

Town of Chesterfield, New Hampshire
Chesterfield Zoning Board of Adjustment
Meeting Minutes – November 18, 2021
Town Offices, Route 63, Chesterfield, NH

Note: Draft Minutes are subject to review, correction, and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

CALL TO ORDER:

The meeting of the Chesterfield Zoning Board of Adjustment (ZBA) was called to order at 6:30 p.m. by Chair McKeon. Members present: Chair Kristin McKeon, Vice Chair Joe Hanzalik, Nate Lachance, John Zannotti, Alternate Joe Brodbine, Selectmen's Representative Gary Winn, ZBA Secretary Beverly Bernard.

ABSENT:

Lucky Evans, Alternate Casey Schnackenberg,

OTHERS PRESENT:

Jim Phippard with Brickstone Land Use Consultants, LLC was present via Zoom.

The Chair seated Brodbine for Evans.

PUBLIC ACCESS: The public access to the meeting online via www.zoom.us, using the Zoom App on a cell phone or tablet or laptop or using a landline by calling (929) 205-6099 and entering Meeting ID number 859 1866 9410, passcode 262993.

McKeon introduced the members to Bernard.

MINUTES:

The meeting Minutes of October 14, 2021 were considered. **Motion** was made by Hanzalik to approve the meeting Minutes of October 14, 2021 as written. There was a second to the motion by Zannotti. All were in favor. **Motion passed.**

OLD BUSINESS:

Disposal of Meeting Recordings

McKeon referred to legal counsel correspondence and said all the options are on the table. Zannotti suggested a meeting recording could be destroyed two weeks after the meeting. Brodbine asked whether we are talking about "may" be destroyed or "shall" be destroyed. Zannotti suggested "may". McKeon asked if the members liked that option. She said it seems to be the best compromise. Brodbine said he has a bit of a problem with "shall" and if 14 days go by, what happens if the recording doesn't get destroyed on that day. Brodbine said if you use "may" it allows for some flexibility. Zannotti suggested using terminology such as "after 14 days the recording will not be available". Brodbine said if the recording exists you cannot say it won't be available. McKeon suggested a recording "will be disposed of in a timely manner after 14 days". After further discussion the following verbiage was considered: "Shall be retained for a period of 14 days following a meeting and after which the audio recordings shall be disposed of in a timely manner unless requested by a member of the public for review."

Motion was made by Brodbine to amend the Rule & Procedures by adding a new section D. under XV Records, to read as follows: *"The Board's audio recording of its ZBA meetings shall be retained for a period of 14 days following the date that the written meeting minutes prepared from the audio recording have been reviewed and approved by the Board, after which the audio recordings shall be disposed of in a timely manner. If a member of the public requests to inspect or copy the Board's audio recording of a meeting prior to its disposal, the Board shall retain the audio recording until the requesting party has had an opportunity to inspect and copy the audio recording."* There was a second by Zannotti, and no further discussion, all were in favor. **Motion passed.**

PUBLIC HEARINGS:

Variance Application

James Phippard on behalf of Marilyn E. George of 16 Tyler Road requests a Variance from Article II, Section 503.1 (Expansion of Non-Conforming Buildings) of the Zoning Ordinance to permit construction of an attached two-car garage with a pitched roof which will increase the total volume of structure by 4884 cubic feet. The subject property is shown at Tax Map 5M, Lot A-005 and A-006 and is located in the Lake District.

Public Hearing opened at 6:45 pm. The Chair recused herself for this hearing and Vice Chair Hanzlik took over the meeting. He noted there were only four members present and the applicant has requested a full board for this hearing. There was a brief discussion regarding recruiting members for the Board.

Discussion: Hanzlik read the request for Variance aloud.

Phippard asked the Board for a Continuation for the application.

Motion was made by Brodbine to continue the application of James Phippard on behalf of Marilyn E. George of 16 Tyler Road for a Variance from Article II, Section 503.1 (Expansion of Non-Conforming Buildings) of the Zoning Ordinance to permit construction of an attached two-car garage with a pitched roof which will increase the total volume of structure by 4884 cubic feet for property shown at Tax Map 5M, Lot A-005 and A-006 and located in the Lake District to ZBA Meeting of December 16, 2021 to be held at the Jon McKeon Conference Room at Town Offices, Chesterfield, New Hampshire at 6:45 pm. There was a second to the motion by Zannotti and no further discussion. All were in favor. **Motion passed.**

Public Hearing continued at 6:58 pm.

McKeon resumed Chair of the meeting.

DISCUSSION & OTHER BUSINESS

Updated Rules of Procedure

Discussion was held regarding changes in the Rules of Procedure. Brodbine suggested combining the rules for amendment so as to use one date. McKeon noted the reviews must occur in two consecutive meetings.

- The Chair acknowledged that one review of the proposed change in XII Decision, C. in reference to requiring a signature stamped space has been completed and tonight would be the second review.

