

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING  
September 8, 2009

A public hearing of the Zoning Board of Adjustment was held on Tuesday, September 8, 2009 at 6:30 PM in the Auditorium at City Hall.

Jack Currier, Chair, conducted the meeting.

Members present were:

Jack Currier, Chair  
Sean Duffy, Vice Chair  
Kathy Vitale  
Rob Shaw  
Robert Carlson  
Gerry Reppucci (left at 7:00 pm)  
Carter Falk, Deputy Planning Manager/Zoning

Mr. Currier explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Currier explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Currier also explained procedures involving the timing light.

- 1. Randy L. Pierce (Owner) 109 East Glenwood Street (Sheet 129 Lot 149) requesting variance to encroach 8 feet into the 25 foot required front yard setback to remove an existing 9'x20' handicap ramp, and construct an 8'x24' farmers porch. RA Zone, Ward 7.**

Voting on this Case:

Jack Currier  
Sean Duffy  
Kathy Vitale  
Rob Shaw  
Robert Carlson

Randy Pierce, 109 East Glenwood Street, Nashua, NH. Mr. Pierce stated that there is a wheelchair ramp on the front portion of the home, it is 24 foot wide. He said there is a 10 foot space where it comes out, there is a 1 foot space where it comes out from the house, but it is a 9 foot wide ramp, and is 20 feet

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across. He said the ramp is falling apart, a lot of boards have come off already, and he stated that he has no use for the wheelchair ramp anymore. He said the proposed farmers porch will take up less space coming towards the road. He stated that the 25 foot setback goes right up to the home, so all 8 feet of the width from the house towards the street would be in the setback. He stated that it would be 24 feet across, where the wheelchair ramp was 20 feet, but it would line up with the house.

Mr. Currier asked about the proposed 8 foot width of the farmers porch, and what was the need for that, as it would stick out.

Mr. Pierce said the reason why the 8 feet was chosen is that it will protect a little bit of the inside of the house as well, as it opens straight into the house, and wants to put a staircase internal to the porch, so that it won't abut out into the driveway, and the 8 feet is the minimum the builder can do to have nice easy steps that don't protrude out.

Mr. Currier said he was concerned about that, and 8 feet leaves just about enough room to get a car off the street.

Mr. Pierce said they have a full size Dodge Durango, which is the size of a full size truck, and it fits fine, along with another car.

Ms. Vitale asked if the width of the driveway will be changed.

Mr. Pierce said there will be no change, it is wide enough for three cars.

Mr. Currier asked how long the handicap ramp has been there.

Mr. Pierce said since 2004, and it was for him, he had a neurological health condition that took his eyesight and ability to walk, and needed the ramp to gain access into the house, but can walk now and the ramp is not needed.

**SPEAKING IN FAVOR:**

No One.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No One.

**MOTION** by Mr. Duffy to grant the variance on behalf of the applicant. Mr. Duffy stated that the variance is needed to enable the applicant's proposed use of the property, it's a reasonable use of the property, given it's maintenance to an already existing incursion to the setback area, the applicant is trying to change the look and aesthetic of the home to a more amenable, useable farmers porch area, instead of the front façade of the house being tall. Mr. Duffy said this is a reasonable method, 8 feet into a 25 foot front yard setback, it is reasonable, the structure is already existed there for a determined amount of time.

Mr. Duffy said the request is within the spirit and intent of the ordinance for a reasonable use of the open air access to the house, mainly for aesthetic purposes.

Mr. Duffy said it should not impact property values of surrounding parcels, even though there was no expert testimony, it should not be contrary to the public interest, and substantial justice is served that the applicant has development and maintenance to the property.

**SECONDED** by Mr. Carlson.

**MOTION CARRIED 4-1** (Mr. Currier).

**2. Robert & Gayle A. Garcia (Owners) 12 Cliff Road (Sheet B Lot 2348) requesting variance to encroach 5 feet into the 30 foot required rear yard setback to construct a 25'x44' single story addition. R9 Zone, Ward 5.**

Voting on this Case:

Jack Currier  
Sean Duffy  
Kathy Vitale  
Rob Shaw  
Robert Carlson

Chris Cahill, Cahill Construction, 71 Main Street, Hollis, NH.  
Mr. Cahill said for the past year, the applicant has been working on plans for a handicapped person to get around comfortably in his house. He said the house is not set up for a

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handicapped person, and it is very difficult for him to get around. He said the proposed dimensions are the minimum required for him to get around in his wheelchair.

