

Fracestown Zoning Board
Proposed Minutes
January 8, 2010

Members Present: Silas Little (Chair), Richard Barbalato, Lois Leavitt and Charles Pyle. Absent – Sue Jonas.

Starts at 6:30 p.m.

Motion for rehearing filed by SBA Properties

Mr. Little opens the meeting at 6:30 p.m. and asks Mr. Pyle to discuss conversations that he had with Bart Mayer, Fracestown Town Counsel. Mr. Little had suggested to Mr. Mayer that he contact one of the members (Jonas, Leavitt or Pyle) who had voted to deny the variance request.

Mr. Pyle has several discussions with Mr. Mayer, who told him of his concern over any court case on this matter. Mr. Springer had approached Town Counsel about a possible solution. The new proposed road over the slopes would be narrower, approximately 8" wide or the width of the mats previously approved over wetlands. Use would be limited to small "bobcat" or utility type vehicles. For a limited amount of time (60 days or so) constructions and other larger vehicles would be able to use road.

Mrs. Leavitt questions whether the Board was to reconsider our initial decision to deny a rehearing. Mr. Little discussed the NH Supreme Court's decisions that enable a Zoning Board to consider agreeing to hold a hearing on an appeal up to the time papers are filed in court. The deadline for filing those papers is either the 10th or 11th (Sunday or Monday). Hence the reason and timeliness of this meeting.

Brief discussion followed; all agreed it was a good idea. Mr. Little made a formal motion for a rehearing; Pyle second. All in favor. Mr. Little asked when the Board would like to hold a rehearing. It was unanimously decided to hold the rehearing on February 11 during the regularly scheduled ZBA meeting. Mr. Little will contact Mr. Springer. Notification will be required to abutters and interested parties and local paper.

Mr. Pyle and Mr. Little passed out some additional materials that had been received from AT&T for the Cell Tower cases.

Meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Charles M. Pyle
Vice Chairman, Fracestown ZBA

January 13, 2010