TOWN OF CAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING
JUNE 21, 2007
MINUTES

The Zoning Board of Adjustment met this date with Bob Barach, Chairman, Sam Plaisted and Paula Kelly.

Bob Barach opened the meeting at 7PM.

First on the agenda, the minutes from the May 30, 2007 meeting. Sam Plaisted made a motion to approve the minutes for the May 30, 2007 meeting. Paula Kelly seconded the motion. The Zoning Board voted in affirmative, unanimously.

Bob Barach announced that the Zoning Board of Adjustment would take more comments from the floor, then they would go into the public meeting for discussion and then vote on the appeal.

Attorney Cowie wanted to request that his letter be included in the official record. Attorney Dolder had the same request. The Zoning Board of Adjustment did not have any objections to allowing the letters from the attorneys to be included in the official record with the minutes.

Attorney Cowie wanted to know if were any new Zoning Board members present, and if they had a quorum. Bob Barach said that there were no new Zoning Board members present, and they did have a quorum.

Attorney Lombardi stated that the he did not feel that the Planning Board had the authority to change the designation of unbuildable in the 1984 minutes. Attorney Lombardi also stated that granting the approval to Ms. Miller's subdivision, the Campton Planning Board failed to apply or misapplied the relevant provisions of of the Campton Zoning Ordinance.

Attorney Cowie said that he had argued that the application to the Campton Planning Board was, in fact, a subdivision application. Attorney Cowie said that he made an argument hoping that the Zoning Board would reverse the decision of the Campton Planning Board and find that the subdivision approval should have been

denied on the basis that Meredith Miller failed to show 200 feet frontage, and suitable access.

Attorney Dolder said she respectfully disagrees, as was explained at the meeting held on May 30, 2007, although the minutes state that Lot 1 was to be considered unbuildable, the plan that was signed by the Planning Board and recorded at the registry of deeds had no such language included on it. In fact, if Lot 1 was to be considered unbuildable or was only being created to be annexed to the so-called Giehl lot, the recorded plan was not properly prepared to reflect such a restriction. The fact of the matter is that the recorded plan depicts Lot 1 as a separate, legal lot of record and such action was never appealed in 1984. Although the Planning Board minutes from 1984 reflect statements that Lot 1 was to be unbuildable, there was no evidence or reasoning to support such a restriction. The hearings before the Planning Board in February and March of 2007, John March, the surveyor who prepared the recorded subdivision plan in l984, testified that this design was for nine lots. He further testified that if Lot 1 was to be considered unbuildable, he would have either combined Lots 1 and 2 or labeled Lot 1 as unbuildable on the plan. In fact, the meeting minutes from the 2007 meetings reflect that neither John March or Richard Khourey, both of whom were involved in the l984 meetings, recall ever having a discussion that Lot 1 was unbuildable. As a result, the decision of the Planning Board should be upheld.

Bob Barach said that at this time he would end the discussion and comments, and they would hold their meeting and vote on a decision.

Sam Plaisted said that even though the minutes state that Lot 1 was unbuildable, there is no evidence to support such a restriction, and he feels that the Planning Board's decision should be upheld.

Paula Kelly said that the minutes do not make any sense by stating that Lot 1 is unbuildable, there is no reasoning or evidence to support such a restriction. Paula also stated that she feels that the Planning Board's decision should be upheld.

Bob Barach said that subdivision plan for Beech Hill Estates was signed by the Planning Board in 1984 and it was for nine lots. Bob said that he supports the Planning Board's decision.

Sam Plaisted made a motion to adopt the following as our decision in this matter:

The decision of the Planning Board that is appealed to us granted the application of Meredith Miller to remove the "unbuildable" designation of Lot 1 that is referenced in the Planning Board's minutes from the time the Beech Hill Estates Subdivision was originally approved by the Planning Board in 1984.

The decision of the Planning Board makes it clear that the board's removal of the "unbuildable" designation does not necessarily mean that the owner will be entitled to receive a building permit to allow Lot 1 to be developed. The Planning Board specifically noted in its decision that there are access and road frontage issues that may make it difficult or impossible for the owner to secure a building permit for Lot 1 under the provisions of the Campton Zoning Ordinance. It is therefore clear to us that the Planning Board's decision is not contrary to any provisions of the Campton Zoning Ordinance, and therefore there is no basis for the Zoning Board of Adjustment to interfere with the Planning Board's decision. The appeal in this matter is therefore <u>DENIED.</u>

Paula Kelly seconded the motion. The Zoning Board of Adjustment voted in affirmative, unanimously.

The Zoning Board adjourned at 8:l5 PM.

Respectfully submitted,

May Brosseau
Campton Zoning Board of Adjustment

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Enc.
Letters from: Attorney Cowie and Attorney Dolder , Patrick Miller, Pamela Andruskiewicz, Richard and Virginia Giehl