Mr. Currier asked for clarification on the location of the proposed elevator.

Mr. Falk identified it on a color version of the plans.

Mr. Currier asked if the incursion into the setback is where the walk-in closet is proposed.

Mr. Cahill said the rear section, and underneath that walk-in closet, is the rear entrance that would have a ramp going around, getting into the back of the garage and the elevator.

Mr. Currier said the Board looks at getting a design that works, and not go into any of the setbacks, and seeing this from the street is difficult, because it's way in the back. He stated that the Board did receive a letter ahead of time, someone from Taschereau Drive, who was concerned about visibility. He asked what sacrifices could be made to make the addition five feet shorter.

Mr. Garcia said there's at least 150 feet of woods behind the house and the next houses in the back, he stated the extra five feet shouldn't make a difference.

Mr. Cahill said he walked around in the back yard, and didn't have any view of any other houses.

Mr. Garcia said that the elevator has to play on both floors, and they have a slider door/entrance in the back to get into the living area, and if one room is changed in the plan, it all falls apart. He said the exit to the elevator is directly underneath the walk-in closet, so if the closet is removed, there will be no place to get out, so every foot is needed for the addition.

Mr. Duffy gave Mr. Garcia a letter from Kyle Gibson, at 10 Taschereau Boulevard, with concerns about the maintenance of the property, and the overgrown landscaping.

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Mr. Garcia said that being handicapped for the past 15 years, he hasn't had opportunities to maintain the lawn as much as he'd like.

Mr. Shaw asked if the addition could be built five feet closer to the front.

Mr. Cahill said that the service going into the house is three feet back from the corner, so that would have to be relocated. He also stated that the grade of the driveway, by bringing it forward and aligning it with the front of the house, the other concern would be aesthetically, you would have a big long line of a façade, instead of an addition that would set back, and break it up and look nicer. He said the driveway would be a little longer, and it would be easier to get around the vehicles a little easier.

Ms. Vitale asked if they will be adding to the driveway, the plans indicate a new and old driveway.

Mr. Cahill said the existing driveway needs to be altered a little bit, to accommodate the new driveway, so that both driveways look like one, it will be freshly paved.

Ms. Vitale asked how wide it will be at the curb.

Mr. Cahill said the curb will be the same, it is about 15 feet or so, and it will meet up with the new driveway.

Mr. Currier asked what the front yard setback is in this zone.

Mr. Falk said it is 20 feet.

Mr. Currier asked if the new driveway design will meet the ordinance.

Mr. Cahill said they can meet the ordinance for the maximum width. He said after the front yard setback, it may go wider.

Mr. Currier said the driveway can be wider than 24 feet after the 20 foot front yard setback.

Mr. Garcia said he believes its close now, and said the entrance is somewhere around 13 or 15 feet, it's not that wide.

**SPEAKING IN FAVOR:**

No One.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Chwin-Sein Koo, 10 Cliff Road, Nashua, NH. Mr. Koo asked to see the plans for the addition, and was concerned about the length of it. He stated that he was concerned about the number of windows. He also asked what the side yard setback distance is.

Mr. Falk said the side yard setback in this zone is 10 feet from the property line.

Mr. Currier said both the side yard setbacks meet it on both sides. He said that the rear yard has a 30 foot setback, and that is where the encroachment is, but it's not the corner of the addition closest to Mr. Koo's house, it's about 32 feet at that corner, but the back corner, uphill, is 26 feet - 2 inches from the property line, not 30 feet, so that is the reason for this variance.

**SPEAKING IN FAVOR - REBUTTAL:**

Mr. Cahill submitted an elevation drawing to the Board.

Mr. Currier stated that it's a two story addition, not a single story addition.

Mr. Currier showed the drawing to Mr. Koo.

Mr. Koo said there are two levels, and said the house already has two levels, and stated that his house is a split-entry. He asked how many windows it would have.

Mr. Currier asked what the square footage is of the house, and what will it be with the addition added on.

