

## ZONING BOARD OF ADJUSTMENT MEETING MINUTES JUNE 4, 2012

### CALL TO ORDER:

Chairman G. Kriebel called the meeting to order at 6:00pm.

### ROLL CALL:

N. Decoteau read the roll and the following members/alternates were present:

G. Kriebel, Jim Demeritt, Harry George, David Gravel and William Rose.

Chairman G. Kriebel stated that alternate William Rose shall serve as a member in the absence of member D. Day.

Others present included the following:

Chris Boldt, Esquire	Walter Mitchell, Esquire	Rodney Stark, Esquire
J. B. Giuda, Esquire	Mike Benton	Steve Morton, Selectman
Paul Steele Sr.	Brad Benton	Tammie Beaulieu, Town Administrator
Kellie Tawaiz	Kelly Coburn	Marianne Peabody, Selectman
Beverly Chappell	Helen Steele	Xoxin Benton
Susan Marden	Bob Dunly	Steven Babin, Planning Board Member

### APPROVAL OF MINUTES:

**Motion: "To approve the minutes of April 11, 2012 as presented."**

Motion: J. Demeritt

Seconded: D. Gravel

Motion Passes (5-0)

### PUBLIC MEETING:

G. Kriebel opened the public meeting to determine what jurisdiction the Zoning Board of Adjustment has in respect to the Appeal of Administrative Decision by the Planning Board to approve a site plan review for B. Benton and H. Steele to construct a permanent stage for the purpose of having special events and the Appeal of Administrative Decision by the Board of Selectmen to approve Special Events Permits for the Boogie n' Blues Festival and the 2012 Pemi Valley Bluegrass Festival the Zoning Board of Adjustment.

G. Kriebel stated that the Public Hearing(s) would follow to allow input on those aspects of each Appeal if the Board determines it has jurisdiction.

J. Giuda asked what documents the Board members had before them.

G. Kriebel stated along with documents that meet the Attorney/Client privilege the ZBA members had the following documents:

1. Both of the Appeals filed by the Chappells
2. Board of Selectmen Meeting Minutes of April 18, 2012 where the Special Events were approved
3. Planning Board Meeting Minutes of April 19, 2012 where the Site Plan for the stage was approved
4. The Application for Site Plan Review
5. The Special Events Applications
6. Letter from the Chappells which was read into the Selectman's meeting
7. Objection to and Motion to Dismiss Appeal of Special Events Permits submitted by Laura Spector-Morgan dated May 23, 2012
8. Letter hand delivered on June 1, 2012 from the Chappells in response to Objection to and Motion to Dismiss Appeal of Special Events Permits
9. Court Order No. 2011-CV-186 dated December 7, 2011

10. Correspondence from the Law Office of Rodney Stark dated June 1, 2012 which included a Motion to Intervene (Appeal of Special Events Permits), a Motion to Intervene (Appeal of Site Plan Review), an Objection to and Motion to Dismiss Appeal of Planning Board Approval of Site Plan Review and a Motion to Join Board of Selectmen's Objection to and Motion to Dismiss Appeal of Special Events Permits.

B. Chappell stated her objection to the process of holding a Public Meeting to determine jurisdiction because it is not included in the Zoning Board's Rules of Procedure.

G. Kriebel stated the Board would go through each of the Appeals section by section and determine which parts of each Appeal they have jurisdiction.

G. Kriebel stated that what the ZBA has jurisdiction over is fairly limited per RSA 676:5 II (b)- "A decision of the administrative officer includes any decision involving construction, interpretation or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement proceedings."

C. Boldt further clarified the Zoning Board of Adjustment's realm of jurisdiction.

J. Giuda questioned the opinion of C. Boldt on the realm of jurisdiction given in Court Order No. 2011-CV-186 dated December 7, 2011 by Judge Timothy J. Vaughan where it was the opinion of the court that the ZBA was in error when they previously determined they did not have jurisdiction in this matter.

