

Zoning Board of Adjustment Work Session

July 9, 2020

Members present: Herman Groth, Aaron Leff, Ashley Rowe, Lynn Sweet, and Ashley Leighton, Alternate member

Also in attendance: Building Inspector David Copeland

The Zoning Board of Adjustment July 9, 2020 work session was called to order at 7:01PM by Lynn Sweet.

The first order of business was to elect a Chairman and Vice Chairman. Lynn Sweet nominated Ashley Rowe for the Chairmanship; Herman Groth seconded the motion. A unanimous vote in support of the nomination followed, along with a letter of support for Mr. Rowe's chairmanship from member Terry Hyland who was not able to be present.

Herman Groth nominated Lynn Sweet to be Vice Chairman. The nomination was seconded by Ashley Rowe, and a unanimous vote in support followed.

Mr. Rowe, as Chairman, led the work session stating its purpose was just to get everyone on board and up to speed before the first application is received. He shared that the Office of Strategic Initiative offers training to boards, and the Selectmen have budgeted money for such training. Mr. Rowe suggested the board should consider a night for training to go over some basics.

The next item of business was to readopt Rules and Procedures for Land Use Boards. Copies of recommended ones were distributed for review by those in attendance. As part of the rules and procedures, it is necessary to adopt the documents used for application. A few changes were suggested.

A motion was made and seconded and voted in the affirmative to hold regularly scheduled monthly meetings. The Planning Board meets on the 1st Thursday of month. It was suggested that the ZBA could meet on the 3rd Thursday at 7:00PM. If there are no applicants, there could be a quick email roll call to change the meeting to a work session or cancel altogether. A question was raised about a situation in which an issue from a Planning Board meeting that needs to be presented to ZBA comes up; this scheduling would necessitate applicants waiting 6 weeks. In such a case, it was pointed out, a special meeting could be held to address the situation. Regularly scheduled meetings will make it easier to establish a deadline for the filing of applications, which is 21 days before the meeting.

The members reviewed the various applications currently being used. There is currently no formal application for an appeal of an Administrative Decision; that needs to be developed. For new members Mr. Rowe explained the various types of cases the ZBA handles and the reason for an Appeal of Administrative Decision and process by which it is handled.

The only change suggested in the current applications was documentation from the Code Enforcement Office that the plans presented in the building permit application do not comply with town zoning. Mr. Rowe would like to see ZBA and Code Enforcement Office working together to put something in writing before a case comes to the ZBA. As the ZBA is an "appeals" board, applications to it should be preceded by some sort of denial so they may be appealed. Mr. Rowe would like to edit the application to reflect that, and asked Mr. Copeland to assist in working on that.

Copies of RSA 91:A were handed out to those in attendance. With only a few exceptions, all meetings are open to the public. The need for board members to conduct themselves professionally was stressed. The definition of a quorum was discussed and caution against discussion of a current case outside of meeting was given. A reminder was given that a quorum exists anytime 3 of the members get together

and discuss anything over which the board has authority. Discussions with an applicant or member of the public outside of the public meeting are legally prohibited. Mr. Rowe will request that board members have and use a stafford.nh.gov email address.

Draft meeting minutes are to be available within 5 business days. Fee schedules, applications and minutes should all be on the town website.

Mr. Copeland suggested that everyone should read the Town's Master Plan. It was pointed out that the ZBA does not derive its authority from the Master Plan, but it helps to understand the reasoning behind an adopted zoning ordinance.

Mr. Rowe suggested adopting a policy as part of the rules and procedures requiring all dimensional applications to be stamped by either a licensed land surveyor or engineer. This would not be necessary for "use" applications. The Planning Board requires it, but the ZBA has not. It was noted that adoption of this must be done at a public hearing. Mr. Rowe asked everyone to consider this.

For new members and the review of more veteran members, the process by which applications are made to the ZBA was explained. The 1 month waiting period for appeal was explained. Mr. Copeland noted that some applicants with approved variances fail to get building permits, believing that the granting of the variance equates to permission to build. He would like to see that made clearer to applicants.

There was some general discussion the types of projects that require a building permit, the extent of authority of the Office of Code Enforcement, and how situations may be handled in the event that a property owner goes beyond the variance granted by the ZBA. A building permit grants the Code Enforcer (i.e. Building Inspector) access to the property for only 1 year. The function of the Assessing Department entered into the discussion. The assessor does have the ability to go onto a property, unless the property is posted, but his/her job is assessing value, not observing code violations. It was noted that specific language in the Notice of Decision should assist the Building Inspector and Town with enforcement. This might be a topic to discuss further with the Town attorney.

The limits of the ZBA's and the Town's authority relative to the adopted NHDES Shoreland rules was discussed. It was suggested that some instruction in that area might be helpful.

It was generally agreed that the meeting had been very informative. At the upcoming meeting hopefully rules and procedures will be adopted. Mr. Rowe would like to move forward with a public hearing to adopt the requirement that plans accompanying application to the ZBA be surveyed and/or engineered as appropriate to the specific application

August 20, 2020 at 7:00PM will be the next regularly scheduled meeting. The procedure for monthly meetings where a case is being heard was discussed. The difference between public meeting and public hearing and accompanying procedures and the roles of the participants along with the procedures and rules of voting were also discussed. The need for additional alternate members was discussed; the Selectmen are actively searching for more alternates.

Those in attendance discussed holding a work session/public hearing on July 23rd at 7:00PM to consider the policy on engineering plans and the rules and procedures

Ms. Sweet will put a phone tree for members and alternates.

With no further matters to discuss, a motion was made and seconded to adjourn. The work session adjourned at 8:52PM.