Mr. Cahill said it is between 1,500 - 1,600 right now, and are adding 1,000 square feet of living space.

Mr. Currier asked if the additional square footage is needed to accommodate the handicap.

Mr. Cahill said definitely, the plan calls for very wide doorways - 4 ft or 5 ft, the bathroom, 5 ft radius's, it's basically for handicap access in the home.

Mr. Currier asked how many garage bays the house will have.

Mr. Cahill said the existing bay is more of a shop, you couldn't put a car in it. The addition will have room for two cars.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:**

Mr. Koo had nothing additional to add.

Further discussion ensued by the Board.

**MOTION** by Ms. Vitale to grant the variance on behalf of the owner and applicant. Ms. Vitale stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance. Ms. Vitale stated that the homeowner is handicapped and they are doing the proposed addition to be handicapped accessible, requiring wider doorways and moveability, according to testimony, they have gone to great lengths to look at the use of the home for the applicant, so it is a reasonable request.

Ms. Vitale said it is within the spirit and intent of the ordinance, there has been no testimony that it will not adversely affect the property values of surrounding parcels, it is not contrary to the public interest, and substantial justice will be served to the applicant.

**SECONDED** by Mr. Carlson.

**MOTION APPROVED 3-2** (Mr. Currier and Mr. Duffy).

**3. BAE Systems Information & Electrical System Integration Inc. (Owner) Meridian Land Services, Inc. (Applicant) 65 Spit Brook Road (Sheet A Lot 12) requesting special exception to work within a 40-foot wetland buffer to repave an existing entrance driveway. PI Zone, Ward 8.**

Voting on this Case:

Jack Currier  
Sean Duffy  
Kathy Vitale  
Rob Shaw  
Robert Carlson

Chris Ford, Engineer, BAE Systems, 65 Spit Brook Road, Nashua, NH. Mr. Ford stated that BAE Systems is planning on repaving the roadway, as it is in need of maintenance, and will be encroaching into the wetland buffer. He stated that there will be no change to the roadway footprint, it will be the same width and drainage patterns. He said that they have already met with the Conservation Commission twice, and a positive recommendation has been issued, and BAE agrees with their stipulations.

Mr. Currier went over all the nine special wetland regulations, and Mr. Ford answered each question satisfactorily, all regulations will be met per testimony.

Mr. Currier read the Conservation Commission stipulations of approval into the record.

Mr. Ford stated that they are in agreement of the stipulations.

**SPEAKING IN FAVOR:**

No One.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No One.

**MOTION** by Mr. Currier to grant the special exception on behalf of the applicant. Mr. Currier stated that the use is listed in the Table of Uses, Section 190-112. Mr. Currier stated that the use will not create undue traffic congestion or unduly impair pedestrian safety, it will enhance both of those by repaving an already existing road that is already in the 40-foot buffer.

Mr. Currier stated that there is no impact to public water, drainage or sewer or other municipal systems.

Mr. Currier stated that the nine special regulations have been fulfilled per testimony, and it will not be out of character with the neighborhood, or be detrimental to the health and welfare of the residents, in fact, it will help the welfare of the residents by having greater protection of the wetland that is there.

Mr. Currier stated that he is making the motion with the understanding that the applicant is abiding by the eight stipulations from the September 1, 2009 Conservation Commission meeting.

**SECONDED** by Ms. Vitale.

**MOTION CARRIED UNANIMOUSLY 5-0.**

4. **47 & 49 Coburn Ave Realty Trust (Owner) 47 Coburn Avenue (Sheet F Lot 1630) requesting equitable waiver from a special condition of a 60 foot front yard setback from a variance granted by the ZBA on February 14, 2006 - 59'-3" existing on one corner of the foundation, 81 feet on the other corner of the foundation. R18 Zone, Ward 1.**

Voting on this Case:

Jack Currier  
Sean Duffy  
Kathy Vitale  
Rob Shaw  
Robert Carlson

Jeffrey Burd, RJB Engineering, Penacook, NH. Mr. Burd gave the Board a handout relative to the case. Mr. Burd stated that the plans tell the story, in a sequence of events of how things have happened to this point. Mr. Burd stated that they are requesting an equitable waiver from a condition specified on this property from a variance granted in February 2006, which stated that the house be set back 60 feet from the front property line.

