

TOWN OF AMHERST  
Zoning Board of Adjustment

November 30, 2023

**APPROVED**

In attendance: Doug Kirkwood (Chair), Danielle Pray (Vice Chair), Jamie Ramsay (Secretary), Charlie Vars, and Tony Ortiz (alternate)  
Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Recording Secretary (remote)

Doug Kirkwood called the meeting to order at 5:05pm.

**REQUEST FOR REHEARING:**

**3. Request for rehearing,**

**CASE #: PZ17719-081123 – APPEAL OF ADMINISTRATIVE**

**DECISION - Sten Larson (Applicant); 14 Buckridge Drive, PIN #: 007-017-012** – Request for relief from Article IV, Section 4.11 to appeal an administrative decision of the Office of Community Development regarding their issuance of a building permit that may violate the Zoning Ordinance. *Zoned Residential Rural*.

**AND**

**CASE #: PZ17765-082523 – APPEAL OF ADMINISTRATIVE DECISION - Hal Amadon (Applicant); 33 Buckridge Drive, PIN #: 007-017-033** – Request for relief from Article IV, Section 4.11 to appeal an administrative decision of the Office of Community Development regarding their issuance of a building permit that may violate the Zoning Ordinance. *Zoned Residential Rural*.

Doug Kirkwood read both cases.

**Jamie Ramsay moved to untable both cases. Danielle Pray seconded.**

**Voting: 5-0-0; motion carried unanimously.**

Doug Kirkwood stated that the Board must decide whether to accept or deny allowing the rehearing requests and asked for general comments.

Charlie Vars stated that he abstained during the last meeting because he does not want to rehear these items because he does not believe there is a way forward; but he also does not want to deny the rehearing as he believes the Building Inspector and owners were not dealt with fairly based on the original terminologies used per the original application. He asked if the intention was to hold a revote, as the Board seems to be at an impasse.

Doug Kirkwood stated that the Board must deal with if the applicant for appeal matched what was being appealed. The appeal was for the issuance of the building permits, but the original hearing application was different.

Danielle Pray stated that the motions previously voted on were not related to the building permit. These were on the interpretation of the ordinance as it relates to the Building Inspector's interpretation of the use of the incursion onto the property, regarding the grassland that was disturbed on both properties. As she made those motions, she knows what they were and what

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they were related to. These only dealt with if there was a violation of the Zoning Ordinance. The Board agreed that there was and now the applicant is asking for a rehearing. The Board's decision today is based on particular criteria that was provided in the Staff Report, including particular reasons to grant one. She suggested that the Board revote on these items.

Charlie Vars asked if the applicant has provided any additional information, as this is usually a requirement of rehearing. Doug Kirkwood stated that he did not believe so. Danielle Pray stated that the applicants provided a rehearing request, and the Board received a packet of information with this.

Danielle Pray stated that, per the Staff Report, the Board should grant a rehearing if it feels that it previously made an error, or if the applicant presents new information which was not reasonably available at the time of the original hearing, or for some other good reason. This is what the Board should vote on.

Doug Kirkwood polled the Board.

Tony Ortiz stated that he is not in favor of the rehearing. He does not believe the request meets the criteria. He stated that he did not find a compelling reason, and that there was no additional evidence provided in order to meet the criteria.

Charlie Vars abstained for the reasons previously stated.

Jamie Ramsay stated that he is not in favor of rehearing these items.

Danielle Pray stated that she does not feel that the criteria she previously spoke of has been met and so she is not in favor of rehearing these cases.

Doug Kirkwood stated that he would vote as the other Board members have stated they would, except for Charlie Vars. This comes out to four against the rehearsings and one abstention.

Danielle Pray stated that she would like to have a motion on this item. Doug Kirkwood stated that he already polled the Board. This is the legal standard. Danielle Pray stated that she was unsure about that and would prefer to have it finalized through a motion. She stated that the Board uses motions for decisions. Doug Kirkwood stated that this is not always true.

**Danielle Pray moved to not grant the rehearsings. Tony Ortiz seconded.  
Voting: 4-0-1; motion carried [C. Vars abstaining].**

**OTHER BUSINESS:**

**1. Minutes: September 19, 2023; October 17, 2023; November 21, 2023**

The Board did not discuss the minutes.

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**2. Any other business that may come before the Board**

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**Jamie Ramsay moved to adjourn the meeting at 5:15pm. Charlie Vars seconded.**

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**Voting: 5-0-0; motion carried unanimously.**

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Respectfully submitted,

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Kristan Patenaude

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*Minutes approved: February 20, 2024*