C. Boldt stated that he respectfully disagrees with that clause of the Court Order cited by J. Giuda because the Order did not follow the actual language of RSA 676:5 II (b).

C. Boldt indicated the ZBA members are aware of the Order issued by Judge Vaughan.

The Board began with a review of the Appeal from Administrative Decision of the Planning Board on April 19, 2012 to approve site plan review for B. Benton to construct a permanent stage for the purpose of special events at Tax Map 10 Lot 3-37.

The Board discussed the claim: Failed to Adhere to a Standard of Review

1. Require a variance for a permanent event venue business operating in the general residence zone.
2. Protect against violations of the Night Sky Ordinance
3. Prevent a permanent nuisance through means of a business that generates parking twice that of nearby properties and excessive amplified noise.

J. Demeritt stated it is his opinion that the stage constructed in the general residence zone requires a variance.

G. Kriebel noted the Night Sky Ordinance is not part of the Zoning Ordinance and that there is no general reference to nuisances or parking limitations.

**MOTION: "That the Zoning Board of Adjustment DOES have jurisdiction in regard to Item 1 under *Failed to Adhere to a Standard of Review.*"**

Motion: W. Rose

Seconded: J. Demerit

Motion Passes (5-0)

The Board reviewed the Section: *Planning Board Violated the Purpose of Site Review.*

G. Kriebel stated the Site Plan Review regulations are not under the jurisdiction of the ZBA because they are not part of the Zoning Ordinance and were not enacted by the legislative body *i.e.* Town Meeting.

**MOTION: “The Zoning Board of Adjustment DOES NOT have jurisdiction over the section of the appeal titled *Planning Board Violated the Purpose of Site Review*”.**

Motion: J. Demeritt

Seconded: H. George

Motion Passes (4 yes, 1 no (W. Rose))

D. Gravel stated the next two sections of the Appeal deal with Site Plan Review and made the following motion:

**MOTION: “The Zoning Board of Adjustment DOES NOT have jurisdiction over the Sections entitled *Violation of Site Review Submission Requirements Section V. Part A and Violation of Minor Site Plan Review: Section V. Part C.*”**

Motion: D. Gravel

Seconded: J. Demeritt

Motion Passes (4 yes, 1 no (W. Rose))

The Board reviewed the section of the Appeal entitled *Violation of the Purpose of the Thornton Zoning Ordinance*.

**MOTION: “The Zoning Board of Adjustment DOES have jurisdiction of the section of the appeal entitled *Violation of the Purpose of the Thornton Zoning Ordinance.*”**

Motion: J. Demeritt

Seconded: H. George

All in favor.

The Board reviewed the section of the Appeal entitled *Permanent Stages and Permanent Event Areas Require a Variance to Operate in the General Residence Zone*.

J. Demeritt asked for some explanation from C. Boldt regarding this section.

C. Boldt pointed out that the ZBA has already accepted that they have jurisdiction over whether a variance is needed so the header of this section is covered.

C. Boldt pointed out that the text of the allegations refers to the Special Events Regulations and Site Plan Regulations which are outside of the jurisdiction of the ZBA.

C. Boldt clarified the discussion by stating the Board needs to determine if the four statements made in this section are items within their jurisdiction and that can be discussed during the Public Hearing.

C. Boldt noted the four statements refer to the following: 1.) The definition of Special Events, 2.) RSA 286, 3.) What is acceptable for Site Plan Review and 4.) The Special Events Ordinance.

G. Kriebel stated the definition of Special Event is in the Zoning Ordinance.

W. Rose asked for clarification from C. Boldt regarding this issue.

C. Boldt suggested when in doubt and it is already determined that a Public Hearing is going to be held, allow the question to be raised.

After further discussion G. Kriebel summarized by stating the question comes down to whether the events in question meet the definition of Special Event as defined in the Zoning Ordinance.

