



**TOWN OF WEARE**  
PLANNING BOARD  
ZONING BOARD OF ADJUSTMENT  
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Naomi L. Bolton  
Land Use Coordinator

**Office Hours:**  
Monday  
thru  
Friday  
8 AM – 4:30 PM

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
MAY 1, 2007  
(Approved as amended 6/5/07)**

**PRESENT:** David Ruoff, Chairman; Ian McSweeney, Vice Chairman; Forrest Esenwine; June Purington; Elwood Stagakis, Alternate; Naomi L. Bolton, Land Use Coordinator.

**GUESTS:** Heidi Wright; Malcolm Wright; Attorney Mike Ryan; Ginger Esenwine; Scott Huard; Liz Vincent; Dennis K. McComish; Eric Morse; Tonya McComish; Ed Naile.

**I. INTRODUCTION:**

Chairman David Ruoff called this meeting to order at 7:30 PM and asked the board members present to introduce themselves. Chairman Ruoff explained to those present the way by which the board conducts business.

**II. ADMINISTRATIVE ITEMS:**

There were no administrative items for this evening and the board went right to the hearings.

**III. PUBLIC HEARINGS:**

Case #1207 Dennis McComish  
Administrative Appeal, Article 3, Section 3.4.2  
Applicant disagrees with the decision made by the Code Enforcement Officer.  
Tax Map 411-279 54 Oak Hill Road

Dennis McComish was present. Chairman Ruoff explained that Mr. McComish is here on an administrative appeal. The applicant disagrees with the decision the Code Enforcement Officer made as to whether Article 3.4.2 actually applies to his lot. Chairman Ruoff asked if renovations are taking place on the property. Mr. McComish stated yes, that is basically the issue. Mr. McComish explained he has a house on 54 Oak Hill Road. He got a cease and desist from the Code Enforcement Officer, stating that “when a nonconforming use of land or buildings has been destroyed or discontinued for two (2) years, the land, structures, and buildings shall thereafter be used in conformity to this ordinance.” Mr. McComish stated that it is his understanding that from reading the zoning ordinance Article 3.4.1, which states, “this zoning ordinance shall not apply to

any existing structures or to any existing use of any building in the Town of Weare, in existence on the date of the adoption of this ordinance.” It is an existing house in a residential zone. It has always been a residence. He is not trying to change anything. He is not even trying to change the size; he is just trying to fix it up.

Chairman Ruoff asked if it has been deserted for any length of time. Mr. McComish responded, there is a claim that it is abandoned. Mr. McComish handed the board a letter from the previous owner stating that it was never abandon before he bought it in June of 2004. He also has a piece of case law regarding abandonment and it depends on two factors. Mr. McComish stated that he feels this property has not been abandon. He has been maintaining it since he owned it, which is why he doesn't believe he should be here on an existing house that has been a residence. The house was built in 1847. It is in a residential zone. He is not changing anything.

Forrest Esenwine stated that he thinks we are confusing things here. The ordinance doesn't say anything about being abandoned. It says discontinued. Mr. McComish stated that the ordinance talks about a nonconforming use, but the use is residential and has always been a residence. Mr. Esenwine stated that it is nonconforming because it is not the proper size that the ordinance states is needed for a building lot. There are a number of lots in town that are like that, which means that they can continue to use it. It is a nonconforming lot, knowing that people may want to upgrade, whether fire, flood, etc. happens to the building they have to be able to repair it and build it. The ordinance allows them to do that as long as they don't go beyond what was there. Article 3.4.2 also addressed it that if the buildings have been destroyed or discontinued, not used for two years everything must then be done by the ordinance, which is where you are coming in here. Mr. Esenwine stated that no one has been living in it. Mr. McComish stated that he has made a point of staying there on occasion when he is working there. Mr. Esenwine stated that he goes by that house 3-4 times a day and he has never seen anyone there. Ian McSweeney stated that he would agree with Mr. Esenwine.

Mr. McComish stated that he met Chip Meany in 2004 when he bought it and was trying to fill out the paperwork for a building permit. He has a state approved septic. He got a well release from the State. He has hired someone to mow the lawn. He does plow the driveway occasionally.

