

Zoning Board of Adjustment
Minutes of July 23, 2015
6:30 PM
Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH

MEMBERS PRESENT: Ben Nelson, Chairman; Melissa Saccento, Vice Chairman, Beth Cassorla, David Lain, Jeff Kessler, BOS Representative; Scott McCoy, Alternate

MEMBERS ABSENT: Donald Boutin, Alternate

PRESENT FROM THE COMMUNITY: Mr. Bert Spaulding, Sr.; Mr. David Kibbey

STAFF PRESENT: Julie M. Magnuson, Planning & Zoning Administrator

CALL TO ORDER: Mr. Ben Nelson called the meeting to order at 6:30 pm followed by an introduction of the sitting members. He explained for the public in attendance and those viewing at home that Mr. McCoy was sitting with the Board for discussion but would not be voting, as there was a full Board present.

ELECTION OF OFFICERS: On a motion by Mrs. Cassorla, seconded by Mr. Kessler, *the Board voted to elect Mr. Ben Nelson Chairman and Ms. Saccento Vice Chairman of the Zoning Board of Adjustment for the FY 2015-16. The motion passed 5-0-0.*

Chairman Nelson continued with the meeting.

ADMINISTRATION: The Board will decide whether or not to grant a rehearing based upon the motion received on July 6, 2015. The Board will open the motion for their deliberation only. There will not be any testimony or evidence allowed.

Chairman Nelson addressed the Zoning Board and public and explained that the reason the ZBA was meeting was to decide whether to grant a rehearing of Case #1028 in which the Zoning Board of Adjustment upheld the Administrative Decision made by Ms. Julie Magnuson. The applicant, Mr. Kelley, has asked for a reconsideration of that finding. Chairman Nelson reiterated that was why the Zoning Board of Adjustment was convened. Chairman Nelson addressed Ms. Magnuson and asked if she would like to explain the agenda.

Referring to the notice under Administration, Ms. Magnuson stated that the Zoning Board would be deliberating on their decision of June 18, 2015. There would be no evidence or testimony. The Newport Town attorney had been in touch with Mr. Puffer (Mr. Kelley's attorney). Mr. Puffer would not be in attendance at the 07.23.15 ZBA meeting. Ms. Magnuson met with Mr. Bernie Waugh (Town counsel); he was not able to be in attendance at the 07.23.15 ZBA meeting. Ms. Magnuson told the ZBA members that when they opened the meeting and went into deliberations, if they had questions of the Newport Town counsel, she recommended that they open and continue the meeting until such time as Town counsel was available. Continuing, Ms. Magnuson stated she had a list of dates that Mr. Bernie Waugh was available (reiterating, Ms. Magnuson stated he was not able to attend 07.23.15).

Addressing Ms. Magnuson, Chairman Nelson stated that opening and continuing the meeting to a later date made sense to him.

Ms. Magnuson addressed the Chair and asked that he vote on the minutes and then open the deliberative session.

MINUTES: April 23, 2015

On a motion by Mr. Kessler, seconded by Mrs. Cassorla; *the Board approved the minutes of the April 23, 2015 meeting as presented. The motion passed 4-0-1 (Saccento abstained).*

June 18, 2015

On a motion by Mr. Kessler, seconded by Mrs. Cassorla; *the Board approved the minutes of the June 18, 2015 meeting with the following typographical correction: page 5, paragraph 4, change spelling of Dun to Dunn. The motion passed 5-0-0.*

NEW BUSINESS:

The Zoning Board of Adjustment will hold a public meeting to decide whether or not to grant a rehearing on their decision to uphold the administrative decision of Julie M. Magnuson, Planning & Zoning Administrator on June 18, 2015 pertaining to Case #1028: Richard D. Kelley, Jr. (Appellant).

Chairman Nelson stated that instead of reading the four page application into the record, he was requesting that the application (as received on June 6, 2015 by the TOPAZ office) be attached to the minutes of the 07.23.15 ZBA meeting (Attachment1). There was discussion as to how it would be available to the public. Mr. Kessler explained that the application would be an attachment to the minutes. The Chair concurred. Board members agreed to its attachment.

Chairman Nelson stated that because Attorney Waugh could not attend the 07.23.15 meeting his inclination was to recess the meeting until a time when he would be available. He asked for the pleasure of the Board. Each ZBA member agreed to a recess.

Chairman Nelson addressed Ms. Magnuson and asked for potential meeting dates that would be within their legal window. She stated that Mr. Waugh was available on the 3rd, 4th, 5th and 6th of August. Mr. Kessler inquired about the week of July 27 -31. Ms. Magnuson restated the dates Mr. Waugh was available. There was a discussion among the Zoning Board members as to a suitable date. They agreed on Tuesday, August 4, 2015 at 6:30 in the BOS room.

For clarification, Chairman Nelson stated that the meeting would be solely for the purpose of deciding whether to grant a rehearing or not; there would be no evidence or testimony. If the Zoning Board decided to grant a rehearing then they would set a date at the 08.04.15.meeting. Ms. Magnuson added to Chairman Nelson's statement by explaining that it (rehearing) would then be a public hearing and abutters would be allowed to speak.

Mr. McCoy asked where the meeting would be located. He was told the BOS room; (since) there wouldn't be any testimony. Chairman Nelson reiterated the meeting information: Tuesday, August 4, 2015 at 6:30 pm in the BOS room.

Ms. Magnuson requested a motion and vote on the date they had decided.

On a motion by Mr. Kessler, seconded by Ms. Cassorla; *the Zoning Board of Adjustment voted to continue the meeting until Tuesday, August 4, 2015 at 6:30 pm in the BOS room. The motion passed 5-0-0.*

There being no further business, on a motion by Ms. Saccento, seconded by Mrs. Cassorla; *the Zoning Board of Adjustment voted to adjourn at 6:40. The motion passed 5-0-0.*

Application materials must be received on/before August 7, 2015 for the next regular meeting of the Zoning Board scheduled on August 27, 2015.

Respectfully submitted,

Maura Stetson

Scribe

Attachment (1)