Mr. Burd said that the original variance was granted, and although the typical setback for this zone is 20 feet, but the Board requested a 60 foot setback to conform to other houses in the neighborhood. He said that subsequent to the Zoning Board approval, the Planning Board approved the two-lot subdivision, and pointed it out to the Board.

Mr. Burd said that Note 12 on the plan indicates that the house be set back 60 feet from the existing property line. He said that his client bought the property earlier this year, and received a building permit to build a house. He said the second plan in the handout is a plan that indicates the house they want to build on the property, and he indicated the 60 foot setback. He said the house size was wrong, it showed a 24'x34' house, when actually, the footprint was 26'x36'. He said to get the extra size, they rotated the house to meet the side yard setbacks, so that is where the error was made. He said his crews discovered the error after the foundation was poured and the framing had begun. He said that the side setbacks are 20 feet, and it just fits in there, square to the property side lines.

Mr. Burd discovered that it was less than the 60 feet to the front property line after the building was under construction, and brought it to the City's attention. He said they thought they were still ok, because when the variance was granted, the original property line was different, because there was a dedication of right-of-way to the City, and the question came up of whether the 60 foot setback was to the original front property line, or the one after the dedication of right-of-way.

Mr. Burd said the request that they are here for is that they are 59 feet - 3 inches from the front property line, it is a very small triangle of space, under one square foot in size, is within the 60 foot front setback.

Mr. Duffy asked how much land was taken in the dedication.

Joe Weichert, Surveyor. Mr. Weichert said it was about 9 feet. He said they did the as-built plan. He stated that the original plan indicated about 68 feet to the original front property line. He said that the plan from Cuoco & Cormier said the setback is to the existing front property line, which was done before the dedication. He thought they were in compliance with the intent of the variance.

Mr. Carlson said it looks like they discovered an issue out in the field, and they were very honorable in coming to the City.

Mr. Falk said that Mr. Burd and himself had many discussions about this issue, and staff believed the best thing is for them

to come to the Board to discuss this via an equitable waiver application.

**SPEAKING IN FAVOR:**

No One.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No One.

Further discussion ensued by the Board.

**MOTION** by Mr. Duffy to grant the equitable waiver on behalf of the applicant. Mr. Duffy stated that the violation was noticed by the developer and builder before substantial construction went along, per testimony, it was noticed on the foundation being set up, and they did not continue on, they came to the appropriate parties when it became noticeable.

Mr. Duffy stated that the violation was not an outcome of ignorance of the law, failure to inquire, obfuscation, misrepresentation or bad faith by the owner or owners agent, it was caused by a good faith error, in fact, the City performed an adjustment in the right-of-way of up to nine feet in that corner, and redrawing the two-lot subdivision was actually almost a taking of land, but it was in good faith that the applicant put the foundation in, even though they did make an error to the foundation side.

Mr. Duffy stated that the physical or dimensional violation does not constitute a public or private nuisance, or diminish the value of other property in the area, it is approximately a nine inch violation in one corner of the building, up to four square feet, therefore, it should not interfere with or adversely affect any present or future uses of the property.

Mr. Duffy stated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, given a nine foot change in the width of the right-of-way, it is a reasonable and equitable request.

**SECONDED** by Ms. Vitale.

**MOTION CARRIED UNANIMOUSLY 5-0.**

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Mr. Falk stated that at the last public hearing, there was a request approved for athletic ball fields for Bishop Guertin High School on Farley Road. He stated that when the motion was made, it contained numerous stipulations. He stated that the next day, he was contacted by the applicant, who indicated that there was a technical error in one of the stipulations as spelled out in a letter. Further, the neighboring residential abutter also sent in a letter about the stipulations as well, disagreeing with the applicant. He brought both letters to the meeting.

Ms. Vitale said she understands that Mr. St. Pierre intends to file for a rehearing request, and wondered if that had happened yet.

Mr. Falk said no, the only correspondence that was submitted was the first letter.

Ms. Vitale said the Board should have all the letters and information to consider, and go back and read the minutes.

Mr. Currier read a portion of the letter from Atty. Westgate. He said he hasn't had a chance to read the two letters.