Mr. Esenwine stated that is not what the law states. The structure that is there has been discontinued. Just plowing the driveway does not indicate use of a structure.

Chairman Ruoff stated that the letter that was submitted from the previous owners, dated 2004 and it references that the property has never been abandoned as stated in a letter from Charles Meany dated, June 21, 2004. There appears to

be another letter dated June 21, 2004. Chairman Ruoff asked if this was the second letter that you got from Mr. Meany.

Mr. McComish stated no he never got a cease and desist. Originally the June 21, 2004 letter from Mr. Meany indicating that he would not be able to issue a permit because of a report that was received from an abutter stating the property has been abandoned for a period of over two years, which would mean that you would need to comply with all current codes. Mr. Meany further indicated that he does not have the authority to resolve the dispute and for that reason, he would deny any permits requested by Mr. McComish and suggested that an appeal be filed to the Zoning Board of Adjustment. Mr. Esenwine stated that it is a nonconforming lot but not a nonconforming use. The fact that it has not been used for two years or more, you have to comply with all the articles that pertain to that ordinance. Mr. Esenwine asked if a plot plan had been submitted to Mr. Meany showing the layout of where the septic system is going, the well, etc.

Chairman Ruoff stated the issue here is the whether it is a discontinued non-conforming use. Chairman Ruoff stated that what Mr. McComish is asking the board to do here is when Mr. Meany interpreted that, whether or not the use is still conforming or whether or not it was discontinued for two years. Chairman Ruoff asked Mr. McComish if that was right.

Mr. McComish asked the board if he can have someone speak on his behalf as he was getting a little confused. Chairman Ruoff responded that anyone could speak on his behalf. Ed Naile, from Deering was present to speak. Mr. Naile introduced himself as the Chairman of the Coalition of NH Taxpayers. Mr. Naile stated that when they got a hold of this they were very intrigued that a residence in a residential area would be considered a pre-existing nonconforming use. He believes this is a residential area and it is a residence. All the cases that he is familiar with, if it was a pre-existing nonconforming use such as a gas station, or a hardware store or a used car lot that would be different. This is a residential home in a residential area that was existing since 1874 which was long before the 1986 adoption of zoning in the Town. He believes this affects the shore line properties. If someone has a summer home and someone can somehow say that person has not used their summer home in two years you lose that lake property, because someone might be elderly and had a caretaker keep after it. This gentleman's property is been at this home. He has maintained this home. When this first cropped up they got the court cases regarding abandonment and they thought they were pretty secure that this property has not been abandoned or discontinued in any fashion, as going through the process of being brought up to code regarding septic and the inside. He is having trouble finding out how the board can prove that someone hasn't stayed there in two years. When this first occurred he told Dennis that he should stay there a couple of nights out of the year because the Town doesn't have a definition of discontinued in the ordinance, we are only going by State Statue and Supreme Court cases they could find.

Forrest Esenwine stated that this board is not claiming this is a nonconforming use. The issue is the fact that it is a non-conforming lot. As far as living there, on any residence in the Town of Weare when you build it you get a certificate of occupancy. There is no septic or running water there. The people that had been there before, that's all they had and they had been there long before zoning came to Town. Now as far as using the property as a residence, you can do that. It is a nonconforming lot. You can put a residence, well and septic in there but it has to conform to the ordinance.

Mr. Naile responded, so now we are back to your original ordinance which says this zoning ordinance shall not apply to any existing structures or any existing use of any building in the Town of Weare.

Mr. Esenwine interrupted and stated that Mr. Naile was not reading the whole ordinance, there are other articles that address other items.

Mr. Naile responded, that once it says, "it shall not apply", when Article 3.4.1 says this ordinance "shall not apply" to any existing structure or any existing use one would think it would disqualify anything beyond that.

Mr. Esenwine responded that you can't disqualify anything.

Mr. Naile stated that if Article 3.4.1 says "it shall not apply to any existing", how can you make the leap that it is now suddenly nonconforming.

Mr. Esenwine responded that it is nonconforming because it doesn't have a septic system or a well.

Mr. Naile stated that residence is nonconforming, it doesn't have a well or septic and that makes it nonconforming? People were living there when this gentleman purchased it.

