

ZONING BOARD OF ADJUSTMENT

MINUTES

October 4, 2022

APPROVED: 11/1/22

AGENDA: **NONPUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II (I)**
22SPX05 – NORM HEBERT – 166 HEMPHILL RD - #215-003
22VAR05 — SPENCER LACASSE- 66 SCHOOL ST - #114-028
REVIEW OF ZBA STATUTORY CHANGES

ATTENDING: Alan DeStefano (Chair - via Zoom), Larry Denton, Lorraine Bohmiller, and Melody Mansur

ABSENT: Richard LaFlamme (Vice Chair), Ashley Dolloff (Alternate)

OTHER: Christina Goodwin (Land Use Manager), Michelle McCaleb (Land Use Administrative Assistant), Attorney Christine Filmore (Town Counsel) and applicants and applicant attorneys

Alan DeStefano called the Zoning Board of Adjustment (ZBA) meeting to order with a quorum present at 6:00 pm.

He noted that there was not a full Board present for this meeting and discussed with applicants and applicant's counsel about a possible continuance of the scheduled hearings for a full Board to be in attendance.

NONPUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II (I) Ms. Bohmiller motioned to go into non-public session pursuant to NH RSA 91-A:3, II at 6:02 pm. Mr. Denton seconded. The motion carried by roll-call vote 4-0-0.

Ms. Bohmiller motioned to return to public session at 6:16 pm. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

Ms. Bohmiller motioned to seal the non-public minutes indefinitely because it is determined that divulgence of this information likely would render a proposed action ineffective. Mr. Denton seconded. The motion carried by roll-call vote 4-0-0.

Applicants and public returned to meeting. Mr. DeStefano asked if applicants preferred to continue hearings in absence of a full Board. All responded in favor of continuance.

22SPX05 – NORM HEBERT – 166 HEMPHILL RD - #215-003

At the applicant's Attorney request, Mr. Denton motioned to continue the hearing for application 22SPX05 to November 1, 2022. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

22VAR05 - SPENCER LACASSE - 66 SCHOOL ST - #114-028

At the applicant and applicant's Attorney request, Mr. Denton motioned to continue the hearing for application 22VAR05 to November 1, 2022. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

Ms. Goodwin informed the Board that notifications and postings would be made and that materials will be included in the November 1 meeting packets. She will also contact Ashley Dolloff and Richard LaFlamme about attending the meeting. Attorney Brown gave case materials to Ms. Goodwin to share with the Board for the continuance.

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REVIEW OF ZBA STATUTORY CHANGES

Town Counsel, Christine Fillmore reviewed a summary document of ZBA Statutory changes enacted by the 2022 NH Legislative Session with the Board. The Board discussed the changes and how the changes affect the work of the ZBA. The full packet of the information is included and approved as part of these minutes.

- Publication of Fees – RSA 673:16 Required Findings of Fact in Written Decisions – RSA 676:3,
- 90-Day Time Limit for ZBA Decisions – RSA 674:33 VIII
- Court may require Land Use Board to Pay Appealing Party's Attorney's Fees and Costs: RSA 677:20
- Automatic Development Bonuses for Workforce Housing: RSA 674:17-a
- Land Use Board Member Training: RSA 673:3-a
- Exemption from Land Regulation for Land or Structures Used for Religious Purposes: RSA 674:76

For all these statutory changes, Attorney Fillmore suggested the Board should be aware, comply with them and keep them in mind when considering zoning and reviewing any Land Use Applications.

2023 BUDGET

Ms. Goodwin updated the Board about an increase to the proposed Zoning Board budget. She stated this budget has been level funded at \$1650 for several years now but she increased the 2023 Budget to \$1,800 based on review of actuals spent in advertising and postage.

MINUTES APPROVAL

Ms. Bohmiller motioned to accept both the regular meeting minutes and the non-public minutes of September 23, 2022, as written. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

NEXT MEETING – November 1, 2022

Mr. DeStefano stated he expected to be at this meeting but expected he would need to recuse himself from one hearing due to becoming an abutter to the applicant. Others indicated expectations of being present, but the concern for follow-up with other members and the alternate was stressed to be sure there would be a full Board for the hearings.

ADJOURNMENT

With no other business before the Board, Mr. Denton motioned to adjourn. Ms. Bohmiller seconded. The motion carried by roll call vote 4-0-0 and the meeting adjourned at 7:19 pm.

Respectfully submitted,

Janet Cote
Land Use Associate