Mr. Duffy said that along with making the motion, he said he was also scribing, and didn't mind making a motion for a technical correction once he had a chance to review his notes and minutes. He said there is a good probability that some of the numbers were flipped around. He said he didn't believe they need a whole new hearing or a whole new review, he thought a technical correction to the motion would be warranted, and amenable. He said he wanted to check his notes about the freshmen and junior varsity, and the varsity games except for tennis. He said he'd feel comfortable making a technical correction at the next meeting.

Mr. Falk said the abutter may ask for a rehearing for the whole case anyways, not just the buffer.

Mr. Currier remarked that he remembered a 60-foot buffer for Mr. St. Pierre on the plan, a 20-foot buffer for the Church of Christ. He said that when Mr. Duffy read the stipulations, he took them as to be "as per the plan", not that he was levying a 60-foot buffer all around, because that was not in the plan. He

said the letter from Mr. St. Pierre is looking for that 60-foot buffer behind the church, and said he's in favor of Mr. Duffy going back and looking at the tapes and looking to see what he intended to say, and rehear just that aspect of it in a public hearing.

Mr. Duffy said he's looking at the letter dated September 2<sup>nd</sup> from Mr. St. Pierre as informative and helpful in one aspect, but is perceiving that there is an upcoming rehearing request that will stand alone by its own merit.

Ms. Vitale said if there is a rehearing request, it will be on the correction, the technical correction.

Mr. Duffy said he'd like to consider this as a technical correction of the motion at the next meeting.

Mr. Currier said if a rehearing request is beyond that, if comes in later, we'll hear it as its presented to us.

Mr. Shaw said by all appearances, it looks as if the crux of the matter is that something that happened during the public meeting, not as a result of testimony, and believed that re-opening the public meeting is the right thing to do, it wasn't something driven by testimony, it appears as if it was a mis-stating the intention of the Board and the motion.

Mr. Currier said in conclusion, we'll look at this at the bottom of the next agenda and crystallize what the motion should be.

Mr. Shaw said that one thing that could be a concern, is that by not doing re-notification to the public, is that anyone in attendance at the meeting two weeks ago would have heard the motion made and approved, and left hear with believing a certain thing had been granted, whereas, if the Board, four weeks later, is changing that, and is not part of a noticed public meeting, even though there's no new testimony, the ability to know about a rehearing request, as they may feel that there's been a procedural error, there's no way the public would know if we did that.

Mr. Currier said there were two folks that had an interest in this case, Mr. St. Pierre, Ms. Poulin, and the church. He didn't feel the shift in the stipulation, captured in writing, gets sent to them, written by Mr. Falk, and, a 30-day rehearing

starts ticking the day after the meeting. If Mr. St. Pierre leaves the meeting, believing there is a 60-foot buffer in back of the church, and we meet two weeks from now, and decide it should be 20 feet instead, he would get a letter stating it is 20 feet, and the rehearing request would be valid until 30 days from now.

Mr. Shaw said that someone could still be a concerned abutter that was not present at the original meeting, and believes that something has happened, and wouldn't know that some stipulation has changed since. He said it's highly unlikely, but thought that the Board could get into a procedural error by doing this.

Mr. Duffy said he is leaning towards tabling this item to the next meeting. He said this is like a rehearing request, as the applicant is requesting a technical correction because of an inadvertent reference as to the scope and breadth of how we made the motion, given the written and verbal testimony by both parties, so there's a clock that ticks on that.

Mr. Currier said he doesn't believe that there is anything to table.

Mr. Duffy said that under "other business", we have a request for this technical correction, and we are being questioned on whether we made a technical error.

Mr. Duffy said the Board has been trained to try to fix or do things procedurally correct, we have a request by the applicant, and they expect us to act upon it, they want an action relative to a procedure we did, or whether it is a technical correction that needs to be made. He said that it's been two weeks since the meeting, he wanted to table this motion to review all the information and really do a rehearing request on this to make sure the motion was correct.

**MOTION** by Mr. Duffy to see if this will stand, under Other Business, regarding the Nashua Assembly of God Church, owner, and Bishop Guertin, applicant, 91 Farley Road, a Use Variance for a private outdoor recreational facility, that the Zoning Board, including all those in attendance that evening, review their minutes and their notes and recollections, and come to a Public Meeting discussion for technical corrections review of the motion as presented that evening for two items, buffer and approval as it pertains to the scope of use on the field, as

referenced by the applicants August 31, 2009 letter, in order to make it clear that we are fair, and that our Boards position on what the motion actually was, based upon the testimony.

