

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT MINUTES

OCTOBER 30, 1991

VOTING BOARD: Members Herb Klein, Tom Mitchell, Grayson Parker and alternates Cindy Harris and Jim Tuttle.  
Chairman Neil Faiman chaired the meeting but did not vote.

CLERK: Diane Nilsson

AGENDA: Gary A. Crosby - request for a rehearing of case # 10/9/91-1.  
Dianne K. Smith - request for a rehearing of case # 10/9/91-1.

Chairman Faiman stated that two requests had been received by the Board for rehearings. (See file). One was from the applicant, the other from an abutter who was not notified of the original hearing. He explained that it would be up to the Board to decide whether a hearing could be considered legal when the applicant excluded an abutter and the application for a Special Exception was denied.

Mr. Mitchell stated that it seemed unfair to throw out all the previously heard evidence and call the meeting illegal when the Board had assumed, when making its decision, that abutters who were not present had no objection to the project being discussed.

Mr. Klein agreed with Mr. Mitchell.

Mr. Parker stated that in the past, if an abutter was excluded, a rehearing was held.

Mr. Mitchell suggested holding a rehearing to consider new evidence, which in this case would be an abutter, and not throwing out the previously heard evidence.

Mr. Parker stated that a technical error was made and it would seem proper that the Board should hold a rehearing because of this error.

The Board discussed who would bear the cost of a rehearing in this case, since the applicant made the error.

MOTION: Mr. Parker moved to hold a rehearing due to a technical error which was committed by Mr. Crosby in that he did not present a correct abutter list. Mr. Crosby will pay the costs incurred in renoticing the rehearing, including filing and abutter notification fees. The motion was seconded by Mr. Tuttle and all voted in favor.

The Board clarified that this rehearing would constitute a continuation of the previous hearing and all evidence thus far presented would be carried forward and considered at the rehearing.

APPROVAL OF MINUTES - October 9, 1991

Page 2, third paragraph from bottom of page - **strike in a negative way.**  
Page 3, paragraph 2 - insert after Mr. Crosby , **asked to respond to abutters,**  
Page 3, paragraph 3 - add **two other abutters were notified but were not present.**  
**The Board assumed they had no objections.**

MOTION: Mr. Parker moved to approve the 10/9/91 minutes as amended.  
Mr. Tuttle seconded with all in favor.

MOTION: Mr. Mitchell moved to adjourn the meeting. Ms. Harris seconded  
with all in favor.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Diane Nilsson  
Diane Nilsson, Clerk

Posted: 11/5/91