

Excerpt from the 5/9/17 Tilton, NH Planning Board Meeting

excerpt begins at 0:12:00 of the meeting video*

AUDIENCE MEMBER: ...could they go somewhere else?

CHAIRMAN TILTON: There are appeal processes.

AUDIENCE MEMBER: There are. And then it would be up to who after that?

CHAIRMAN TILTON: Then it would go to zoning next.

MR. SASSAN: It depends on the nature of the appeal. It's either going to go to the Zoning Board if it's deemed to be like a Planning board making an administrative decision relating to the zoning ordinance, or it would go to Superior Court.

AUDIENCE MEMBER: When does it... Lawyers involved, when would that happen?

MR. SASSAN: Well, there already are lawyers involved.

AUDIENCE MEMBER: Yeah, on their side, but not on ours.

MR. SASSAN: If you'll permit me Chairman Tilton, on June 13th, assuming there are no more requests for continuation, the application has now been accepted, the 65-day clock is ticking, so most likely on June 13th there will be a more substantive deliberation, and that might be a good time to bring counsel. Most likely, folks who've probably been anxious to have a chance to speak will likely get their opportunity at that meeting. If not, they'll be clearly informed of when the next meeting will be, and folks will be able to continue along, follow along. Really, I'll add that, as Ms. Shepard mentioned, as was mentioned by one of the Planning Board Members, the Planning Board's decision to deem this a development of regional impact really kind of necessitated that this hearing not go any further tonight anyway. So, hopefully, folks understand that in order to include Sanbornton and Lakes Region Planning Commission, it needed to be continued one more time anyway.

AUDIENCE MEMBER: And if it is approved on the 13th is there a channel for appealing that approval?

MR. SASSAN: Similarly, yes, there were be opportunity to either appeal to Superior Court or to the Zoning Board, depending on the nature of the appeal. 30 days is usually, you know, kind of a, usually things have to be done within 30 days.

AUDIENCE MEMBER: You mentioned 65 days starting today. So, it has to be approved or not approved within 65 days?

MR. SASSAN: Unless the applicant waives the 65-day requirement, which is common. Like, if a Planning Board has said, "We need more time to hear this" and they're at 60 days say. Then, the applicant really needs to allow for that continuation, because otherwise the Planning Board can simply say "We don't have enough information to make a safe decision; we have to deny." So there's no absolute that a decision will be rendered within that time frame.

AUDIENCE MEMBER: Do we have rights in any of that time frame to ask for any kind of a continuance, or with legal counsel, if there were points of order that we brought up that needed more research?

MR. SASSAN: So, an abutter requesting a continuance, I'm not sure I know the answer to that. If it did happen... I guess what I'll do is I'll seek the answer to that between now June 13th so that if it happens on June

13th we'll be ready for it.

AUDIENCE MEMBER: Okay

MR. SASSAN: Chairman, I'm just going to continue to answer questions if that's alright. Selectman Scanlon.

SELECTMAN SCANLON: If the applicant wishes to have another continuance on the June 13th meeting do they have to file their continuance a certain number of days before June 13th, or can they do it at the meeting on June 13th?

MR. SASSAN: I think they, I don't know of any requirement that it be submitted, you know, so far in advance of the meeting. It could happen at the meeting, I mean, it probably does happen, I think it has happened at meetings where people come in and say, "I need to continue."

CHAIRMAN TILTON: See everybody on the 13th.

excerpt ends at 0:16:34 of the meeting video*

*** available online at: <https://www.youtube.com/watch?v=04Y4nxfMzn8&feature=youtu.be>**