

ZONING BOARD OF ADJUSTMENT
December 21, 2010

APPROVED:

4/5/11__jrl_____

AGENDA: SPECIAL MEETING: DECISION ON REQUEST FOR
REHEARING – MAXTON TECHNOLOGIES INC.
VARIANCES (by Slim Baker Directors)

ATTENDING: Alan DeStefano (Chairman), Michael Willingham (Vice
Chairman), Larry Denton, Ashley Dolloff

ABSENT: Lorraine Bohmiller (medical problem in family),
Sara Shattuck (alternate)

OTHER: Michael Capone, Town Administrator
Jim Nyberg, Slim Baker Vice Chairman

The meeting opened at 6:05 pm.

MINUTES OF DECEMBER 7, 2010:

M. Willingham made a motion, second by L. Denton, to approve the minutes as read.
The motion carried.

**DETERMINATION ON APPLICATION FOR REHEARING: 4 Variances for
Maxton Technologies Inc. by Slim Baker Directors**

The Board had read the letter received from the Legal Government Center (LGC) and the notes from Attorney Mark Puffer. Mr. DeStefano explained that they have explained that Article 10.8.6 cannot be considered as it never has come before the Zoning Board. Mr. Willingham then read the relative section of 10.8.

Mr. Willingham then stated that the ZBA held the hearing, had various testimonies, excellent testimony on value, questions on health and safety that were all brought before the Board. The Board then deliberated and approved the 4 variances. The purpose of this meeting is to determine if a rehearing should be held, based on the letter received from the Slim Baker Directors as it pertains to the 4 variances. Ms. Dolloff added that it must be based on their letter. Mr. Willingham agreed and that the Board must debate what should have been considered but was not addressed at the hearing. Again, these points must pertain to the 4 variances. Mr. DeStefano agreed that this is correct; there must be new evidence introduced in the letter and the reasons why it should be heard.

APPLICATION FOR REHEARING continued:

Mr. DeStefano added that as for diminished value, none of what is stated is based on testimony, 10.8.6 has not come before the Board as yet and there is nothing new that has not already come before us.

Mr. Willingham stated that the letter presented is well written and cites the Zoning Ordinance but nothing is said that brings new information specifically to the 4 variances that were heard. Ms. Dolloff agreed and added that she feels that the Board clearly met everything mentioned in the letter. Mr. Denton stated that value was brought up at the hearing by Ms. Bonsteel, Land Use Officer, and was considered by the Board. Mr. Willingham added that he read the letter, all the minutes, and then the letter again to look for anything mentioned that the Board had missed and could not find any. With the interchange between the experts and the public, there is nothing specific to the 4 variances that he sees that was missed. He feels that we should deny the hearing.

Mr. Denton mentioned that Inspiration Point has a terrific view but it is hard to access beyond what was said at the hearing. Ms. Dolloff agreed and added that there is nothing in the letter that has not been considered.

L. Denton made a MOTION, second by A. Dolloff, to DENY THE APPLICATION FOR REHEARING OF THE 4 MAXTON TECHNOLOGIES INC. VARIANCES. The motion CARRIED, 3 for denial, 0 against.

OTHER: Mr. Nyberg asked to see Section 10.8 of the Zoning Ordinance (as Mr. Willingham had read). He then asked what his recourse is at this point as he still feels that 10.8 requires a variance. The Board explained that this is up to the Planning Board and the secretary explained that the Planning Board had denied the need for a variance based on 10.8. The only recourse is to appeal the decision of the Planning Board. She explained that they need to see Ms. Bonsteel for this and it must be done within 30 days (by January 7, 2011).

Mr. DeStefano informed the Board that he has submitted the ZBA portion for the town report.

NEXT MEETING: As there are no hearings scheduled for January, the ZBA determined to cancel their January 4, 2011 meeting and will plan on meeting again on February 1, 2011 at 6:00 p.m.

With no other business, M. Willingham made a motion, second by A. Dolloff, to adjourn at 6:30 p.m.

Respectfully submitted, Jan Laferriere, secretary