G. Kriebel stated the Zoning Ordinance clearly defines what can and cannot be done in each particular zone.

G. Kriebel read the definition of a Special Event from the Zoning Ordinance:

*“Special Events” A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, or non-routine activity, within the community that will bring together a large number of people and requires additional planning and preparedness, and is in accordance with RSA Chapter 286 and the town of Thornton Special Events Regulations to operate such activities.*

**MOTION: “The Zoning Board of Adjustment DOES have jurisdiction to determine whether or not the events in question meet the definition of Special Events.”**

Motion: J. Demeritt

Seconded: W. Rose

Motion Passes (5-0)

The Board reviewed the section entitled *Violation of Thornton Floodplain Management Ordinance; Section III Permits/Development Permit*.

G. Kriebel noted there is a significant section of the Zoning Ordinance which deals with floodplain management from page 17 to 25.

**MOTION: “The Zoning Board of Adjustment DOES have jurisdiction over *Floodplain Management Ordinance; Section III Permits/Development Permits*.”**

Motion: J. Demeritt

Seconded: D Gravel

All in favor.

The Board reviewed the section of the Appeal entitled *Violation of the NFIP Management Requirements: Section C. Permits/Building Permits*.

W. Rose asked if reference to the NFIP Management Requirements in the Zoning Ordinance gives the ZBA jurisdiction.

G. Kriebel stated that the question is whether the NFIP Management Requirements are part of the Zoning Ordinance.

D. Gravel stated he does not believe the ZBA has jurisdiction over the NFIP Management Requirements as they are federal regulations.

C. Boldt suggested the Board has already accepted jurisdiction over the issues that need to be discussed in the prior motion. C. Boldt stated he could not find even an inference to a *Violation of the NFIP Management Requirements: Section C. Permits/Building Permits* in the Zoning Ordinance and asked if B. Chappell could point to one specifically if he is overlooking it.

J. Giuda stated the Floodplain Ordinance was adopted by the Town in either 2007 or 2008 and applies to the Zoning Ordinance although it may not be in the Zoning Ordinance as it is written currently.

W. Rose asked for clarification purposes if J. Giuda is arguing that the NH Model Floodplain Development Ordinance for Communities contains the reference to the NFIP Management Requirements.

J. Giuda responded that he believes that was what was voted in by the town.

C. Boldt asked if that vote of the Town in 2007 was after the Ordinance went through the Planning Board process, the Public Hearing process and then to Town Meeting.

J. Demeritt recalled that it did follow the stated process.

C. Boldt suggested the Board err on the side of caution and agree it was adopted by 674:16 and see if something of merit is provided in the claim of a violation of the NFIP Management Requirements.

**MOTION: “The Zoning Board of Adjustment DOES have jurisdiction over the section of the Appeal entitled *NFIP Management Requirements: Section C. Permits/Building Permits*.”**

Motion: J. Demeritt

Seconded: W. Rose

Motion Passes (4 Yes, 1 No (D. Gravel))

The Board began to address the *Appeal from Administrative Decision of the Board of Selectmen on April 18, 2012 to approve special Events Permits for the White Mountain boogie N’ Blues Festival and the Pemi Valley Bluegrass Festival*.

G. Kriebel summarized that the Appeal contains eight paragraphs and began to discuss each paragraph.

The Board determined the first and second paragraphs were statements and agreed that no determination of jurisdiction was necessary.

G. Kriebel read the third paragraph:

*The basis for the appeal is that the Board of Selectmen violated the Zoning Ordinance and Night Sky Ordinance by issuing permits for activities that constitute a commercial event business: a use prohibited in the General Residence zone. By issuing these permits the Board has created a nuisance*

*that results in devaluation of property and substantial interference with the right to peace and quiet enjoyment of surrounding properties.*

G. Kriebel reminded the Board that the Night Sky Ordinance in the Zoning Ordinance is not part of the Zoning Ordinance but that there is reference to “permitted activities”.

