

Tamworth Zoning Board of Adjustment

Meeting: March 11, 2010 7pm

**Items in italics indicate action to be taken by individuals to further the work of the board.*

In attendance: Willie Farnum, selectman; Tom Daley; George Plender; John Mersfelder; Lianne Prentice

Absent: Harry Miller

Audience: Bob Abraham, Dan Dineen, Sam Martin

The meeting began at 7:06 with Willie telling the assembled that the ZBA was being convened to update the forms related to applications for variance or special exemptions and administrative appeals so that language is in alignment with current RSAs.

It is especially necessary to do this work now as the planning board will be reviewing, on Thursday, March 24, an application involving the Town of Tamworth Personal Wireless Service Facility Ordinance. If, for some reason, this application is not approved, current forms and procedures for appeal or rehearing must be in place for the applicant to access.

Officers

After reviewing the Rules of Procedure in the packet of Tamworth's collection of relevant forms and statutes, provided by Willie, discussion followed regarding nominations for officers. Tom moved the slate of John Mersfelder, chair, George Plender, vice chair, and Lianne Prentice, clerk. This was seconded by George and passed unanimously.

Immediate Responsibilities

- review materials available, including related RSA's (available on-line at www.gencourt.state.nh.us/rsa)
- ensure that the RSA's cited in our packet still pertain to the appropriate chapter noted and that language is up-to-date
- review the rules of procedure for collective understanding
- create generic procedure forms for special exemption or variance requests
- review all applicable town ordinances, discuss each, and develop ordinance-specific applications for appeal

John requested that a hard copy of RSA 677 be provided for use at our meetings. This RSA outlines details on rehearing and appeal procedures. *Willie will provide this copy for the next meeting.*

Preliminary Form Review and Revision

After numbering our packets, pages 1-54, including the two handouts provided by Willie labeled "Draft Tamworth Board of Adjustment Application for Variance from the Town of

Tamworth Personal Wireless Service Facility Ordinance (p. 55)" and "Draft Tamworth Board of Adjustment Work Sheet for Variance from the Town of Tamworth Personal Wireless Service Facility Ordinance (p. 56)", the group began reviewing the form on page 19, "Town of Tamworth Board of Adjustment Application Fee Schedule". Changes were drafted. Tom moved to accept changes as drafted, George seconded. Vote was unanimous. See attached Draft Application Fee Schedule.

Moving on to review page 20, the "Tamworth Board of Adjustment Application for Appeal", George recommended creating a universal application on which applicants filled in the information appropriate to their specific application type (as determined by the applicable ordinance). *Willie shared that the Ordinance Review Committee of two planning board and two select board members would help us to compile the list of ordinances to be addressed when recreating or updating application forms.* For now, the focus is an application for appeal for the Personal Wireless Service Facility Ordinance (PWSF).

Discussion was held around the reconfiguring of the variance application distributed by Willie to include appropriate information from WK-1, page 23. Bob Abraham suggested, from the audience, that a recording secretary be hired so that all board members could fully participate in the work at hand, allowing the meetings to be documented completely and the board to benefit from all members' participation. Melissa Donaldson will be asked to work as recording secretary, paid for with the \$200 budgeted for this work. *John will contact Melissa.*

Bob further recommended that revised forms be labeled as draft until approved at next meeting. All agreed. Lianne read the complete revisions discussed for the variance application. George moved we accept as revised, with a second by Tom. Vote was unanimous. See attached for draft labeled "Draft Tamworth Board of Adjustment Application for Administrative Appeal, Tamworth Personal Wireless Service Facility Ordinance".

Next Meeting

Lianne asked for clarification of the timeline requirement for publishing minutes. After reviewing documents at hand, it is believed that the limit is five working days. *Lianne will check the RSA.*

Tom asked whether we needed to meet before the March 24 planning board meeting at which AT & T will present their application for a PWSF, to be located off Durrell Road. John believes we can wait. Willie mentioned that if the applicant chooses to appeal a planning board decision, we will need to be prepared with updated materials. Currently, the applicant believes that neither a special exemption nor a variance is required for their permit.

With that in mind, the next meeting was scheduled for March 24, at the Town Offices, at 6:30pm. At this time, minutes and drafts will be approved and a follow-up meeting scheduled, based on the group's impression of the outcome of the applicant's request. *John will post the meeting.*

At several points in the meeting, it was generally discussed that members of this board should take note of the balloon test, scheduled for March 14 (with a weather date of March 15), and should attend the March 24 planning board meeting in order to have a full understanding of the issues at hand, in the event that we need to become directly involved in this application process.

Board Membership and Terms

A question was raised about whether or not alternates are permitted when the ZBA is appointed, as opposed to elected. *Willie will look into this, and will contact Harry Miller about his intent to serve.* Lianne asked about getting minutes to Harry. *Willie will forward them to him.*

Sam Martin and Bob Abraham also asked to be forwarded copies of the minutes.

Tom asked how long we were to serve. Willie noted that our term's expiration date is listed on the form we each signed upon being sworn in by the town clerk. Terms are staggered.

Adjournment

John asked about further business; hearing none, Tom made the motion to adjourn, seconded by George. All in favor.

Meeting adjourned at 9:40pm.

Respectfully Submitted,
Lianne Prentice, Clerk