Chairman Ruoff asked if the building is conforming? Mr. Naile stated that it is how it existed when the Town adopted the ordinance. Chairman Ruoff stated that if you read the ordinance which says "when an existing nonconforming use of land or building" and for somehow it was vacant for two years, before you do anything to it you can apply for a variance, so he has another remedy here or you can't use it.

Mr. Naile stated that their interpretation is that that is a strange interpretation because you would have to have something to back that up. Suddenly now the Town of Weare has taken the position that you can show in court that no one has resided in this building for two years, two 365 day periods of showing that no one has resided in this place that would be what it comes down to.

Chairman Ruoff responded, but the burden is on the applicant to show that someone has been living there. The applicant has the burden of giving the board some evidence that it's been used as a residential use and that people have been living there.

Mr. Naile, asked Chairman Ruoff, under the Town ordinance, what is the definition of that. Chairman Ruoff stated that he doesn't need one he would just use a common definition. The Supreme Court uses Webster's definition when there is no statutory definition. Mr. Naile responded that he would be glad to use that and asked what that was. Chairman Ruoff responded that the applicant has to tell the board what that is. He is not an inquisitor sitting at the table. Mr. Naile stated that it feels that way. Mr. Naile continued, if you purchased a home and you are renovating a residence. Chairman Ruoff interrupted and stated or purchased a storage shed, as some would argue it is a storage shed. Mr. Naile continued, they are not saying it's a storage shed. Chairman Ruoff added, the previous owner stated that they just stored their stuff there. Mr. Naile asked, if it is being taxed as a storage shed. Chairman Ruoff responded that it doesn't matter how it is taxed. How something is taxed is not going to affect this board decision. It could be mistaxed. It could be overtaxed or under taxed. We encounter this all the time. Mr. Naile stated, you have it classified as what for taxation? Chairman Ruoff responded, "I have no idea". Mr. Naile stated that was a bit of a stretch. Chairman Ruoff responded: we have no idea of what it is and if he is entitled to an abatement he can take that up with the tax assessing office.

Mr. Naile stated that what they are claiming is that you have no business to give a cease and desist to someone unless you have evidence. Under your ordinance a person could read and understand that this property is a nonconforming use and that is the issue. Mr. Naile stated that he is concerned about this State wide. Mr. Naile continued, if we can suddenly say that a summer home that someone has not been to and the neighbors can watch. Forrest Esenwine interrupted and stated that we are not going down that road that is a totally different thing and we are not going to spend time here to debate our ordinance. The board is going to try to take care of this case. The fact remains that based on our ordinance all he needs to do is to bring a plot plan showing where the house, well and septic are going to go and if it fits the criteria of our setbacks and all that he can then go and get a building permit. If it doesn't then he has to come to this board for a variance.

Mr. Naile responded that that was a leap over the cease and desist for discontinued use. Mr. Esenwine responded, no the cease and desist is because he hasn't done the other things first. Mr. Naile disagreed and stated that the cease and desist was for the discontinue use. The Town states that no one resides in this building.

Chairman Ruoff stopped the argument and asked if there was anymore evidence they would like to provide. Mr. Naile responded that there are plumbing pipes to

the sink. Mr. McComish stated that he didn't feel it was fair if a person doesn't live in their summer home or Lake Home it is considered nonconforming.

Chairman Ruoff asked if there was any further evidence, pictures, documents, etc. that they would like to present. Mr. Naile stated that he has seen pictures of the plumbing inside the sink, people lived there as a residence, it was built as a home in the 1700's if this is the road that you want to go down we will.

Mr. McComish stated that he did have a letter from his neighbor across the street that was an approving abutter.

Approving Abutter: Chairman Ruoff read the following letter from Dan Boisvert which reads as follows:

"To Whom It May Concern:

In regard to the improvement of the home and property at 54 Oak Hill Road, I have no issues with that and see no reason why the home could not be brought back to living standards. In fact it would be pleasing to see it that way.

