

**Wolfeboro Zoning Board of Adjustment
Work Session Meeting
1 February 2010
Minutes**

Members Present: Alan Harding, Chairman, Suzanne Ryan, Vice-Chairman, Steve McGuire, Clerk, David Booth and Kathy Barnard, Members, Mike Hodder, Geordy Hutchinson, Alternates

Members Absent: Charlene Seibel and Chris Britt, Alternates

Staff: Rob Houseman, Director of Planning & Zoning and Robin Kingston, Secretary

Alan Harding called this meeting to order at 7:00 pm in the Wolfeboro Public Library Meeting room. A quorum was present.

Consideration of Minutes

Page 2 - Third Paragraph - place an " ' " after the "e" in states

Page 6 - 2nd Paragraph - Strike 3rd sentence.

It was moved by Steve McGuire and seconded by Kathy Barnard adopt the the minutes of 6 December 2009 with the strike of the sentence beginning with Alan in the second paragraph. Kathy Barnard seconded the motion. All members voted in favor and the motion passed.

Rules of Procedure -

The Board reviewed and discussed the draft Rules of Procedures.

Page 6 - IX Public Hearing-K:

Alan Harding reviewed a memo from Attorney Laura Spectra suggesting an addition to the rules relative to reopening a public hearing once closed.

The Board discussed covering this item with an announcement at the beginning of the meeting during the Chairman's address. Re-opening a public hearing shall be upon a vote of the Board and not at the discretion of the Chairman. Mike Hodder read his suggested changes and will submit them in writing for councils review. The board will have the opportunity to review these changes at the next meeting.

Alan Harding suggested under Section IX - Public Hearing - it be added "The Chairman shall read this entire section at the start of each meeting."

The Board discussed placing in the procedures: the recorder operator shall ask the Chairman to pause the meeting so a tape can be changed. The Board decided not to recommend this change.

D - add "to" between be and required
change "their" to "his/her" between state and name
change "they" to "he/she" between whether and are

E - add "to" between case and speak

Suzanne Ryan suggested requiring submittal in writing for requests of witnesses in advance of a hearing. The Board discussed this item and did not agree with the suggestion.

X. Decisions:

Suzanne Ryan suggested it be added "the Chairman give a summary of the case and the Board be provided with a "Finding of Fact" sheet in the packets for each case." The Board discussed this suggestion and noted this is done when the Board is reviewing the case and the sheet is included in the review by Rob Houseman.

Rob Houseman noted the document runs the risk for this Board pre-judging an application, by providing a document partially filled out based on the record file the Board receives in advance.

Suzanne Ryan suggested that an amendment be added to allow the Board up to 30 days to make a decision.

The Board decided not to add these suggestions.

Suzanne Ryan suggested that the Decisions should be sent out by certified mail as there are people who complain that they did not get their decision and did not get their decision in time.

Staff explained that all decisions are sent by certified mail. Staff also explained there are many decisions returned to the Planning Department sent by certified mail that have not been picked.

IV. - Meetings:

1. Regular Meetings

Remove strike through # 1

Strike - "Wolfeboro Town Hall Meeting Room, Planning Office" after the

4. Order of Business:

Change order as follows:

- a. Roll Call by the Chair
- b. Public Hearing(s)
- c. Unfinished Business
- d. New Business
- e. Minutes of Previous Meeting(s)
- f. Communications & Miscellaneous
- g. Adjournment

General Waiver Provision - Alan Harding noted an additional suggestion of adding a General Waiver Provision for any of the rules. The Board decided to request the Board's Attorney draft language relative to a General Waiver Provision.

Site Visits:

Suzanne Ryan suggested there be language added about the Board conducting Site Visits.

The Board decided to have the attorney review the issue of site visits and draft language accordingly if necessary.

XI. - Records

David Booth asked if Notices and Decisions are posted on the website.

Staff responded they are however this is not an official posting site.

David Booth asked about the official record of the Board.

Rob Houseman explained the tape, notes, etc. are available to the general public if the minutes are not. Once the minutes are available everything else is not available.

IV. Meetings:

2 - 2nd paragraph, 2nd line - change "themselves" to himself/herself

3 - 2nd line - change "themselves" to himself/herself

3rd line - change "they to he/her

4th line - change their to his/her

Last paragraph

2nd line - change themselves to himself/herself

4th lines - change themselves to himself/herself

V. Applications and Decisions

6. Change "D"imensions to "d"imensions

7. Change "P"etition to "p"etition

8. Change name to name(s) and applicants to applicant(s).

Next sentence change applicant to applicant(s).

Fee Schedules:

Mike Hodder suggested the applicant be charged for the cost of expert testimony. The Board discussed language.

Rob Houseman noted that RSA 673:16 II states, "Any fee which a local land use board, acting pursuant to this title, collects from an applicant to cover an expense lawfully imposed upon that applicant, including but not limited to the expense of notice, the expense of consultant services or investigative studies under RSA 676:4, I(g), or the implementation of conditions lawfully imposed as part of a conditional approval, may be paid out toward that expense without approval of the local legislative body."

Rob Houseman suggested this language be added to the application as this is more of a regulation.

The Board decided to have the attorney draft language relative to fees and advise as to whether this is a regulation and be added to the applications or should be included in the Rules of Procedure.

Information:

Bowman Legal Update - The Attorney did a good job of outlining the position of the town and this will move forward.

New Variance Standard

Rob Houseman noted page 47 in the 2009 Municipal Law Lecture Series - The Five Variance Criteria in the 21st Century.

David Booth suggested a workshop on the new law and suggested the Chairman assign each of the criteria to 2 or 3 members and they could have 15-20 minutes to discuss each of the variance criteria. A discussion with notes and handouts would be beneficial.

Rob Houseman is organizing a session for all the Land Use Board's with the LGC - How to Run a Meeting. This meeting will be opened up to all the surrounding towns and will take place in late March or early April.

Alan Harding asked that Rob Houseman organize a training session with the LGC for the surrounding area ZBA's on the New Variance Criteria.

Framed Motions:

Rob Houseman explained the Board will be provided with a form filled out with the data of the case and the Board will fill in the decision: approve or deny with the findings

David Booth asked about Criteria 1 & 2 of the new variance and noted the ordinance has no general statement of the purpose of zoning in the Town of Wolfeboro.

Kathy Barnard noted she would bring this up with the Planning Board.

There being no further business this meeting was adjourned at 8:46 pm.

Respectfully Submitted,

Robin Kingston, Secretary