

Danville Zoning Board of Adjustment
Aug. 18, 2015
7:30 pm

Members present: Chris Stafford-chairman, Tara Burkhart, Joe Luna, Curt Springer, Roger Denison, Janet Denison-clerk

Others Present: Roger Whitehouse-Planning Board rep, Sheila Johannesen-Selectmen's rep, David LaPlume, Christina LaPlume, Sheryl LaPlume, Dottie Billbrough, Kim Farah, John Cronin, Charles Cote, Wanda Cote

The meeting began with John Cronin introducing himself. He stated he had reviewed the letter from Peter Loughlin, town counsel, and said he had the utmost respect for him. He said the letter provided some direction to establishing a non-conforming use and concluded that is the only option available to the Cotes.

Chris stated the agenda would proceed with the hearing and then a review of minutes. There were no alternates to the Board for this meeting and all members present are voting members.

It was briefly explained that this is a "round 2" for this particular appeal of a letter to the Cotes from the Board of Selectmen on April 3, 2015, which in turn referenced a letter from Stephen Crawford, DVM, the state veterinarian. The letter from the state explained that local zoning approval needs to be obtained. The Selectmen's letter indicated the applicant is in violation of Zoning Ordinance Article 5(A) Permitted Uses and Restrictions. A subsequent letter was issued to the applicant on June 1st correcting the referenced Permitted Uses and Restrictions Zoning Ordinance Article number to IV.A. The BOS letter stated the Cotes had not obtained local zoning approval and are in violation of the Danville Zoning Ordinance. This is what the Cotes are appealing.

The pertinent section of the Zoning Ordinance was briefly summarized, especially regarding the particular topics addressed therein. Chris explained the first appeal was denied, this denial was appealed and a rehearing was granted, thus the meeting tonight. He said the case will be discussed first by the Board and the applicant and the issues raised in the letter from Mr. Cronin will be discussed. The abutters will have a chance to ask questions and offer comments, after which time the public hearing will be closed the Board will deliberate.

Mr. Cronin introduced the Cotes. He then said there are two particular issues that he would like addressed first. A request for information was submitted by the Cotes. They had asked for copies of emails and various documents. Mr. Cronin also stated that Mrs. Cote had spoken with Roger Denison in the Selectmen's office earlier this day. Mr. Cronin said that if an applicant has an issue with any member of the Board, the applicant may ask that the member step down away from the hearings or that right is waived later in the hearings. He asked if an alternate can found.

Chris said the request for information was given to the Selectmen and forwarded to the appropriate departments. The only available information at this time was the minutes and other public documents. Mr. Cronin said the requested documents may not exist but he felt it would be helpful to have these before the hearing continues.

Chris said he'd rather not submit the town to another procedural issue that will cost the town. Town Counsel will be consulted about the two issues raised tonight. It was agreed to continue the hearing on September 22 provided Jason is available to attend.

At 8pm Mr. Cronin and the Cotes left the meeting.

Minutes

The minutes of June 30 and July 14, 2015 were reviewed. Joe made and Curt seconded a **motion to accept the June 30, 2015 minutes as written**. Tara abstained. The motion **passed**.

A few revisions to the July 14 minutes were made. Joe made and Curt seconded a **motion to accept the July 14, 2015 minutes as amended**. The motion **passed** unanimously.

Email Policy

Chris said he'd like the Board to adopt an email policy this year, preferably after the current case is decided. He stated there is very little email correspondence other than deciding on dates for meetings and to pass along information for review before a hearing.

There was a short discussion of the 91A request that had been given to the Board of Selectmen. This will be discussed with Peter Loughlin.

At 8:15pm Chris made and Curt seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk