



KINGSTON ZONING BOARD OF ADJUSTMENT

January 12, 2017

Present:

Ray Donald
Chuck Hart
Peter Coffin
Richard Johnson
Larry Greenbaum
Tammy Bakie

Vice Chairperson Ray Donald called the meeting to order at 7:06.

Public Hearings

Robert Kalil
24 Chase Island Road
Atkinson, NH 03811

John Crosby
19 Page Road
Kingston, NH 03848
Tax Map R-22, Lot 32

Attorney Patricia DiMeo representing Mr. Kalil asked if the use variance denial was because the applicant was not at the meeting. Mr. Greenbaum stated no. Mr. Coffin explained that a hearing was held and the applicant did not need to be present. Attorney DiMeo spoke about the original request for an appeal of the Building Inspector decision to deny an occupancy permit and the new request for a use variance and the hearing on December 8. Mr. Coffin reiterated that the applicant did not need to show up and there was no additional evidence, the hearing continued using the packet the board had received. Attorney DiMeo asked about the packet. Mr. Coffin stated he was referring to the application and further explained the hearing was legally posted and conducted. Mr. Donald asked Attorney DiMeo if she was asking the board to re-evaluate the denial. Attorney DiMeo stated she was asking for a re-hearing. Mr. Coffin explained the state statutes regarding presenting grounds for a re-hearing and the appeal procedure. Attorney DiMeo stated she had been an attorney for 30 years and sat on the ZBA and had never heard of that. Mr. Coffin read 677.2 and 677.3 and again explained the process. Attorney DiMeo asked if the board wanted the motion orally or written. Mr. Coffin stated it had to be written. Attorney DiMeo stated she was under the impression that the re-hearing was tonight. Mr. Donald stated it would not be tonight. Attorney DiMeo spoke of a special exception. Mr. Donald stated portions of ordinances could not be extracted, based on the record the property did not comply with the ordinances. Mr. Donald stated there was a long history with the property and at the previous hearing the request was denied based on the five criteria. Mr. Coffin stated the applicant would have to show that the decision was illegal or unreasonable. Attorney DiMeo stated the minutes do not explain why criteria failed. Mr. Coffin

explained each of the five criteria were voted on and it was the opinion of board members and self-explanatory. Attorney DiMeo stated the law rapidly changes and definitions changes again asked how the board determined if criteria was met. Mr. Donald noted that progress was not being made. Mr. Coffin stated the applicant would have to provide a request for a re-hearing and information/documentation why decision is illegal or unreasonable. Mr. Donald suggested the applicant request a continuance. Attorney DiMeo asked for a continuance. The board agreed to continue until the next meeting on February 9th. Mr. Donald suggested the applicant and or his attorney keep in touch with Ms. Alessio and get direction from her. It was noted that no notification to abutters would be needed. Mr. Coffin stated the applicant and or attorney did not need to attend but it would certainly be to their advantage. A discussion followed regarding variance vs. special exception, site plan, planning board approval, building inspector and occupancy permit.

Board Business

Mr. Coffin stated the approval letters from the building inspector and health inspector had not been received regarding the accessory apartment approval granted to Charles and Linda Mazza 38 Pillsbury Pasture at the October 13 meeting. Mr. Donald asked if he would request from the inspectors.

Minutes of December 8, 2016 Approval – Mr. Coffin motion to approve, Mr. Hart seconded. The motion carried unanimously.

Meeting adjourned at 7:50

Respectfully submitted,

Tammy Bakie