

MINUTES

NEW DURHAM

ZONING BOARD OF ADJUSTMENT

MARCH 21, 2007

Chairperson Terry Jarvis called the meeting to order at 7:10 PM.

Roll Call: Terry Jarvis (Chairperson), Michael Hoffman, Bill McGrew

Others Present: Wendy Anderson, Cherine Swett,

Swett Special Exception Application: Application submitted by James & Cherine Swett, P.O. Box 14, New Durham NH 03855 for property located at 10 Main Street (Tax Map 9, Lot 70) in New Durham. They are requesting a Special Exception according to the terms of Article VI, Section C.2.a which permits commercial uses of land “in the areas designated most suitable or moderately suitable for urban growth”. Mr. and Mrs. Swett state their proposal to operate a canine day care service, an overnight kennel, and a pet supply outlet meets the criteria in Article VI for special exceptions for commercial use.

Chairperson Terry Jarvis asked if any Board member had a real or perceived conflict of interest in this case. None did. She told the applicant she was the fire inspector and would step down if the applicant so desired. None did. She asked if anyone in the audience knew of any conflicts of interest. None did.

Chairperson Jarvis noted that there were only three ZBA members present and informed the applicant they needed three positive votes to gain approval for their application, and they had a right to have a full board of 5 members to vote on their application. There was considerable discussion between Ms. Swett and members of the Board regarding the issues involved in deciding to proceed or to wait.

Ultimately Ms. Swett asked to postpone the hearing.

Chairperson Terry Jarvis announced that hearing and action on the application submitted by James & Cherine Swett, P.O. Box 14, New Durham NH 03855 for a special exception for property located at 10 Main Street (Tax Map 9, Lot 70) in New Durham would be postponed, without prejudice, to the regularly scheduled April 11 meeting at 7:00 PM at the New Durham Public Library.

Mike Hoffman asked David Allen to research if there are regulations or certification programs for dog kennels in New Hampshire or through the American Kennel Club.

Terry Jarvis introduced Wendy Anderson who volunteered to serve on the ZBA. Ms. Jarvis invited her to join the board for workshop discussion.

The Board reviewed a list of items which Board members had learned about and suggested could help improve the effectiveness and efficiency of the Board. Ms. Jarvis asked David Allen to provide information about the Spring Planning and Zoning Conference to board members.

There was a question of whether the Board, in approving a variance or special exception, can set a time in the future at which it expires if it has not been utilized, or if there is any RSA that creates a limit. Another question was whether there could be a procedure for the Zoning Board to waive its rules and procedures in a specific situation. Another suggestion was to establish specific procedures for setting up a joint meeting with the Planning Board.

Mike Hoffman said it would be helpful to have a flowchart showing the procedures for meetings. Mike offered to work on it with staff.

Minutes: Bill McGrew moved approval of the September 30, 2006 ZBA minutes. Mike Hoffman seconded. Unanimous with no abstentions.

Bil McGrew moved approval of the November 8, 2006 ZBA minutes as corrected. Mike Hoffman seconded. Terry Jarvis abstained as she was not present. Unanimous.

Bill McGrew moved approval of the November 13, 2006 ZBA minutes as corrected. Terry Jarvis seconded. Unanimous with no abstentions.

Bill McGrew moved approval of the November 29, 2006 ZBA minutes as corrected. Terry Jarvis seconded. Unanimous.

Adjournment: Mike Hoffman moved to adjourn at 8:32 PM. Bill McGrew seconded. Unanimous.

Respectfully submitted,

David Allen, Land Use Administrative Assistant

Minutes approved May 9, 2007