J. Demeritt stated his opinion that the ZBA does have jurisdiction.

H. George stated that he would agree the ZBA has jurisdiction if the reference to the Night Sky Ordinance was omitted.

G. Kriebel reminded the Board that they can limit the discussion to only the areas of jurisdiction.

**MOTION: “That the Zoning Board of Adjustment DOES have jurisdiction to hear the complaint that the Board of Selectmen violated the Zoning Ordinance.”**

Motion: W. Rose

Seconded: D. Gravel

Motion Passes (5 yes, 0 no)

G. Kriebel noted the next three paragraphs deal with ongoing litigation.

J. Demeritt stated his opinion that the ZBA does not have jurisdiction.

**MOTION: “That the Zoning Board of Adjustment does NOT have jurisdiction over paragraphs 4, 5 and 6.”**

Motion: W. Rose

Seconded: J. Demeritt

Motion Passes (5 Yes, 0 No)

G. Kriebel read paragraph 7:

*The Board of Selectmen acted outside their authority by creating Special Event Regulations that violate the Zoning Ordinance by including special events which [1] involve the rent or lease of a site for an event, and [2] special events which charge an admission fee. These activities constitute a business use which requires a variance to operate in the General Residence Zone.*

W. Rose noted that the ZBA has already accepted jurisdiction over the issue of a violation of the Zoning Ordinance.

G. Kriebel pointed out that this claim specifically cites the creation of the special events regulations.

W. Rose stated it is his understanding that this paragraph makes the claim that a variance was needed to obtain a special events permit.

**MOTION: “That the Zoning Board of Adjustment DOES have jurisdiction over alleged violations of the Zoning Ordinance.”**

Motion: W. Rose

Seconded: J. Demeritt

Motion Passes ( 5 -0)

G. Kriebel noted the final paragraph of the Appeal does not require any action.

G. Kriebel opened the Public Hearing portion of the meeting at 7:06 pm.

#### **PUBLIC HEARING:**

The Notice of Public Hearing was read into the record by the secretary.

*Appeal of Administrative Decision by the Planning Board to approve the site plan review of Bradford Benton and Helen Steele to construct a permanent stage for the purpose of having special events on their property at Tax Map 10 Lot 3-37 located on NH Rt 175. The Appeal of Administrative Decision is submitted by David and Beverly Chappell.*

G. Kriebel stated he will allow any interested party to speak but will recognize all those wishing to speak the first time before recognizing an individual a second time.

J. Giuda suggested a review on which items the ZBA agreed they have jurisdiction over and suggested holding the Public Hearings at a later date.

G. Kriebel suggested holding the Public Hearing for the Appeal of the Special Events first and clarified what the areas of jurisdiction are.

G. Kriebel stated in the *Appeal from Administrative Decision of the Board of Selectmen on April 18, 2012 to approve special Events Permits for the White Mountain boogie N' Blues Festival and the Pemi Valley Bluegrass Festival* the areas of jurisdiction include the following:

Paragraph 3: the complaint that the Board of Selectmen violated the Zoning Ordinance and  
Paragraph 7: over alleged violations of the Zoning Ordinance

G. Kriebel allowed C. Boldt to summarize the areas of jurisdiction in the *Appeal from Administrative Decision of the Planning Board on April 19, 2012 to approve site plan review for B. Benton to construct a permanent stage for the purpose of special events at Tax Map 10 Lot 3-37* to be as follows:

*Failure to Adhere to a Standard of Review Section:* only item # 1

*Violation of the Purpose of the Zoning Ordinance:*

*Permanent Stages Section:* Item 1. Does the event meet the definition of a Special Event

*Floodplain Management Ordinance; Section III Permits/Development Permits and*

*NFIP Management Requirements: Section C. Permits/Building Permits*

W. Mitchell requested the Board proceed as the Chair suggested with the Public Hearing on the Appeal of the Special Events first.