**SECONDED** by Mr. Currier.

Mr. Currier said if the Board comes to an agreement two weeks from now, he said a 30-day window of a rehearing request would be fair to time out beginning at that point two weeks, henceforth, and also clarifications should be provided to those who spoke that night who had an interest in the case, and anyone else who may have contacted the Planning Department.

**MOTION** by Mr. Currier to waive the rules and ask Mr. Westgate if he would like to address the Board on this matter.

Mr. Carlson said he has an issue with that, as the person on the contrary to Mr. Westgate is not in attendance to defend, or rebut.

Mr. Duffy said this could be a procedural issue.

Mr. Currier said we will discuss this issue in a public meeting at the next meeting.

Mr. Falk said they can notify the applicant and the abutters relative to this matter.

Ms. Vitale stated that the additional motion should come after we have that discussion next week, because it might be that we come and we decide that we did exactly what we intended to do, so, any notification, we can do in two weeks.

Mr. Falk asked about the scope of use, he stated that he thought this was about the width of the buffer, not what teams play there.

Mr. Duffy said in the motion, he referenced the scope of use, it was per the August 31, 2009 letter, specifically spoke to one of the special conditions, that the types of uses to the property, whether it was soccer, lacrosse, field hockey, tennis, and the types of practices and varsity and junior varsity games, that is the scope.

Mr. Currier said he thought the scope should be limited to just the buffer.

Ms. Vitale said in their last paragraph, it brought up the scope of use, so the Board should bring it up.

Mr. Currier said that Mr. Duffy's motion is that we will be reviewing the motion, not just related to the buffer.

Mr. Duffy said correct.

**MOTION CARRIED UNANIMOUSLY 4-0.**

Mr. Duffy said it will be the last item on the agenda.

**OTHER BUSINESS:**

**REHEARING REQUESTS:**

None.

**REGIONAL IMPACT:**

The Board did not see any items of Regional Impact on the next agenda.

**MINUTES:**

August 11, 2009:

**MOTION** by Mr. Currier to waive the reading of the minutes and place on file the minutes as presented.

**SECONDED** by Mr. Carlson.

**MOTION CARRIED UNANIMOUSLY 4-0.**

Mr. Falk mentioned that there is the training session with Attorney Dave Connell on October 6, 2009 at City Hall. He asked if there are any topics for Atty. Connell to discuss.

Mr. Carlson mentioned a time-line, as to how long items can be held in check, where it keeps getting postponed. He asked about permitting, if someone owes the City money in back taxes and owed fees. He wanted to know the Boards responsibilities on

this.

Mr. Duffy asked about use of emails by Board members, and wanted clarification on what constitutes use of the email process between one another.

Mr. Currier said it's the ex-parte communication.

Mr. Currier said the handicap issue is another topic, in other words, can the Board waive the requirements for a handicapped person situation, like the driveway we just had.

Mr. Duffy asked about the connection between the Master Plan for our Ordinance that has a PI zone, when we haven't really had too much in the way of Park Industrial activity recently.

Mr. Currier said another topic is workforce housing.

Mr. Carlson mentioned the topic of sitting on Boards, if you are an elected official, if you can continue to sit on specific Boards.

Mr. Falk said that for some Boards, the membership is comprised of certain people who are required to sit on them, such as the City Engineer on the Planning Board, or an Architect on the Historic District Commission. He said the Zoning Board is one Board where members are either Members or Alternates, no one is on this Board because they are on another Board. He said this Board is a quasi-judicial board.

Mr. Currier said the Planning Board makes legislative decisions when it drafts its zoning ordinance, where the Zoning Board of Adjustment makes judicial decisions on applications for a variance or special exception.

Mr. Currier said it would be a good topic for Atty. Connell to clarify

Mr. Currier said it would be nice if everyone can make it to the October 6<sup>th</sup>, 2009 special training meeting.

**ADJOURNMENT:**

Mr. Currier called the meeting closed at 11:07 p.m.

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Robert Shaw  
Clerk

CF  
Taped Hearing