Danny Boisvert  
57 Oak Hill Road  
Weare, NH 03281"

Mr. McComish stated that he has been trying to do everything right and that saying it is not a residence anymore he feels is wrong. He has been working on getting permits since 2004. Mr. McComish stated that when Mr. Meany sent the letter in 2004. Mr. McComish further stated that they had come in and met with him and Naomi and that Naomi was the one that told Mr. Meany that they didn't have to come in for a variance. Mr. Meany was ok with that. Mr. Meany told Mr. McComish that he needed complete plans and he just got those done. He has been working on it. At the time of purchase he probably could have moved into the house in those conditions, but at that time he had a small baby and that wouldn't have been a place to bring a small baby.

Disapproving Abutter: Attorney Mike Ryan was present on behalf of Malcolm and Heidi Wright. Attorney Ryan stated that there is a lot of confusion. First of all Mr. McComish had the opportunity in 2004 when he received the first letter from Mr. Meany to come before this board and appeal that decision and he didn't do it. He's wasted three years and now he is coming in stating that he hasn't discontinued the use. He hasn't lived in it for three years and in fact the previous owners had not lived in it up until the time that he bought it. I think that Mr. & Mrs. Wright would deny that that had happened. There had been a period of time before that that the previous owners had actually moved out. He is the one that has caused this by not coming to the board in 2004 appealing Mr. Meany's decision at that time. Second, there is confusion about the use of nonconforming use. It could be used as a residence in the sense that it is in the residential zone. The fact that it is a preexisting building that is on a nonconforming lot, under the definition as the Supreme Court uses, that is a preexisting nonconforming use. In

fact there is a decision that came out today by the Supreme Court. The issue in that case was whether someone could go from using a seasonal home, that was only used for a couple of seasons to a full year round house and whether that was in fact a permitted use. They said “yes” it was a permitted use because it is residential, now this was in the Town of Epsom. Then they went on to ask whether year round use from a seasonal dwelling is a substantial change of a preexisting nonconforming use. So when you use the term nonconforming use it isn’t in terms of legally speaking, it isn’t only that the use of the land in terms of what it is used for is nonconforming but also that in fact the lot itself existed is nonconforming. The court rolls all those into the term of nonconforming use. So this is a preexisting nonconforming use because it is a nonconforming lot. So you get to the issue of whether or not there was in fact a discontinuance of a nonconforming use. Clearly it hasn’t been used as a residence for three years now and that is based on Mr. McComish’s actions and not anyone else’s actions. He did not do what Mr. Meany required him to do in 2004 and now it has come before this board.

Chairman Ruoff stated that he had a question of Attorney Ryan. Chairman Ruoff asked if he was to apply for a variance, would he apply for a use or an area variance. Attorney Ryan responded, an area variance. The use is allowed. If it is a permitted use on a nonconforming lot it is a preexisting nonconforming use. They are used two different ways. Use, one is how you are actually using it (gas station, residential) the other is the fact that it is even being used on a nonconforming lot. There is no doubt this is a nonconforming lot. The house doesn’t meet all the setbacks and the size of the lot isn’t close. Even if you were to take Mr. McComish’s position and say that in fact Mr. Meany was wrong in his interpretation and go under Article 3.4.1 as Mr. McComish wants you to do, it does state that “any alteration of a building for use for a purpose or in a manner which is substantially different from the use to which it was put before alteration.” Even if you accept his argument, he isn’t just altering the house, he is putting in a septic system that because of the limited area, the septic will be within three feet of the Wright’s property line and six feet high, and under the Town’s ordinances that is actually a structure. That is major change. So either way, 3.4.1 or 3.4.2 he has to come before the board for a variance. Attorney Ryan stated that he felt Mr. Meany was correct.

Other boards: NONE  
Public At Large: NONE

Rebuttal: Mr. Naile asked Attorney Ryan for the court decision. Attorney Ryan responded that it was Melvin Severance III vs. Town of Epsom, issued today. The other case Mr. Naile was using was Lawler vs. Salem, Feb, 27, 1976, pg, 61, Rockingham County which points to their argument of abandonment. Mr. Naile stated that they are looking at another part of the ordinance and smaller lots are doable. This house is setback enough and the septic system meets the setbacks. He is still making the argument that they don’t have to be there because they still

haven't decided whether or not we are talking the use, or we are talking the lot which prevails. There is no definition of residency in the ordinance. The neighbor brought up the fact of abandonment and they have a Supreme Court case regarding that. This information was given to Mr. Meany back in 2004. Mr. Naile stated that he feels it is some sort of estoppel to a degree. Mr. Naile also stated that this could be a news making issue tomorrow.