**MOTION: "To reorganize the agenda and consider the second Public Hearing on the agenda first."**

Motion: J. Demeritt

Seconded: H. George

Motion Passes (5-0)

The secretary read the Notice for Public Hearing into the record:

*Appeal of Administrative Decision by the Board of Selectmen on April 18, 2012 to approve Special Events Permits for the Boogie'n Blues Festival and the 2012 Pemi Valley Bluegrass Festival to be held on property owned by Bradford Benton and Helen Steele at Tax map 10 Lot 3-37 on NH Rt. 175. The Appeal of Administrative Decision is submitted by David and Beverly Chappell.*

J. Giuda stated this is a business, not a special event and by definition a special event is non-routine. He further stated a business requires a variance to operate in the General Residence Zone. He made the distinction that special events are allowed in the zone, but a business that holds special events requires a variance to operate in that zone.

J. Giuda stated that this is a routine event which happens every year and there is a business holding these special events. He further stated that the business running these events has a website, employees and is registered with the Secretary of State.

J. Giuda stated the effects the events have on neighboring property were not taken into consideration by the Board of Selectmen properly. He further stated the Board of Selectmen failed to consider the FEMA requirements and the FEMA implications because the property is in a flood zone.

J. Giuda stated the Board of Selectmen failed to consider the fact that the Chappell's property assessment decreased because of the special events. He also stated that the Board of Selectmen failed to consider that licenses for itinerate vendors were not obtained.

J. Giuda asked the ZBA to find that the Board of Selectmen do not have the authority to issue a permit for an existing business which holds special events to operate in the General Residence Zone.

R. Stark addressed the Board on behalf of the Bentons. He distributed a letter from Thornton's Assessor, Gary Roberge dated March 23, 2012 to the Chappells. A portion of that letter is as follows:

*We met back in 2010 in response to your 2009 abatement request. Based on our meeting and your description of the issues regarding the campground, claimed illegal events, trespassing and trash being blown onto your property, I recommended adding a temporary economic depreciation and granting the abatement until I had enough information from the town, future events or evidence of any affect on your market value.*

*Since that time, the town has become very active in the control and regulations of the activity at the campground and the several visits I made to investigate the most recent event proved to be dramatically different than what I felt was described to me at our 2010 meeting.*

*It is my opinion that as of 4/1/12, the previously recommended economic depreciation will be removed as I have concluded that the campground and occasional events, as currently regulated and controlled, have little to no impact on your market value. As such, your assessment which was reduced to \$226,479, will be returned to \$247,879 as of 4/1/12, as I have removed the economic depreciation on the building and the land site value, both relating to the campground issues, which I believe no longer exist or impact your market value and that the \$247,879 is fair and accurate for your property.*

R. Stark stated that the letter shows the events at the campground did not have a negative impact on the Chappell's property value.

R. Stark stated the event is a special event which happens once a year and not always on the same day which means it is not routine, fixed or predictable.

R. Stark stated the Public Good is served by the events as it brings a large amount of business to the area.

R. Stark stated the Board of Selectmen adopted Special Event Regulations and follow a detailed checklist when there is any application for a special event.

R. Stark stated it is very easy for the complaining party to claim this is a commercial activity but pointed out it is being permitted under a very precise set of regulations.

W. Mitchell stated his disagreement with the Chappell's claim that any event where money is exchanged would not meet the definition of special event. He further stated that the festivals are just a couple of days a year and that the amendment to the Zoning Ordinance which includes the definition of a special event clearly applies.

K. Coburn stated when the amendment to the Zoning Ordinance passed people thought they were voting to be able to have family gatherings in their back yards. She further stated the voting public did not realize that what they were voting in was going to draw in thousands of people.

K. Coburn stated that unless you are a neighbor you have no idea how the festivals affect you and that it covers a total of 12 days a year.

