

TOWN OF HENNIKER
ZONING BOARD OF ADJUSTMENT
March 26, 2009
Approved Minutes

Members Present: Doreen Connor, Chairwoman; Joan Oliveira, Vice-Chairwoman; Jeff Connor; Gigi Laberge, Alternate

Members Absent: Bob Stamps

Others Present: Jennifer Astholz, Recording Secretary; Jennifer McCourt; Paula Amato; Eleanor Kjellman

Chairwoman Connor called the meeting to order at 7:00 pm. She stated that it became apparent that there were inconsistencies between the March 18, 2009 meeting minutes and the motion that was made concerning the special exception for New England College in Case 2009-103. Ms. Connor stated that after deliberations with legal counsel, she was instructed to call this special meeting.

At the March 18, 2009 meeting, the Zoning Board members reviewed each of the six criteria needed for a special exception. According to Section 6.3 of the ZBA's Rules of Procedure, a tie vote constitutes no action. When voting on the criteria of the special exception, three of the votes resulted in ties. When Bob Stamps made the motion, he referenced the two criteria that failed, but he did not reference the three tie votes. Chairwoman Connor stated that the board does not have the right to waive those criteria that were left with a no action decision.

If the Board deems it appropriate, a motion is needed to reconsider the former decision and have a new motion made to reference the two criteria that did not pass as well as the three criteria that resulted in a tie vote. The Board may also decide to take no action on the matter, if it so deems appropriate.

Joan Oliveira clarified that a special exception has to meet all six criteria in order to pass; three of the criteria resulted in tie votes, and two of the criteria failed.

Joan Oliveira **MOVED** to reconsider the prior motion of Case 2009-103 which was heard on March 18, 2009. Jeff Connor **SECONDED** the motion. Motion **PASSED, 4-0.**

Joan Oliveira **MOVED** to supplement the motion made on March 18, 2009 by Bob Stamps by adding that criteria #1, #2, and #5 resulted in tied votes which meant no action; and criteria #3 had a vote of 4-0, and #6 had a vote of 3-1. Both of those criteria failed by majority vote. Thereby, the application for special exception for Case #2009-103 failed due to not meeting all six criteria. Jeff Connor **SECONDED** the motion. Motion **PASSED, 4-0.**

Meeting adjourned at 7:25 pm.

Respectfully submitted,
Jennifer Astholz