

Wolfeboro Zoning Board of Adjustment
January 19, 2022
The Annex Meeting Room Wolfeboro Town Hall
Meeting Minutes

Members Present/Roll call: Audrey Cline, Sarah Silk, Suzanne Ryan, and Tim Cronin

Absent: Time Cronin - Attending Selectmen's Meeting – Luke Freudenberg, Dave Senecal

Alternate: Sabat Stroman, sitting in for Tim Cronin

Staff Present: Tavis Austin, AICP, Director of Planning and Development

- I. **Call to Order:** The meeting was called to order at 7:00pm
- II. **Discussion of the Board to Invite ZBA counsel for discussion of February Meeting**

Audrey Cline opened the meeting stating that she wants to contact ZBA Attorney before upcoming meeting in February, Audrey asked Tavis to check with counsel on her availability and gave Tavis two dates. Suzanne asked if we could meet with her by phone, and Audrey said this is an important issue, and should meet in person on 24th or 31st of January or the 27th January or 3rd of February. S. asked if Luke is present would he be asked to leave the room, and Tavis stated that Luke would recuse himself.

- III. **Consideration of written legal advice provided by Counsel**

Advice from counsel about the special exception question on Taylor Community request, when we heard boat museum had a special exception approval in asking for accessory building, and we need to review cases that were approved by special exception. The Skylar case set precedent on future cases. We received information and her opinions have several parts. Suzanne stated that each case that comes before the board have different elements that come up and it's hard to decipher what parts are being addressed by Planning Board or

ZBA. When we have approved site plan review come up and goes back to Planning Board makes the decision on whether to forward back to ZBA for further review. That becomes an issue because each case is a different exception element. Audrey asked Tavis for his clarification on how she is interpreting the issue. Tavis addressed the issue and explained on how it could be interpreted, from past presentations regarding the Boat Museum vs. Taylor Community. It comes down to how the word use is determined. Chairwoman of the Planning board made the issue very clear on what the ZBA needed to do with the proposed case, and Audrey said that needs to be done every time. S. made a comment that the Planning Board can't change criteria that the ZBA imposed. If they, do, it needs to come back to the ZBA for approval. Audrey wants the Planning Board to be aware of these issues and to always check back with ZBA of changes. Tavis gave example of how that issue may have come up in the past. S. asked if anything has gone wrong that would have brought the current discussion, Audrey said no but wants to make sure that something doesn't moving forward, she is trying to be proactive.

IV: Consideration of proposed Rules of Procedure as submitted by Board members to date.

Audrey would like to keep the rules of procedure for the ZBA and make sure that we have in there are in fact the rules, instruction and guidance can go in other documents. S. said this in only the first half, there will be lap over, which is ok. Wants to keep required submittals separate from the rules., No one can change this other than the Board. Tavis asked do you want a notary for signature, all members said no. S. said we must rely on history with applications and be consistent. Tavis explained what he explains to each perspective applicant the rules and regulations on completing applications, but each applicant understands it the way they interpret it, and Audrey said he must submit application the way its presented. S. feels that if application is incorrect that Tavis should reach out to applicant. Tavis continued with how he proceeds with each applicant. Tavis, does respond to the applicant if there is a legal part missing, or something left blank, he does reach out to the applicant. Tavis and Board think a check list would be helpful to the applicant in the end making it better overall for the board. Board members haven't been 100% consistent the last few meetings, with all applicants. Tavis asked if current rules and procedure are noted online, and Audrey said she didn't know. S. said there is a good reason why not. Tavis continued with an explanation on how each application is handled, and the board gets copies of all information. S. said when they made last revision the one online is different. She doesn't want the waiver provision added to the rules and procedures, and she will probably fight It again, and not willing to disclose her reason as to why. Sabat (Nancy) made a comment about letters/emails sent in,

suggested the board discuss the issue further (couldn't hear audio clearly). Audrey suggested adding it to the Newspaper Notice of Hearings. S. doesn't understand where the problem is. Tavis doesn't like the thoughts of changing legal notices, and a deadline needs to be made on applications that would be considered for Notice of Hearing paper announcement. Audrey agreed. Discussion continued with ideas on how to streamline the process. Suzanne said we should let the public know the number/amount of correspondence/ emails, but in the interest of time we can't read them all but these are located in the Planning Office read them if you would like to read them. Suzanne made a comment that she wants her emails to Tavis answered in a certain way and time frame, Tavis explained that he is inundated with emails to answer daily, and Suzanne commented that she didn't care and that was his problem not hers. Audrey interjected that this was a whole different subject. Audrey said we will be probably discussed another three times, but her hope is to see the rules attached to RSA, people don't read the rules. Further discussion on solutions continued. Sabat made a comment about who the audience was for ZBA, that the simpler the language the better it is, not that you want to take anything out, but easier reference is needed, ex... Links to the topic for people to read and understand. Sarah said if we followed what Suzanne suggested it's cumbersome. Suzanne wants a whole packet to go to the applicant, she doesn't care if its over their heads, she wants the packet complete. Audrey wants the rules, instructions, and forms simplified. She feels Suzanne's idea is confusing. Audrey said we should start with rules, then move on to instructions, etc.. Tavis continued with the applicant's process and how the sequence is handled at meeting, Audrey interjected with remarks on the sequence, Suzanne wanted to know why...and that the ***** public doesn't have a clue what you are talking about. Discussion went back to rules. Suzanne read an outline of rules, and Audrey and Sara said we have that information already, and Suzanne said let me finish, then went on to read her list. She wants Audrey to read the list, Sarah said we have this already, and that Suzanne had given it to people before. Suzanne Continued. Audrey believes we are headed in the direction of what Suzanne is suggesting. Audrey said making a table of contents would be helpful. Discussed sequence they will use in Index/Table of Contents. Suzanne said that would be good, and we can fight about it after. Board decided they did enough for one evening and would revisit at another work session.

V: **Non-Public Session RSA 91-A:3 II (a)**

No public session held

Announce minutes of Non-Public Sealed Roll Call Vote taken

Roll taken, all said yes

Adjournment of Meeting:

Suzanne made a motion to adjourn, Sara seconded the motion all in favor motion passed

Chairman Audrey Cline Chair ZBA