds made up before the hearing. It did not matter what was said

Mitchell-It doesn't matter what Blanchard's opinion was-everyone is entitled to one (an opinion).

Wellington-Skelly's outbuilding was turned into an apartment was used as an example. It was a violation of the ordinance-we have no recourse. Since it was done before it should be allowed-the ordinances forbid that kind of development. Should not be allowed.

Eckstrom-the ordinance was supposed to make it easier to convert their structures to apartments. Previously the applicant came before the ZBA for a variance for a hardship to the land or property that has sewer and water, insulation, furnishings, that building is taxed mor than a building that's unfinished.

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Infanti-what does that have to do with it?

Eckstrom-that has a lot to do with it because the building is taxed ~~at~~ at a much higher rate because of all of the extra ~~gas lines, electric lines, sewer lines, etc.~~ *water + sewer*

Blanchard-the boards don't treat the applicants equally. No other buildings ~~are~~ were approved that were detached since the ordinance passed.

that concludes the discussion of Eckstrom's letter to the ZBA.

Minutes-any changes?

Wellington-wanted to include in the minutes that Roger Wellington and Neil Faiman did visit the site (Linda Vanetti's) prior to this hearing.

Mitchell would like to see the underlines stricked from the minutes. Feels it is inappropriate-feels it is editorializing to underline words to emphasize-emphasis is perceived by different people in different ways. The secretary's job is to report facts.

There have never been underlines in the minutes before that Mitchell can recall. Don't need to begin now. Need only to have information recorded.

Mitchell-in favor of minutes as amended  
seconded

Unanimous vote in favor of accepting the minutes.

Infanti-should have it in writing as to who could speak during the closed discussion.

Mitchell-Silas Little suggested during procedure for a closed discussion that the people who are voting are the people who are allowed to speak and that they should be identified.

Eckstrom-what about alternates called in on a hearing being discussed. Would their opinion or vote be construed as prejudiced since they were not allowed to be a part of the discussion?

Mitchell no, it's not looked at that way. Used to have discussions in an Executive Sessions but because of the "Right to Know" Law it can't be done-it became a public forum.

Mitchell will rewrite our guidelines-proposes to have it as a part of our procedure (ZBA guidelines)-All of the ZBA members, alternates and voting members will read, discuss and vote on it. It is not a hearing.

Eckstrom-Do I get a vote?

Mitchell-everyone gets to vote on it-all members

Parker-Motion to adjourn meeting  
Seconded.

Eckstrom-resigning as secretary to the ZBA. The law allows a member of the Board to be secretary-but feels she cannot change hats. Eckstrom does not feel underlining is editorializing and resents the accusation. Just trying to do job effectively. Eckstrom will stay on as an alternate to the ZBA.

Meeting adjourned 8:30