

*Minutes of Public Meeting of the
Zoning Board of Adjustment
Monday, February 06, 2023
The Great Hall, 84 south Main Street
7:00 PM*

1. Roll Call:

Members Present: Acting-Chairman, Suzanne Ryan, Sarah Silk, Member, Tim Cronin, Member, Luke Freudenberg, Member, Nancy Stroman, Alternate, Cate McMahon, Alternate, Chuck Sumner, Alternate

Members Excused: Audrey Cline/applicant

Staff Present: Tavis Austin, Planning and Development Director

1. Roll Call

2. Public Hearings

- a. **AUDREY CLINE**– 348 North Main Street– Tax Map #187-019- Case # 01-AAD-23 – Appeal of Administrative Decision of the Planning Board from December 20, 2022 for Proposed Zoning Amendments Article 9 Amendment No. 8 as printed in the 12/20/2022 Town of Wolfeboro proposed zoning amendments—Formal Submission.

S. Ryan noted conflict with Planning Board attorney and announced new counsel for this case, Christine Fillmore Johnston.

S. Ryan appointed C. Sumner to be a voting member for this case.

T. Cronin to read the case into the record.

S. Ryan shared copy of Counsel’s opinion and related RSA 674:33 to the Board members and the applicant. She commented that first action of the Board was to determine if the Board had jurisdiction over the case and allowed members to review Ms. Johnston’s submitted opinion.

S. Silk commented on the uniqueness of the case and expressed desire to have more consultation with counsel prior to making a determination.

There was discussion of continuing the meeting. T. Austin stated that “hearings” can be continued, but a the case would require a new public hearing notice if the Board was not going to open the hearing tonight.

T. Cronin said the guidance from counsel was quite clear.

C. Sumner agreed with T. Cronin adding that the decision was in front of the Board in black and white.

L. Freudenberg said the guidance from counsel was quite clear, however, if Board members believed there to be a need to discuss the matter with counsel further, he was ok with that.

N. Stroman stated she couldn't find precedent on such a case and would like to hear from the applicant.

S. Ryan stated the hearing would have to be opened to hear from the applicant.

Board discussed hearing previously from an applicant outside a public hearing where the Board had already determined no jurisdiction.

S. Silk stated that question of jurisdiction needed to be addressed first and that meeting with Counsel would help personalize counsel with the Town.

C. McMahon stated the letter from counsel was quite cut and dry; additional input may be helpful. She asked if there had been other opinions.

S. Ryan asked T. Austin to approach Counsel with either 2/16 or 2/21/23 at 6PM; either in person or electronically.

There was discussion of the next meeting date.

T. Austin stated the next meeting date is March 6, 2023. He inquired about the Board requesting the applicant to pay for the second notice as no fees were collected for the first notice. The Board agreed applicant shall reimburse Town for cost of second legal notice.

L. Freudenberg motioned to table agenda items 2-6 until the March 6, 2023 meeting. S. Ryan seconded the motion which passed unanimously.

S. Ryan motioned to adjourn the meeting at 7:24 PM. L. Freudenberg seconded the motion which passed unanimously. Meeting adjourned at 7:24 PM.

Minutes by T. Austin