



ZONING BOARD OF ADJUSTMENT
MEETING

Monday, December 5, 2016, 7:00 PM
Visitor Center, 14 North Street

MINUTES
Approved 2/6/2017

I. Call to Order by the Chair

Mr. Hurd called the meeting to order at 7:00 PM.

II. Attendance/Roll Call

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

Absent: Richard Collins, James Petrin

City Staff: Michael McCrory, City Planner; Jane Taylor, City Solicitor

Request by Chair to amend the agenda to reflect the Rules of Procedure.

III. Minutes of Previous Meetings

Board consensus review/approval of minutes deferred to January 3, 2017.

IV. Other Business Presented by Chair

A. Review of Rules of Procedure

Mr. McCrory reviewed the intent is to familiarize the ZBA with the existing Rules of Procedure, but to also develop likely corrections or updates. Per RSA 676:1 requires the ZBA to adopt Rules of Procedure. The intent is to provide structure and outline of how the ZBA operates for the Board and the general public.

Ms. Taylor asked if it would be useful to provide statutory reference in the Rules of procedure. General agreement by the ZBA.

Mr. Hurd asked about the Officers, particularly the presence of a Clerk. There is a functional staff level participation in the Board business as the Clerk that serves the duties as Clerk, but is specifically a non-Board member. The Rules of Procedure will be updated to be more clear on this matter.

Modify Section C, 3. Order of Business – add “Appointment of Alternates”

Conflict of interest language is up to date, but will warrant a separate work session.

Meeting attendance – consistency of members attending one hearing:

- * Consistency is “a goal” for a specific case (same members assigned to a specific case for the duration of the case). Staff will assess whether the requirement for Board members to sit for the duration of the case (without substitutions, unless approved by applicant). This would avoid confusion and encourage a consistent attendance for a case.
- * Ms. Towle asked for clearer language in Rules of Procedure to explaining the process to recuse/excuse the Board member and re-appointing members in subsequent cases.
- * Ms. Taylor will investigate whether there is legal precedent requiring members to participate in a case regardless of absences in prior hearings of the same case.
- * Ms. Taylor suggested, under Section E, 1. Public Hearings – Chair will designate, identify voting members on the case.

Public notice: Removing the specific name of the newspaper (suggestion by Ms. Taylor) for “newspaper of general circulation” – this broadens the opportunity for future conditions when newspapers may change.

Hearings – abutters and testimony (Section E):

- * Individuals providing testimony will not be prohibited from speaking, but will be asked their name and address. Ms. Taylor will look into whether non-residents can testify by right or testify only with permission of Chair.
- * Section E.2.c. Ms. Carman wants the submittal requirements of the application (and supplemental information) be reiterated in this section.
- * Section E.2.e. Staff will need to see whether a decision needs to be made within 30 days of close of the hearing according to statutory limits or not. If not, then the ZBA may be able to close the hearing one night and then deliberate the next month using the standard ZBA schedule.
- * Application review – General discussion of limitations of staff acceptance of an application (completeness). Mr. McCrory stated the staff review will include more detailed summary of the information provided with the application. Additional clarification in Rules of Procedure will address ZBA requesting more information for each case (as needed) – additionally, applications will be modified to carry the same requirements. Examples: proof of need for approval, boundary location (variable), etc. – guidance document.
- * Section E.1.f. – Ms. Taylor suggested inserting, “Determine if the type of relief requested is appropriate for the intended appeal.” This allows the Board to evaluate the substance of the appeal and make a determination.
- * Section E.2.d. – Ms. Carman suggested this point be assigned to staff (staff report to the Board) and stricken from this section of the procedure. Summarizing the case is useful – currently the Chair reads the case synopsis into the record prior to motion and vote. More clarification required

Additional information for the Rules of Procedure:

- * Removal of the member for specific reasons: malfeasance, neglect of duty, etc. per RSA 673:13. Mr. McCrory reviewed PB language and Ms. Taylor suggested the same language (as appropriate) be transferred over to ZBA.
- * Joint Meetings
- * Electronic Communications
- * Regional Impact
- * Ms. Taylor asked if definitions should be

V. Other Business

A. Ms. Towle asked about concepts for future ZBA training:

* ADUs

* Sign Regulations

VI. Adjournment

Motion: To adjourn the meeting

Made by: Ms. Carman Second: Ms. Towle

Vote: Unanimous in favor.

The meeting adjourned at 8:38 PM.

Respectfully submitted,

Michael Mc Crory