Mr. McComish stated that from what he is basically hearing, when he purchased the property he could have just moved right in. He has been working on it and it doesn't feel right to lose his property rights.

June Purington stated that Mr. McComish really didn't need to move in, but to apply for the variance as stated in the June 21, 2004 letter.

Chairman Ruoff closed this hearing at 8:32 PM.

CASE DECISION: Forrest Esenwine stated that with the number of issues that have been brought up, he doesn't feel how Mr. Meany is wrong without having any plans, etc. in front of the board. Forrest Esenwine moved to overrule the CEO and grant the administrative appeal as requested, Ian McSweeney seconded the motion. Discussion: Ian McSweeney echoed Mr. Esenwine and stated that it is up to the applicant to bring forth any factual information forward. June Purington felt that had this been handled in 2004 we wouldn't be here and the applicant failed to do that. Chairman Ruoff stated that he never liked the non-conforming and use argument. He agreed our ordinance, Article 3.4.2 is poorly worded. As written Chairman Ruoff stated that he agrees with Mr. Naile, regarding the non-conforming use. He is the minority. June responded the issue here is not really whether he brought his plans in, it is whether Mr. Meany's cease and desist order is correct or not. We are voting on whether the cease and desist should have been issued. Mr. Esenwine felt that without the other information he can't make that decision. Chairman Ruoff stated that he wished Mr. Meany was present. Vote: 2 in favor (Purington & Ruoff) and 2 opposed (McSweeney & Esenwine), the motion fails.

Case #1307 Scott H. Huard  
Variance, Article 18, Section 18.2.3  
Applicant is requesting permission to add an addition into the setback.  
Tax Map 110-009.002                      29 Old Town Road

Scott Huard was present. Forrest Esenwine made a motion to not accept this application as he felt it was incomplete; Ian McSweeney seconded the motion. Mr. Esenwine stated that location maps and tax maps are not the same and the board is constantly getting tax maps. Vote: 2 in favor (McSweeney & Esenwine) and 2 against (Purington & Ruoff), therefore motion fails. Mr. Huard stated that

he is looking to turn the small garage into the breezeway and add a larger garage. He stated that he has spoken to the neighbors and they didn't have a problem, but they are not here to state so for the record. Mr. Huard then went through the 5 points of hardship as follows:

1. There will not be a diminution of value of surrounding properties as a result of the granting of this variance because: The added structure will be consistent with similar properties in the area. The views and privacy of abutters will not be affected.
2. The granting of a variance will not be contrary to the public interest because: The new structure will not impact in any way, the ability of surrounding property owners to use their properties in any way. The public will not realize any loss of access to public areas.
3. That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:
  - aa. An area variance is needed to enable the applicants proposed use of the property given the special conditions of the property because: There is limited distance between the kitchen side of the house and the property line.
  - bb. 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 because: The house is an existing structure. Major remodeling would be necessary to achieve the desired result on the opposite side of the house.
4. That through the granting of relief by variance substantial justice will be done because: The property will be able to be added to, in a way which is consistent with modern residential architecture.
5. The use, for which the variance is requested, will not be contrary to the spirit of the ordinance because: neighboring property owners will not be adversely affected. Public views and access will not be diminished. The property in question will increase in value and function.

Forrest Esenwine asked the distance between the house and the setback based on the drawing. Mr. Huard responded approximately 28 feet. The plan is to renovate the existing garage into a mudroom and add on a new garage to be no closer than 14.8 feet from the side property line. The board discussed reducing the garage or mudroom down in size to lessen the encroachment. Mr. Huard stated that down the road he would like to convert the area above the mudroom into a third bedroom and reducing the size of the mudroom would make a very small bedroom.

Chairman Ruoff asked about the storage beside the garage. Mr. Huard responded that all would be in the new garage. Chairman Ruoff stated that could possibly be a condition for no outside storage on that side.

Chairman Ruoff then asked if there were any:

Approving Abutters: NONE

Disapproving Abutters: NONE

Other Boards: NONE

Public At Large: NONE

Chairman Ruoff closed this hearing at 9:11 PM.

