

Zoning Board of Adjustment Meeting September 30, 2011

Submitted by minutes on Fri, 09/30/2011 - 3:30am.

Preliminary ZBA Meeting Minutes (9/30/11)

The meeting was called to order at 7:35 PM with members Fred Ward, Ruth Ward, Angela Nicoletti, Helen Wheeler and alternate member Paul Krampfert present. Member Dennis Pellegrino and alternate member Peter Athearn were absent.

As the first meeting of the new board and without a secretary to record formal minutes, it was agreed that Helen Wheeler and Paul Krampfert would take notes of key items while concurrently remaining active as members.

Fred raised the issue of approving the minutes of the past meeting with any suggestions for change. Ruth indicated she would not make a motion to accept. Paul indicated that since so many of the new members were not present at the time of the last July 2011 meeting, it did not seem appropriate to indicate any approval. It was agreed to defer this issue until the next meeting, scheduled for Oct. 20th at 7:30 PM in the town hall.

A discussion was begun by Fred as to the role of ZBA members and in particular the functions to be performed by the board in responding to requests for variance and rendering decisions. It was opined by Fred that the ZBA acts as a safety valve-if zoning ordinances are deemed not fair for a particular circumstance, the ZBA has powers to change rules. Everything must be balanced by judgment. Further, Fred indicated we do have rules and procedures for the board's operation and he asked for the members to consider changing those governing the term of the chair to one year with the vice chair automatically becoming chair the next time. This would add to orderly progression with all other members anticipating their advancement to vice chair and then chair. Angela questioned this and Paul asked if this precluded a

willing and well performing chair from staying on, which would seemingly be a benefit to the town. It would. Angela will make copies of the rules and procedures for members. Further discussion on this will take place in the next meeting when the other new members would be present.

Election of Chair was moved to the next scheduled meeting.

Angela raised the issue of hiring a secretary to take meeting minutes, prepare the minutes and attend to the other functions of supporting this board as well as the planning board. Fred felt, as did others, that the one applicant's qualifications were well above that needed and that it didn't seem likely she would accept the limited hours and wages, especially given her long commute. The other members all gave their opinions. The decision was made to ask the applicant to visit us at the next meeting after we determined what wage and approximate hours might be available and the method of keeping hourly records/payment. Helen and Angela indicated a time sheet was used for the prior secretary and that the job includes mailing of notices. It was thought that the new compliance officer might have some bearing upon the functions that might also be available for the applicant. The number of requests to the ZBA also might increase now that the town has a compliance officer, per Fred. Fred indicated Ruth would discuss prior arrangements in more detail with the prior secretary.

Angela indicated the 2 drawer file cabinet containing all our records, which we viewed, is not being locked and may not be lockable. Fred added some of the Mr. Mike's records from 5 years ago are missing. Angela will talk with the selectmen about getting a key for our file cabinet or getting a new lockable one. On equipment, he raised the issue of the new secretary needing a computer.

Angela has a thumb drive for the computer and she will take a look and see what is on it and let the members know.

Angela and Fred discussed future meeting plans and it was affirmed that the third

Thursday of each month at 7:30 (town hall or Gould House) would be established. If no meeting was needed, we would be advised.

Fred said there is no budget and no money-we need to make a request to the selectmen. He agreed to prepare the request, for the board's review, prior to sending to the selectmen. This request would incorporate all the other needs being discussed tonight that we need their assistance on.

The Right to Know Law and its limiting affect on us was raised by Fred. He indicated his opinion, that we should continue to use E-Mail and on matters of the AT&T case, we must include all parties such as AT&T counsel, our attorney, the selectmen etc....All board members added to this discussion and it was agreed we would continue in this direction. Some E-Mails would be internal only (such as approving the minutes before release/Fred's request for resources to the selectmen etc.).

Ruth presented the various ways we all can learn our ZBA responsibilities both initially as well as on an ongoing basis. She discussed the LGC learning sessions including the one to be attended by some of us on Oct. 29th as well as another following in Nov. She also discussed the OEP and how we can get information online from "NH.gov/OEP". Common questions of planning and zoning boards and answers for these as well as online seminars are all available. Ruth also showed the magazine "Town & City" which explains the changes that affect both boards during the year-a cost for a subscription is \$22. Fred added that you can call or E-Mail the LGC generically on issues (don't refer to a specific case). They are a handy source.

Fred raised the issue of moving along with a hearing on the AT&T case. He also indicated we needed to have the selectmen task Orr & Reno on the advisability of this. He added there are persons from the Granite Lake area who have filed for Intervener status so they have standing on their own in the AT&T case. Fred suggested we each get a copy of each intervener filing from Jim Coffey as these are

public records. Angela discussed how she would need to recluse herself from voting on the AT&T case but cited a 2009 court case which found that a carrier must show there are no feasible alternatives and feasible alternatives do not have to completely close the gap in coverage. Fred shared the fuzziness of the Shot Clock issues-truly unknown status at this time. He discussed his desire to request a new attorney to represent the board. Paul asked for an explanation and Fred stated this current attorney only seems to tell us what we can't do and doesn't seem to do much in our favor. Ruth added with her view of his weakness which clearly did not make board members comfortable with current arrangements. Fred indicated we should review the meeting minutes for May 5th. The board voted to approve of Fred sending a request to the selectmen for getting new representation.

Angela brought up the pending Monadnock Boat Storage case. It was agreed to hear it at the next meeting. We would meet at 6:30 PM at the site to review the premises and this would be a public hearing. Fred will ask Jim Coffey to draft the letter to the abutters of the marina. Fred then asked about the Mr. Mike's case. Discussion ensued and it was decided that we would defer this for now. The Bartolotto case was then discussed and Angela read the recommendations of counsel to let this be a planning board matter only.

Fred asked if anyone had any final comments. Paul indicated it was important that, before proceeding on the AT&T case, we have counsel research how the prior board approval of the AT&T request (conditioned upon limited height of 130 feet, uni-pole design and protective measures for the surrounding area, followed by another review), would factor into our options ahead. Fred then addressed Paul's question of other cellular companies approaching us as AT&T has. Fred indicated, given the uni-pole design, it will not allow add-ons for their service-all new antennas would be needed.

There being no further issues, the meeting was adjourned at 9:00 PM.

Respectively submitted: Helen Wheeler and Paul Krampfert