

ZONING BOARD OF ADJUSTMENT

MINUTES

November 29, 2023

APPROVED: December 5, 2023

AGENDA: **NONPUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II (e)**

Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.

CASES:

MOTION FOR REHEARING: 23SPX09 – Kelly – #104-120 – 128 Brown's Beach Road

ATTENDING: Melody Mansur (Vice Chair), Larry Denton, Andrew Litz, Lorraine Bohmiller and Steve Carten (Alternate)

ABSENT: Richard LaFlamme (Chair)

OTHER: **Staff:** Christina Goodwin (Town Administrator) **via Zoom**, Christine Johnston (Town Attorney) **via Zoom**, Joanne Bailey (Land Use Manager) and Donna Sullivan (Land Use Administrative Assistant)

Applicants, Abutters & Public: Bruce Van Derven, John Tardif, Ethen Wood (Attorney for Mr. Kelly), John Kelly, Doug Williams, and Peter Daniels

Attending via Zoom: Noreen Richards

With a quorum present, Acting Chair Mansur opened the meeting at 6 pm. She announced that Alternate Carten would be seated as a full voting member for this meeting.

Ms. Goodwin explained to the Public in attendance that the Board was going to go into Nonpublic Session and members of the public present would be asked to leave the meeting room and those attending via Zoom would be placed in a waiting room for this session. She stated when the session was over, they would be allowed back to the public portion of the meeting.

NONPUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II (e)

Mr. Denton motioned to enter Non-Public Session pursuant to NH RSA 91 – A:3 II (3). Ms. Bohmiller seconded. The motion carried by roll call vote 5-0-0.

Public Session reconvened at 6:36 pm

CASES:

MOTION FOR REHEARING: 23SPX09 – Kelly – #104-120 – 128 Brown's Beach Road

Ms. Sullivan read the Request for Rehearing into the record.

Discussion followed regarding the issues brought up in this request and the consensus that the Board should review this further as to whether the structure is conforming or non-conforming.

Ms. Mansur motioned to grant the Rehearing for Case # 23SPX09 to evaluate new information cited in the request indicating that the structure was conforming and does not require a special exception. Mr. Denton seconded. The motion carried 5-0-0. The applicant will be notified about scheduling of the hearing.

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COMMUNICATIONS:

Ms. Goodwin read a resignation letter from Chair Richard LaFlamme into the record. He cited personal health reasons for the resignation.

Discussion followed regarding the process for moving Mr. Steve Carten into a permanent member position if he wished to do this. Ms. Goodwin will submit the request to the Select Board for appointment and then Mr. Carten will see the Town Clerk to get sworn in.

ELECTIONS – Chair/Vice Chair

Discussion followed regarding the election of a new Chair for the Board.

Following discussion, Mr. Litz nominated Melody Mansur as Chair of the Zoning Board. Mr. Denton seconded. The motion carried 5-0-0.

More discussion followed regarding the position of Vice-Chair. Some members cited individual reasons for not wanting to step into this position at this time. Ms. Goodwin stated that this could wait until regular elections in January, but it would need a quorum present. Mr. Denton stated he could continue as an acting Vice-Chair until then allowing for some continuity.

OTHER BUSINESS:

RECONVENING NONPUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II (e)

Mr. Denton motioned to go back into Nonpublic session pursuant to NH RSA 91-A:3, II (e). Mr. Litz seconded. The motion carried 5-0-0.

Public Session reconvened at 7:40 pm

LAND USE: None

NEXT MEETING: December 5, 2023

ADJOURNMENT:

With no other business before the Board, Ms. Mansur motioned to adjourn at 7:43 pm. Mr. Litz seconded. The motion carried 5-0-0.

Respectfully submitted,

Janet F. Cote

Land Use Associate