S. Babin stated the spirit of special events is definitely within the realm of what happens with the Boogie N' Blues. He further stated that it is within the jurisdiction of the Board of Selectmen to enact the regulations and to decide whether a special event should be held.

J. Giuda stated that the ordinance was misrepresented to the people. He continued by adding that people were told by public officials that if they wanted a wedding reception on their property they couldn't have it unless the amendment was voted in.

J. Giuda claimed that the amendment is unconstitutional because it tries to regulate private events on private property and noted the court agrees with that. He added that people voted in favor of the amendment because they were afraid they would not be allowed to hold special family gatherings on their property.

J. Giuda stated that prior to either of the Special Events obtaining a permit both the Boogie N' Blues Festival and the Pemi Valley Blues Festival had scheduled and advertised dates for the events, entered into

contracts, booked bands and sold tickets which supports the claim that they are routine events and that they are run by a business which requires a variance to continue operating.

R. Stark disputed the comment that there are huge profits made by the business running the events. He cautioned the Board regarding the casual use of the word commercial and requested the Board keep in mind that the Town by a huge margin voted to allow special events in any zone in Town as long as a permit was obtained.

S. Morton stated that the Board of Selectmen considered the non-routine aspect of the special events because the phrase "but not limited to" is included in the definition.

K. Coburn asked who actually drew up the amendment to be put before the voters.

T. Beaulieu responded that the ballot question was drafted by the Planning Board and that the Selectmen had no input. She further stated that the regulations provide an avenue of control to monitor events such as the festivals.

G. Kriebel reminded those present the Public Hearing is not for the purpose of discussing the regulations but rather any violation of the Zoning Ordinance.

C. Boldt noted in the regulations it defines what kind of events would require a permit and that special events which charge an admission fee is part of that definition. He further stated that the reference to the Special Events Regulations in the Zoning Ordinance allows the Board to determine if being commercial or being more than two events knock it outside of the definition.

G. Kriebel closed the Public Hearing on the Appeal of Administrative Decision by the Board of Selectmen on April 18, 2012 to approve Special Events Permits for the Boogie N' Blues Festival and the 2012 Pemi Valley Bluegrass Festival to be held on property owned by Bradford Benton and Helen Steele at Tax map 10 Lot 3-37 on NH Rt. 175 at 7:47 pm.

The Board determined to take a short break and reconvene at 8:00 pm.

G. Kriebel opened the Public Hearing on the Appeal of Administrative Decision by the Planning Board to approve the site plan review of Bradford Benton and Helen Steele to construct a permanent stage for the purpose of having special events on their property at Tax Map 10 Lot 3-37 located on NH Rt 175 at 8:00 pm.

J. Giuda stated the Planning Board made a determination on the stage without considering the use. He stated that in not addressing the use the Planning Board failed to adhere to a standard of review.

J. Giuda stated the Zoning Ordinance does not allow stages in the General Residence Zone.

G. Kriebel stated the Zoning Ordinance does make reference to buildings used for permitted uses being allowed.

G. Kriebel stated what the real argument comes down to is whether this is a special event or not because if it is a special event the stage is allowed because it is a permitted use and if it is not a special event then you could argue that the stage is not allowed.

J. Giuda stated he would argue that a permanent stage should not be built for a special event, but rather it would have to be a temporary stage. He stated that there is a difference between a special event and a special event business.

J. Giuda stated once a permanent stage is approved it validates the argument that there is a special event business as the stage would be used for not only the Boogie N' Blues Festival but also Old Home Day, all the weddings and other events held there.

G. Kriebel noted the argument comes down to is it a special event or is it a business that operates special events which are the same issues discussed in the previous appeal.

J. Giuda stated the Planning Board failed to require the applicant to obtain the required permits to construct in the flood hazard zone.

J. Giuda stated again that you can not have a permanent structure for a temporary use and if a permanent structure is approved in the General Residence Zone it would require a variance.

