

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Monday, September 5, 2012 – 7:00 pm
1 Grove Street, Peterborough, New Hampshire

Board Present: Loretta Laurenitis, Jim Stewart, Sharon Monahan,

Staff Present: Dario Carrara, Code Enforcement Officer; Laura Norton, Office of Community Development

The meeting was called to order at 7:00 p.m. Chair Stewart began with “good evening, let’s get started, we do not need to be here very long” adding “we have no cases tonight; we will be finalizing the Rules of Procedure, approving the Minutes, and have a quick discussion about a joint meeting with the Planning Board and any other business.”

Referring to the Rules of Procedure handout Chair Stewart noted “based on our discussion last time I changed a few things. We’ll go through it beginning to end.” He pointed out that the text in red was what they needed to be concerned with.

The members worked their way through the handout with discussion and the addition of text in D. Meeting #4 where if the Board cannot pass a motion either to approve or deny by a majority vote the Board would continue the matter until a fifth member can be present. They also discussed the language of the applicant being given the opportunity to continue their hearing until such time as a full Board can be present (in the event there are not enough full and alternate members to make a full Board.(Full as in complete in numbers, not a minimum quorum). The members also clarified that should there be a tie vote with 4 members in attendance “that does not pass or fail the case.”

They members went on to discuss #5 as well, where if a regular Board member is absent or recuses themselves from a case the Chair will designate the alternate to sit in their place. It was noted “the alternate shall be in all respects a full member of the Board while so sitting and that the Chairman would make every effort to select the alternates on a fair and rotating basis.”

Chair Stewart noted that in #6 Disqualifications the major difference was that he had changed the vote to have a member stand down from a *unanimous* to a *majority* vote of the Board. A brief discussion of the language followed with Ms. Laurenitis questioning the authority to do so. “Isn’t that contrary to the law” she asked. Chair Stewart replied “no, we have eight pages of procedures that must be complied with, that gives us the authority to do so.” After additional discussion and push-back from Ms. Laurenitis Chair Stewart noted “I do not want to re-invent the wheel here. The only change is from unanimous to simple majority which is a safer application of this rule” adding “but we can leave it the way it was. I don’t care.”

The members reviewed Right to Know and Order of Business without much ado. Ms. Laurenitis did note she thought that the meeting agendas should be posted on the website for review. Chair Stewart disagreed, citing liability issues. He noted he had no problem with posting the meeting date and time, but not the agenda.

It was also noted that much of the order of business reviewed in the document had indeed been done informally in the past “I am just making it formal by reading it” said Chair Stewart.

The members reviewed the rules for public notices, public hearings, decisions, re-hearings and appeals. Chair Stewart noted Meeting Minutes would be available for review within five (5) business days of the meeting in accordance with RSA 676:3. He noted “those Minutes will remain in draft form until they are approved at the next month’s meeting.”

Ms. Monahan asked for clarification on the alternate’s role, specifically if they could participate in the deliberation even if they were not appointed to vote. It was noted that in the past the alternates participated in the hearing until the case was closed for deliberation. “But I think we have done it both ways” said Ms. Laurenitis. It was noted and agreed by all that alternates can certainly contribute valuable information. Chair Stewart interjected “I think an alternate can sit and participate in the deliberation, they just cannot vote unless appointed.” Ms. Laurenitis added “our MO has been to include them in the deliberation and just not have them vote” Ms. Monahan replied “then that should be in the rules.” The members also discussed RSA 673:11, the designation of alternate members with a discussion about designating an alternate member when regular member is absent or recuses him/herself in a case or agenda item.

Chair Stewart concluded “OK, is everyone alright with this?” The members agreed they were. Chair Stewart reminded the members that the only changes were those depicted in colored text. Once again, Ms. Laurenitis asked about posting the agenda on the website with Chair Stewart replying “we will make every effort to post the public notice on the website, but not the agenda. “It is a liability” he said. He briefly reviewed the other manners in which the agenda was legally posted for public consumption.

A motion was made/seconded (Laurenitis/Monahan) to approve the Town of Peterborough, Zoning Board of Adjustment Rules of Procedure with all in favor.

Minutes:

Ms. Monahan spoke briefly about her vote for the alternate at the last meeting and that her primary concern was his misuse of the words “subjective and objective.” A motion was made/seconded (Stewart/Laurenitis) to approve the Minutes of August 6, 2012 as written with minor corrections.

“Last order of business is the Scott Farrar addition” said Chair Stewart. He went on to note “I do not want to talk about the details, but I know they are requesting a joint meeting with the Planning Board regarding the Special Exception they need.” He told the members that the Planning Board Chairman is the acting Chair in such a joint meeting “but once the hearing is closed we act independently, we decide.” In closing he noted “I am sure there will be multiple hearings and site visits. If it is as extensive as Carol (Ogilvie) said, it will be a long haul.”

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant