

**Town of New London  
Zoning Board of Adjustments  
April 26, 2010**

**Members Present:** Bill Green (Chair), Doug Lyon, Courtland Cross, Laurie DiClerico, Sue Andrews, W. Michael Todd

**Also Present:** Peter Stanley (Zoning Board Administrator)

Chair Green called the **MEETING TO ORDER** at 7:30pm.

Mr. Stanley said that he had updated some parts of the Zoning Board of Adjustment's rules to match the current statutes. He explained that there are many minor editorial changes that could be made throughout the document. Anything with regards to notice and statutory remarks need to be current. Chair Green thought perhaps they could go through the document page by page and bring up any issues and make comments. From the comments brought forth, Amy Rankins (Land Use and Assessment Coordinator) would create a draft and circulate it to the board members to review. The board would then review and approve the draft at the next hearing.

The first section dealing with "Authority" needs to be updated to reflect the statute.

Mr. Stanley said that under "Officers" with regards to choosing a chairman, it should say "when a new board is convened, the first order of business will be to elect officers."

With regards to "Meetings" anywhere it says "Town Hall" should be changed to "Town Offices."  
Anywhere it says "disqualification" should be replaced with "recusal."

Mr. Stanley said that anywhere it says "himself" it should say "themselves."

The "Order of Business" section should be re-written as:

- A. Roll Call by the Chair or Vice-Chair
- B. Public Hearing
- C. Minutes of previous meeting
- D. Any Other Business

Under "Applications" "20 days" should be changed to "30 days" to make it consistent with the current statutes.

Ms. DiClerico noted that in this section, the title of "clerk" should be changed to "Land Use and Assessing Coordinator."

After item b, Mr. Todd said he wants to list the forms. It should say "The application includes the following inclusions: Appeal, Variance, Special Exception, etc."

Under "Public Hearings" Mr. Stanley said that he would fix the language, under RSA 676:7 to comply with the statutes.

Also in this section, "Clerk" should be replaced with "Chairman."

Under the "Public Hearing" section, the format should be changed to reflect:

- a. The Chairman shall call the hearing in session and report on the first case.
- b. The Chairman shall read the application and report on how public notice and personal notice were given.
- c. Chairman will yield the floor to the petitioner for presentation of the case.
- d. Members of the board can ask questions.

Mr. Lyon said that items "e-j" should be up to the chairperson to coordinate. He suggested adding an item at the end that says "At the conclusion of testimony, the board shall enter deliberation."

Mr. Stanley said that it should state clearly, for the benefit of the applicants, that equal opportunity shall be given to both those in favor and those opposed to the applicant's request. He said this would be important so that it doesn't appear that there is domination over the meeting of pro or against a case.

Mr. Todd asked to include the State Zoning Law.

It was suggested to take out the portion where there could be correction of the summary from the floor.

Also, written decisions shall be issued within 30 days following the closure of the hearing. Mr. Stanley said that this amount of time is sometimes needed when an expert's opinion is requested. The cost of an expert's opinion is billed at the applicant's expense.

Records of the board will be kept by the "Land Use and Assessing Coordinator" and not the clerk.

Mr. Todd said that it should be written that "the board shall: deny or approve; or approve with conditions."

If the appeal is denied, notice of decisions shall include reasons therefore. Mr. Stanley said that he would add the appropriate language that needs to be included about letting people know of the reasons for denial. He said that if they are denied, they need to be provided reasons for the denial. He added that they post the minutes and the notices of decision online within five days.

With regards to "Amendments" it should be changed to read that "provided that such amendment is read at one meeting and voted on at another."

With regards to "Joint Hearing" Mr. Stanley said that these can be requested by an applicant. It is a specific statute so it should be in the rules even though it does not occur very often. He said that he would change it to conform with the current statute.

**IT WAS MOVED (Laurie DiClerico) AND SECONDED (W. Michael Todd) to nominate Bill Green as Chairman and Doug Lyon as Vice-Chairman of the Zoning Board of Adjustments. THE MOTION WAS APPROVED UNANIMOUSLY.**

Courtland Cross asked if there was any responsibility on the part of the petitioner to have a valid claim. If it is clear that there isn't a valid claim, do they (the ZBA) have the authority to reject it without a hearing? He gave the example of Homan's fence around their swimming pool. The fence was never put in, and they petitioned to waive the right to put in the fence. To him it was a waste of time. Mr. Stanley said that anyone has a right to appeal a decision. They are seeking a relaxation of the rules for reasons they think are legitimate. The board has to hear it. The only exception is Fisher v. Dover which explains that if they have already heard the case and made a decision on it, they don't have to hear it again. They can refuse to hear it because they don't believe it is different. That would be a decision made by the entire board, not just the chair.

With regards to "Notice" within the document, it doesn't specify where the notices have to be posted. Mr. Stanley said that he would re-write this section to reflect what they typically do. He would quote and follow the statute.

**IT WAS MOVED (W. Michael Todd) AND SECONDED (Doug Lyon) to adjourn the Zoning Board of Adjustment meeting of April 26, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

The **MEETING ADJOURNED** at 8:10pm

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London