



Zoning Board of Adjustment Meeting
Monday, January 2, 2018 7:00 PM
City Hall Council Chambers

MINUTES
Approved 3/5/2018

Call to Order by the Chair

Mr. Hurd called the meeting to order at 7:00 PM and asked for a roll call.

I. Attendance/Roll Call

Present & Participating: Michael Hurd, Carolyn Towle, Tracy Pope

Absent: Richard Collins, James Petrin, Abigail Kier, Patrick Howe

City Staff: Michael McCrory, City Planner

Mr. Hurd asked the applicants (unclear what was asked) something pertaining to the lack of board members.

Mr. Hurd gestured to someone off camera (presumably Mr. Hutchins) and said, "Yours wouldn't be able to be heard tonight; Jim you can ... we can have your meeting and have a discussion and then if you would like continue it to next month or you could have it heard by a three-member board; it has to be all three in the affirmative and it changes, if I'm not mistaken, any appeal process, correct?"

Mr. McCrory said, "If he accepts it, it can go forward. But he has the option of tabling it without any sort of (unable to hear) ..."

Mr. Hurd pointed out that there were no abutters present at the meeting.

Mr. McCrory said, "It sounds like with the attendance as it is, we're delaying election of officers?"

Mr. Hurd, "Correct."

Mrs. Pope asked about the minutes.

Mr. McCrory, "And you'll be appointing (gesturing toward Mrs. Towle) ..."

Mr. Hurd, "There again, before I appoint an alternate, which would affect one but not the other, I just want to make sure we're going to have a meeting."

Mr. Feleen, "I turned in some survey work I guess I kind of value the input of the other folks that are missing ..."

Mr. Hurd, “I greatly appreciate that thought. I think in your interest it’s better to have the extra input in your factor just in case for whatever reason. So, I take that you don’t mind continuing to next month and I apologize for the circumstances that ...”

Mr. Feleen, “It happens, that’s fine.”

Mr. Hurd consulted with Mr. McCrory on the best way to proceed at this point.

Mr. Hurd appointed Mrs. Towle to sit in for Mr. Collins. He then called for a motion to continue the two applications.

Motion: To continue it until the February meeting... both applications.

Made by: Mrs. Pope **Second:** (unknown)

Vote: Unanimous in favor

Mr. Hurd, “Also we will continue our election of officers and our minutes of our January 4th meeting ... that will be forwarded to our February 4th meeting.”

Mr. Hurd turned to New Business.

II. Election of Officers

III. Minutes of Previous Meeting – 12/4/2017

IV. Old Business

- A. **(ZO 2017-00022) James & Ellen Feleen, 203 Mulberry Street:** Application for variances to permit construction of an addition to the garage within the front setbacks at **203 Mulberry Street.** Tax Map 143, Lot 33. Zone: R1 (Cont. from 12/4/2017)
- B. **(ZO 2017-00023) Thomas Hutchins, 2 Stewart Avenue:** Application for a variance to permit construction of a garage within the front setback at **2 Stewart Avenue.** Tax Map 159, Lot 10. Zone: RR (Cont. from 12/4/2017)

V. New Business

A. Review of Amendments to the ZBA Rules of Procedure

Mr. Hurd asked Mr. McCrory if he wanted to wait until the full board was present. Mr. McCrory said it is a good process for everyone to be involved in. He suggested delaying the discussion for the sake of timeliness. He also said the Planning Board Rules of Procedure had just finished legal review and he wanted a chance to incorporate some the legal edits into the Zoning Board Rules (he had only received the comments this day). He said he welcomed any comments the board might have at this time.

There were some typographical errors to be corrected.

Mr. Hurd asked about abutters as owning or leasing land but not buildings. Mr. McCrory said that notices are required to be sent to the owner of record of the lot – not to anyone who may be leasing or renting buildings on the land. However, when discussing conflict of interest, it is a different matter (public notice vs conflict of interest). He said he would have to look further into it.

Mrs. Pope asked if the determination of regional impact was the purview of the Zoning Board or the Planning Board. Mr. McCrory said it was both.

Mrs. Towle asked if the Planning Board had discussed the use of cell phones during meetings. She said that since the applicant has paid money to have their application in front of the Board, the applicant is entitled to the Board's full and undivided attention. She acknowledged that there are times when receiving a phone call is necessary. Mrs. Towle said this had been discussed at the Council meetings and that she had also been spoken to about this by an applicant.

Mrs. Pope suggested perhaps it was best addressed in the Code of Conduct rather than the Rules of Procedure.

Gary Dickerman, cameraman for CCTV and observer of many, many public meetings said he has seen messaging – where someone is getting a message from the outside - happen a lot at public meetings – regardless of the board or committee - and stated that he felt this was not right.

Everyone agreed that the Rules need to catch up with technology.

Mr. McCrory said he would look into it more. He suggested addressing it under the section addressing code of conduct during a hearing.

B. Overview of the Claremont Master Plan Update Final Draft

Mr. McCrory said that the Planning Board is in the final phases of approving the updates to the Master Plan. The Board will be holding a public hearing on the final draft on January 22nd. Mr. McCrory urged the Zoning Board members to review the chapters (which are available online at <http://www.claremontnh.com/residents/departments/planning-and-development/Master-Plan-Update.aspx>) and to submit comments to the Planning Board.

VI. Communications

There were no communications for the Board.

VII. Other Business

There was no other business to discuss.

VIII. Adjournment

Motion: To adjourn the meeting.

Made by: Mrs. Pope **Second:** Mrs. Towle

Vote: Unanimous in favor
The meeting adjourned at 7:21 PM.

Respectfully submitted,
deForest Bearse