Motion was made by Hanzalik for second vote on the following wording for Rules of Procedure XII Decision C. to be *"All approved plans shall be stamped with a stamp that provides space for all members to sign. The same must be signed by the Chairman or Vice-Chairman and can be signed by any other sitting member."* There was a second by McKeon. All were in favor. **Motion passed.**

- Alternates not required at every meeting
Discussion was held regarding adding "in person" or "via Zoom" for member attendance. Brodbine said if the person is seated, they must be present in person. It was noted that members can be contacted ahead of time to determine if they will be present at a meeting. Discussion was held about "should attend" in section III, D. McKeon said one of the considerations to recruit alternates is to allow the flexibility to not attend every meeting. Winn suggested "should" is preferred over "shall" so as to encourage attendance as well as noting that continuing to serve on the Board does not require an alternate to attend every meeting. Winn said an alternating month type of thing has been suggested. Discussion continued about having everyone get the notices and the information and be prepared to attend even when travelling. Also, If there is a public hearing, you would want an alternate to be at the same hearing if the meeting is continued. Hanzalik said there is a lot more to being on the ZBA, it is key to having full alternate participation. Winn said one individual is interested in attending by stepping in if needed, but not be present. McKeon said since the wording says "should" maybe more thought is needed to consider how to be more accommodating. She pointed out that the Board does not have to do anything right now. Brodbine said he agrees that the Board should wait to see what happens next before making any changes. Brodbine said the Planning Board has a section referencing removal of alternates who haven't been in regular attendance, but it is not referenced for the Rules of Procedures for the ZBA. McKeon said it probably should be in there. Brodbine said the Planning Board Rules of Procedure states that all members must be present unless excused for reason. He suggested tweaking the Planning Board rule and use that for the ZBA. Bernard said she would provide the wording from the Planning Board Rules of Procedure referenced by Brodbine.
- Rules on who may Zoom into meetings
McKeon said she thought they had addressed the idea of allowing public to attend by Zoom. Brodbine said there isn't a rule about that now. McKeon said we should add in Rules a section about Zoom participation. Winn spoke about the Board of Selectmen not addressing Zoom participation; he added that they view it as giving the public a chance to watch the meetings. McKeon added that this discussion does not apply to applicants. An applicant should be present at a meeting.

McKeon asked for other comments or other business

Budget Discussion

Discussion was held regarding the budget committee wanting to remove a line item in the budget for consulting services. Winn said it was noted that the ZBA had not spent any dollars for two years for

consultants, but there were reasons like Covid-19 why the funds had not been spent. Winn said we could have used the funds this year and the question is finding a consultant to assist the ZBA with understanding how the State laws mesh with zoning in Town. Hanzalik said we need to keep the dollars for consultants in the budget. McKeon said the ZBA could use consultant help to be sure about Planning Board or ZBA issues that are complex. Bernard said she has contact information for a possible consultant.

Motion was made by Hanzalik to have Bernard contact a possible consultant for ZBA RSA and Zoning issues. There was a second by Lachance. All were in favor. **Motion passed.**

McKeon said they didn't make any decision on the budget. Winn agreed there was no decision, just discussion. Winn suggested someone to speak to the Budget Committee about the need.

Approved Plan for M. George March 5, 2021

McKeon asked for any other issues. Zannotti said a question may arise pertinent to the March 5, 2021 approved plan that is referenced in the George application. He said the application for a Variance was approved for George on March 5, 2021 and he would like to see that plan. McKeon said there should be a folder with all those materials saved. Bernard agreed to look for the plan and provide it to the Board.

Request by Applicant for a full Board

Lachance asked why would an applicant want to have full 5 members present. McKeon said you must have 3 "yes" responses in order for a decision to prevail and the odds are better with 5 members voting.

Latest Copy of Zoning Ordinance

There was a brief discussion about latest version of ZBA Zoning Ordinance – 2021. Zannotti pointed out his copy is dated latest 2019. Bernard said she would follow up on that.

New Town Website

Zannotti said the new website is good. Easy to navigate.

Brodbine said the website URL address is wrong and should be changed.

Next Meeting: December 16, 2021

Motion to adjourn was made by Brodbine and seconded by Hanzalik and all were in favor by. **Motion passed.** Adjournment occurred at 8:01 p.m.

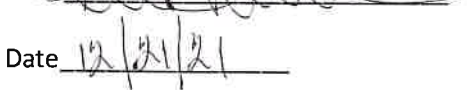
Respectfully Submitted,



Beverly Bernard, ZBA Secretary

Approved By:

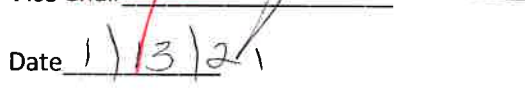
Chair



Date

12/21/21

Vice Chair



Date

1/13/21