



ZONING BOARD OF ADJUSTMENT  
MEETING  
Monday, November 21, 2016, 7:00 PM  
City Hall Council Chambers

**MINUTES**  
**Approved 2/6/2017**

**Call to Order by the Chair**

Mr. Hurd called the meeting to order at 7:00 PM.

**I. Attendance/Roll Call**

**Present & Participating:** Richard Collins, Michael Hurd, Carolyn Towle, James Petrin, Abigail Carman

**Absent:** Tracy Pope

**City Staff:** Michael McCrory, City Planner; Jane Taylor, City Solicitor

**II. Meeting Recess: Consultation with City Attorney**

**Motion:** To recess (the meeting) to meet with counsel.

**Made by:** Mrs. Towle      **Second:** Mr. Petrin

**Vote:** Unanimous in favor

Mr. Hurd called the meeting back to order. He stated that this meeting is not a public hearing, that it was a meeting amongst the board and staff to discuss two letters of request for rehearing.

**III. New Business**

- A. Charles Egbert, 306 Thrasher Road – Request for the board to consider rehearing of variance application #ZO2016-00015, Claremont Speedway LLC, which was approved on October 3, 2016. Tax map 71, lot 4. Zoning district: R1.**

All board members had a copy of Mr. Egbert's letter of request. There were no questions. Mr. Petrin said he didn't see anything new in the letter. Mr. Hurd said that the letter had been filed within the 30-day period. The board was holding this special meeting to review the request.

**Motion:** To grant the request of Charles Egbert, 306 Thrasher Road, for rehearing of the Board's October 3, 2016 approval of a request for a variance from Section 22-166 of the Claremont Code to permit development of a seasonal campground as a second principal use at 282 Thrasher Road, Tax Map 71, Lot 4.

**Made by:** Ms. Carman      **Second:** Mrs. Towle

**Discussion on the motion:**

Mr. Hurd addressed the points raised in Mr. Egbert's letter, stating that each point had been thoroughly reviewed or conditioned by the board.

Ms. Carman said the board had covered and voted on each of the five variance criteria. She said the board had received legal opinion that the case did not constitute spot zoning. She did not feel there was any lack of neutrality on the part of the board, that they listened to both sides equally. She said voting was done legally.

Mrs. Towle said the criteria had been met. She said she thought the board "did great due diligence" with abutters and the applicant to hear everything and determine correctly.

**Vote on the motion:**

Mrs. Towle – No

Mr. Petrin – No

Mr. Hurd – No

Mr. Collins – No

Ms. Carman – No

The motion fails and the request for a rehearing is denied.

**B. Reverdy R. Ford & Rebecca L. Ford, 309 Thrasher Road – Request for the board to consider rehearing of variance application #ZO2016-00015, Claremont Speedway LLC, which was approved on October 3, 2016. Tax map 71, lot 4. Zoning district: R1.**

**Motion:** To grant the request of Reverdy R. Ford and Rebecca L. Ford, 309 Thrasher Road, for rehearing of the Board's October 3, 2016 approval of a request for a variance from Section 22-166 of the Claremont Code to permit development of a seasonal campground as a second principal use at 282 Thrasher Road, Tax Map 71, Lot 4.

**Made by:** Ms. Carman      **Second:** Mr. Petrin

Ms. Carman said the board followed legal counsel as to how to proceed at their meetings.

Mr. Hurd said it was filed on time. He said the board was holding this special meeting to meet the legal timeline. He said they followed legal procedure for member participation.

Mrs. Towle agreed with Mr. Hurd.

Ms. Carman said she didn't see any new evidence. She disagreed that the board didn't follow procedure. She felt that the board's decision was not made in haste or that the board ignored the option for a third-party review.

Mrs. Towle said she felt the board met all of its legal requirements and the five variance criteria with its explanations. She said she did not see any new information.

**Vote on the motion:**

Mrs. Towle - No

Mr. Petrin - No

Mr. Hurd - No

Mr. Collins - No

Ms. Carman – No

The motion fails and the request for a rehearing is denied.

#### **IV. Other Business**

- A.** Ms. Taylor informed the board that Mr. Russel had tendered his resignation from the board as he is at present unable to continue. Mr. Russel was serving as the vice-chairperson of the board. She said officers will be elected normally at the January meeting.

Ms. Taylor stated that there is statutory procedure for filling vacancies in the membership. The chair is authorized to designate an alternate member of the board to fill the vacancy temporarily until the Council fills the vacancy for the remainder of the seat's term.

Mr. Hurd appointed Ms. Carman to the vacant seat.

- B.** Mr. McCrory said there will be a training session at the December 5<sup>th</sup> meeting to discuss the Zoning Board Rules of Procedure. It will be held at the Visitor Center if no applications are received.

#### **V. Adjournment**

**Motion:** To adjourn the meeting

**Made by:** Mr. Petrin                      Second: Mr. Hurd

**Vote:** Unanimous in favor.

The meeting adjourned at 7:38 PM.

Respectfully submitted,

*de Forest Bearse*