

MINUTES OF THE CONTINUED MEETING OF THE ZONING BOARD OF ADJUSTMENT WATERVILLE VALLEY, NEW HAMPSHIRE

DATE: December 5, 2015

AT: Town Hall Conference Room

The Meeting, a continuation of the regular meeting of the Zoning Board of November 28, 2015, was called to order by Chair Marty O'Riordan at 4:00 p.m. Roll call was taken; present were members Marty O'Riordan, Jean Mullen, Eric MacLeish, Tom Myrick, and Kevin Brayton. Mark Decoteau, Town Manager, was also present.

A motion was made to accept the minutes of the prior meeting of November 28, 2015, without amendment. The motion was seconded and adopted by voice vote.

Mark Decoteau reported that he had met with the Town Counsel and learned that, although the notice to abutters was timely made, the failure to publish a notice in a local paper invalidated the November 28th hearing. Mr. Decoteau also noted publication must occur at least five days before the date of the hearing. The Town's preferred newspaper, The Citizen of Laconia, NH, requires that any notice to occur on Sunday must be presented by Wednesday. Because of the timing of publishing notice and holding a hearing, it would be impossible to act on the application under review at the December 5th meeting in order for the applicant to place the application before the Planning Board's December meeting.

Tim Smith, representing the applicant, raised questions about the application and it was agreed by the Board the application needed to be revised to explain more thoroughly what specific information was being sought from an applicant. A discussion of what revisions would be needed ensued. Mr. Decoteau explained what, from his discussion with the Town Counsel, the applicant needed to provide, primarily the facts surrounding the proposed use of the land. Mr. Decoteau specifically noted that the application did not have to present any problems related to the proposed use or to provide mitigation measures of those problems.

Because the Board is required to act on an application within 30 days of its submission, which term would expire prior to the Board's ability to act after proper notice of hearing, the applicant will need to submit a new application. Mr. Smith declined to withdraw the pending application submitted November 19, 2015. A motion was made and seconded to deny the pending application based on improper notification. The motion was passed by a majority of the Board.

Mr. Smith indicated the application would be submitted by December 11, 2015, and the Board then set a date of December 29, 2015, at 4:00 p.m. for its next meeting to consider the application.

The Chair called for new business and Jean Mullen asked whether the Board currently had any alternates. The Chair indicated there were none and Ms. Mullen requested the Board members solicit other residents to accept a position as alternate.

The Chair then requested any communications or other business. No one offered any further business and a motion was made, seconded and adopted to adjourn the meeting at 5:00 p.m.