

**Zoning Board of Adjustment
Town of Sandwich
PO Box 194
Center Sandwich, NH 03227
Minutes June 9, 2022**

Members Present: Mary Cove, Jim Bullitt, Jim Gaisser, Chris Grant, Jon Greenawalt, Katherine Thorndike, Alternates Geoff Tyson, and Kurt Olafsen
Member Absent with Notice: Tim Miner

Call to Order:

Ms. Cove called the meeting to order at 7:00 p.m.

Minutes of November 10, 2021: Mr. Greenawalt Motioned to approve as written. Ms. Thorndike seconded. 5 in favor; 2 abstained (Mr. Grant and Mr. Gaisser)

Election of Officers:

Mr. Gaisser Motioned to nominate Ms. Cove for Chair, seconded by Mr. Greenawalt. All in favor. Mr. Greenawalt motioned to nominate Mr. Grant for Vice Chair. Ms. Thorndike seconded. All in favor. There was a brief discussion on whether the position of clerk (minute taker) had to be Board Member as in *Rules of Procedure* now with a Land Use Secretary. Ms. Cove will get answer, and this position can then be amended in the Rules.

In response to this, the Members will also get a copy of the Secretary's job description.

Rules of Procedure Review:

Members had different versions, from 2014 (one posted on website) and 2021. Secretary will look for latest version to circulate. Mr. Gaisser questioned the section under Meetings, 3. Disqualification, whether it was required, or advisable that the Chair be notified prior to the meeting that a member was to recuse. There could be a perception of "stacking the vote". It is procedural to ensure an alternate is present to be appointed to vote. May change "shall" to "may" or be better to go through office secretary than Chair.

It has also been suggested to include voting procedure on criteria in the Rules.

Other point covered, the Chair does vote in all cases (unless recused).

Review of Application Forms:

Ms. Cove explained the purpose of reviewing the all inclusive 17-page application packet, currently online. Breaking it into component pieces with individual forms for each type of case on the website would be more user friendly. In addition, including a checklist for applicant to use to submit complete information and the "Disclaimer" form to confirm that applicant is responsible for the content. Members concurred with this format.

The next topic was abutter notifications and associated fee. Currently the list is part of the application. and the Land Use Secretary creates the letters and processes the certified mailing. Ms. Cove looked at the Moultonborough application which requires the applicant to prepare the abutter mailing and submit as package ready to mail. Points from discussion included the amount of fee based on mailing cost and administrative time, and the responsibility of the accuracy of the abutter list:

- By RSA, the applicant is responsible for a better list.
- The fee on the current application is \$5 total to cover certified mail and administrative time.
- The current certified mail cost is \$7.38. The Planning Board approached the Selectmen about raising fee and it was voted to increase to \$10.00 (need to check if done through required noticed Public Hearing). Administrative time varies with each application.

Mr. Greenawalt **Motioned** to continue with the present process with the higher fee. Mr. Bullitt seconded. Discussion continued with:

- Concern expressed regarding shifting more responsibility to the applicants if the Moultonborough approach was followed.
- Option to separate fee into “current postage” which would increase over time and administrative time as a set amount.
- The fee schedule needs to set and then reviewed annually.
- For consistency, follow the Planning Board.

Call for a vote on the **Motion**. Amended to: Continue with the present process with the higher fee consistent with the Planning Board fee. All in Favor.

Ms. Cove will follow up with PB Chair Babcock regarding the status of the fee.

The Special Exception application does not provide the applicant with information on what to include on the form to verify the property qualifies for one. The application is not fully consistent with what is in the Zoning Ordinance (Article XV). More fill-in space should be provided to include whether property is non-conforming or not, and to allow applicants to demonstrate compliance with District-specific requirements such as dimensional requirements, and to clarify what supporting documents may be necessary.

Ms. Cove and Secretary MacLeod will work on a draft version to be available by July 14, and discussed at next meeting, and then reviewed by legal.

Mr. Gaisser questioned the Zoning Ordinance requirement that a letter of denial was required for a Special Exception as well as a variance. Suggested to invite Attorney Spector-Morgan to conduct a ZBA workshop to answer some of these points.

He also asked about the 30 days to appeal to the Board. He recollects that the phrase, “or for a person to be reasonably aware of the decision”. This will be researched.

Other Business:

Reminder that Summit for 91-A is Monday, June 13, 2022 at 4 pm in the Fairgrounds Craft Barn.

Adjournment:

8:08 p.m. Mr. Grant motioned to adjourn. Ms. Thorndike seconded. All in Favor.

Scheduled Meetings:

July 14, 2022 and August 11, 2022 regular meetings, subject to applications.

Respectfully submitted,
Susan MacLeod, Land Use Secretary