Minutes – ZBA Working meeting – 1/5, 10 a.m. Town Hall

 Present: Gary Carney, Chair, Linda Marshall, Mark Florence, Andrew Hatch

**Appointment and Renewal of members, alternates and chair –**

The Board reviewed RSA 673:5 and the Rule of Procedure. It was agreed that we should research and record the dates of our appointment to the ZBA in order to maintain accurate renewal dates. It was also agreed that the position of Chair should be elected annually but the existing Chair can be reappointed.

**Application Review Procedure –**

Andrew Hatch spoke of the past practice of the ZBA to review Variance Application forms as a group at a publicly noticed meeting and to vote to approve them as “complete”. Given the recent slate of cases that have raised issues over the numerical accuracy of the application, he questioned whether this step should be reinstated. Gary Carney concurred that this step allowed for applicants to be informed on requirements, mistakes to be corrected, boundaries marked etc. He maintained that the current “streamlined” process only works if applications are accurate. Some applications are seriously deficient and demonstrate lack of effort. It was agreed that the recent revisions to the Application for a Variance provided clear instructions. Andrew Hatch also mentioned that noticed site visits have proved difficult to manage.

 Mark Florence stated that his opinion has changed on what needs to be done when a new application is found to have inaccuracies of measurement or arithmetic. Rather than an applicant being informed ahead of the public hearing and required to revise their application, this can, and should, be done at the public hearing. He said he wants to help applicants and doesn’t want to stand in their way if, for instance, page 4 of the Permit for Construction does not correspond to their sketch plan.

 Mark contended that all this could be dealt with at the public hearing and that any changes can be memorialized in the Notice of Decision (NOD). If the NOD was an approval, the changes would be recorded as a “condition subsequent”. If the NOD was a denial, then the changes would be recorded as a “condition precedent” and would need to be corrected prior to any rehearing appeal.

 Andrew Hatch asked if incorrect measurements resulting in the need for an additional variance would be covered by this process. It was agreed that the ZBA had changed, added and removed variances in the past, at the Public Hearing and with the applicant's consent, and would continue to do so in the future as necessary. Conversation ensued about the role of the Application for a Variance form and if it was required to be completed by an applicant. Mark Florence maintained that there was no requirement under an RSA. He mentioned that some applicants might not be capable of completing the form and that the ZBA should be prepared to help. The NHMA Handbook describes the application form as an “administrative convenience”.

 After some deliberation, it was agreed that completion of the application form is not mandatory. However, the form will still be provided along with a denial letter when a Permit for Construction application was rejected. A returned form, signed by the applicant, making a request for relief from the relevant variances, will determine the date when the requirement to grant a public hearing is initiated.

 It was also agreed that in future, if a board member discovers any issues or discrepancies in an application in advance of the public hearing, they should refer them to the Administrative Assistant and request that other members be notified. This will prevent any violation of the “right to know” laws.

At 11:55am, Gary Carney motioned to adjourn. Mark Florence seconded and the motion was passed unanimously.

Respectfully submitted,

Andrew Hatch