S. Babin stated the Planning Board believed a variance was not required because the stage is not a permanent structure that would be used continuously. He stated the stage was requested and built for a single event and constructed to meet the floodplain requirements which may make it appear like a permanent structure. He stated that in his opinion as a Planning Board member the stage did have a review but it did not require a variance because it is a temporary structure.

D. Gravel asked what happens to the stage after the event.

R. Stark stated that the owners would be required to obtain special event permit to use the stage for another event.

J. Demeritt asked if the stage could be used during gatherings of less than 200 people as that is the threshold for requiring a special event permit and raised the question as to how the town would limit the use of the stage for permitted events only.

J. Demeritt noted that a permitted special event is allowed to construct a temporary structure for the event not a permanent structure.

G. Kriebel stated the arguments boil down to whether the stage is being used for a permitted use and whether the Flood Plan issues dealt with.

R. Stark stated it is his understanding that the requirements to build in the flood plain were met.

G. Kriebel asked if there is any dispute of the claim that the requirements of building in the flood plain were met.

J. Giuda stated the applicant did not obtain a Letter of Map Adjustment and the Planning Board did not make obtaining a L. O. M. A. a condition of approval.

R. Stark stated the Planning Board is aware that the L. O. M. A. has been applied for.

J. Demeritt stated the campground has applied for the L. O. M. A. and that was not part of the approval for the stage.

S. Babin stated the Planning Board reviewed the stage because the town requires all structures built in the flood plain to obtain a building permit. S. Babin stated that in order to construct a temporary structure it had to go to the Planning Board and no L. O. M. A. was required but the plans were reviewed.

B. Chappell stated that the determination of the base floodplain elevation is required to build in the floodplain and that whether the stage is constructed above or below the floodplain is not known because no L. O. M. A. for the stage was required.

B. Benton stated the requirements being referred to apply to structures with a foundation and the stage does not have a foundation or walls.

G. Kriebel noted the definition of a structure is a building with a roof and walls and that if the stage has no walls it does not meet the definition of a structure as defined.

B. Chappell stated J. Gilbert of the NH OEP advised the Bentons if a proposed development is over 5 acres the proposal has to show the base floodplain elevations. She stated that the Planning Board did not consider the use of the stage during the review process and neglected to consider the total square footage to be used, the vendor area or the parking area.

B. Chappell noted permanent electrical use outlets are already in place which were constructed without being subject to the floodplain review process.

S. Morton stated the Planning Board considered the proposed use of the stage to be a temporary use.

G. Kriebel asked if anyone else wished to speak.

G. Kriebel asked if there is a tape recorded version of the Planning Board meeting.

J. Demeritt stated there is a tape recording of the meeting.

B. Chappell stated there may be a problem with the Town's copy of the recorded minutes and stated she would make her copy available.

It was determined that copies of the recording of the Planning Board meeting will be made available for the Zoning Board members to review independently and copies will also be sent to each lawyer.

G. Kriebel closed the Public Hearing at 8:32pm.

After a brief discussion the Board determined to continue the meeting to a date next week.

**MOTION: "To continue the Public Meeting to Tuesday, June 12, 2012 at the Town Office beginning at 6:00pm."**

Motion: J. Demeritt                      Seconded: D. Gravel                      Motion Passes (5-0)

**ADJOURNMENT:**

At 8:40pm the following motion was made:

**MOTION: "To adjourn."**

Motion: G. Kriebel                      Seconded: J. Demeritt                      Motion Passes (5-0)

Respectfully Submitted,  
Nancy Decoteau, ZBA Secretary

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*Chairman, G. Kriebel*

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*Vice Chairman, J. Demeritt*

\_\_\_\_\_  
*H. George*

\_\_\_\_\_  
*D. Gravel*

\_\_\_\_\_  
*W. Rose*

Approved on \_\_\_\_\_.