BOARD DISCUSSION: June Purington stated that she felt it was fine. Ian McSweeney stated that he was fine for the most part, but he does question if there is another reasonable use without granting a variance, he wrestles with that because the roof lines would have to change to get a third bedroom. Chairman Ruoff stated that this is always something he wrestles with. He felt that a 28 foot garage is appropriate, the 16 ft wide mudroom he is not opposed to but the board could make a reasonable accommodation for lesser of an encroachment. Forrest Esenwine stated that he would be wiling to grant a 5 foot encroachment and split the difference. Mr. Huard asked to compromise to a 12' mudroom allowing a 7' encroachment.

CASE DECISION: Point #1: June Purington moved to accept point #1, Ian McSweeney seconded the motion. Discussion: none. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine). Point #2: Chairman Ruoff moved to accept point #2, June Purington seconded the motion. Discussion: none. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine). Point #3aa: June Purington moved to accept point #3aa, Ian McSweeney seconded the motion. Discussion: Forrest Esenwine stated that there are no special conditions of the property, only a distance issue. Chairman Ruoff stated that it is located in some uniformity with the abutter's location of houses. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine). Point #3bb: June Purington moved to accept point #3bb, Chairman Ruoff seconded the motion. Discussion: Forrest Esenwine stated that he already stated a reasonable alternative without requesting a variance. Chairman Ruoff stated that as part of this point he recognizes that the board is seeking to add conditions so that the applicant will ultimately be getting less of what is requested. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine). Point #4: June Purington moved to accept point #4, Ian McSweeney seconded the motion. Discussion: none. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine). Point #5: June Purington moved to accept point #5, Chairman Ruoff seconded the motion. Discussion: Ian McSweeney asked about adding another condition about nothing beyond the garage on the side of the garage. The spirit is to keep the distances between the residences. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine).

Chairman Ruoff moved to grant the variance on Case #1307 with the following conditions:

1. That there is to be no storage of any vehicles or other items on the south side of the garage, that closest abuts lot #9.1
2. That the proposed garage be no closer than 17 feet 6 inches to the south side lot line abutting lot 9.1.

June Purington seconded the motion. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine).

**IV: OTHER BUSINESS:**

APRIL 3, 2007 MINUTES: Forrest Esenwine moved to accept the April 3, 2007 minutes as amended, Chairman Ruoff seconded the motion. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine).

CASE #4002 EXTENSION OF CARL LANDON: Carl Landon has sent in a request to extend the expiration of the variance. Under Article 6.1.7 of the zoning ordinance allows for unlimited extensions provided the applicant requests the extension prior to the expiration. The current expiration on this variance is June 4, 2007. Forrest Esenwine moved to extend the request for Case #4002, Chairman Ruoff seconded the motion. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine).

CASE #0907 – ROGER & LYNN BOISVERT – REQUEST FOR REHEARING: The board received a package of information from Mr. & Mrs. Boisvert's attorney requesting a rehearing based on the information that was pulled together from the Town records. The board reviewed the information which consisted of Board of Selectmen minutes, Planning Board minutes, a site plan, a letter from the Public Works Director which were not produced at the last meeting that are relevant to Sawyer Road. June Purington moved to grant the rehearing for Case #0907 based on the package of new information that the board just received, Forrest Esenwine seconded the motion. Vote: 4 in favor (Purington, McSweeney, Ruoff and Esenwine). The re-hearing will be heard at the June 5<sup>th</sup> meeting.

CASE #0407 – JUSTIN FITZGERALD - REQUEST FOR REHEARING: The board received a request for rehearing and pictures to support the request. The board reviewed the information and stated that there is a difference between more information and new information. The board felt that the pictures are not new. The pictures could have easily been done the first time around. The board felt these pictures or the signed statement were not new information. Chairman Ruoff moved to grant the request for rehearing for Case #0407, June Purington seconded the motion. Discussion: none. Vote: 0 in favor and 4 opposed (Purington, McSweeney, Ruoff and Esenwine) therefore the request for rehearing is denied.

**V. ADJOURNMENT:**

As there was no further business to come before the board, Forrest Esenwine moved to adjourn the meeting at 10:00 PM, June Purington seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator