

**Kingston Zoning Board of Adjustment
July 9, 2015
Public Hearing**

Minutes

The Chairman called the meeting to order at 7:02 PM, declaring a quorum present; there were no challenges to the validity of the meeting.

Members Present:

Ellie Alessio, Chair
Peter Coffin

Ray Donald, V. Chair

Also present: Ellen Faulconer, acting secretary.

Board Business:

MM&S to approve the 6/11/15 minutes as presented. (Motion by Mr. Donald, second by Mr. Coffin) **PUNA**

- Ms. Alessio announced she had just sworn Ellen Faulconer in as an alternate to the Board. She added that details were being worked out for Ms. Faulconer to act as the permanent Board secretary and therefore be available as an alternate for the Board in case of a lack of a quorum. Ms. Alessio asked the Board to provide her with any suggestions to replace open full Board positions noting that the appointment would only be until the next March election.
- Ms. Alessio told the Board that she had just received a request for a re-hearing regarding the Lancaster decision from June; due to posting requirements, the hearing to determine whether to grant the request would be in August.
- Re-hearing request procedures were reviewed; a suggestion for the Board to think about would be to require a full hearing application at the time of the re-hearing request; if the re-hearing was not granted, the application fees would be voided or returned. Ms. Alessio explained that the process would be to have a hearing, there would be 30 days to request a re-hearing and at that time the applicant would have to provide the application along with the letter and other information to support their request for the re-hearing. The Board will review possibilities at the next meeting to formally establish the procedure.

**Timothy W. and Jean M. Reed
79 Sunny Oakes Terrace
Strafford, NH 03884**

**Re: U7 Lot 9
92 B Main Street
Kingston, NH 03848**

Ms. Alessio opened the hearing at 7:08 noting that the applicant was not present; she read the published notice for this hearing. Mr. Coffin stated that it was not really necessary for the applicant to be at the hearing in order for the ZBA to make tonight's decision on a re-hearing request.

Ted Holcombe, an abutter, stated that he was just here tonight as an observer; he was curious about the procedure and anxious to have the shed moved off his property. Ms. Alessio explained that the applicant is asking to have a re-hearing in response to their decision in May and the Board will decide whether the criteria for a re-hearing has been met during tonight's hearing. She explained that depending on the decision, he would need to speak with the Board of Selectmen about enforcing any ruling. Ms. Alessio also noted that Mr. Holcombe had provided a letter for the record at the initial hearing. Ms. Alessio added that if the Board granted the request for a re-hearing, that would be held in August.

The Board reviewed the request for the re-hearing; all the members had received the submitted information. Mr. Coffin stated that the problem with the petition is that the shed is on the abutter's property so there is no standing from the petitioner to build a new shed on property they don't own; to leave the shed would require a variance for the Holcombe's property; the hardship is that the shed is located on property the applicant's don't own. Mr. Coffin continued that the applicant referenced the Simplex vs. the Town of Newington case which was a decision on a use variance not an area variance and not the same type of decision so was irrelevant to the Board's decision. Ms. Alessio stated that no new information regarding the variance was submitted; the information provided was the same as the original documentation; the only information that was different was the applicant's concern with the view from the window which is not a new issue for the Board. Mr. Coffin stated that the concerns they have regarding the slope on the property is not an issue nor is walking an additional 10 ft. to the shed. Mr. Coffin said that he would deny the application as there was no new evidence presented, no hardship that the Board had not already dealt with and the applicant does not own the property that the shed is located on. Mr. Donald stated that he concurs with the comments made by Mr. Coffin and he does not feel the ZBA erred in its decision.

MM&S to deny the request for the re-hearing with the reasons as cited during the hearing: no new evidence presented, no hardship that had not previously been addressed and the applicant does not own the property where the shed is located.
(Motion by Mr. Donald, second by Mr. Coffin) **PUNA**

Board Business, continued

- Ms. Alessio confirmed that the Board would have a hearing in August to review the re-hearing request for the Lancaster decision; that could not be done earlier due to notification requirements. If the re-hearing request is granted, that hearing would be in September.

- Ms. Alessio told the Board that she had received a call from Kevin Roy, a builder working on Mr. Pramberg's property. Ms. Alessio reviewed the previous ZBA decision which included renovation and an addition but no demolition of the building. Mr. Roy informed her that Mr. Pramberg would like to demolish and rebuild and believes he could do this within the current ZBA decision. Ms. Alessio explained that the decision was clear and very specific; any alterations to that decision would need to be requested and reviewed at a ZBA public hearing. The Board agreed with Ms. Alessio that any changes to the decision would require a new application and hearing.
- The Board will order a nameplate for Ms. Faulconer.

MM&S to adjourn at 7:22. (Motion by Mr. Donald, second by Mr. Coffin) **PUNA**