

Tamworth Zoning Board of Adjustment
Minutes
January 9, 2024, 7:00 PM
Tamworth Town Office

Present: Nicole Mahr-Whiteside, David Little, Dom Bergen, Miriam Habert, and Louise Taylor
Absent: Becca Boyden

1. Call to Order
Nicole called the meeting to order at 7:07
2. Roll call by clerk
3. Approval of Minutes
 - a. Meeting: October 10, 2023
The date of the meeting needed to be corrected.
A motion to amend the date was made, seconded and accepted.
Minutes were approved, four in favor and none opposed.
 - b. Subcommittee Meeting: November 15, 2023
Minutes were approved, two in favor, and two abstained.
4. Unfinished Business
There was no unfinished business.
5. Public Hearing (None)
6. New Business
Handbooks
David distributed the updated Tamworth Zoning Board of Adjustment Handbook, containing a housekeeping section, the Rules of Procedure, copies of applications, copies of the zoning ordinances, the state ZBA Handbook for Local Officials, and RSAs governing the ZBA. The board acknowledged and praised David's good work.

David went over the handbook with the board and explained that some RSAs and documents will need to be replaced as needed. The board will review the handbook prior to the next meeting on the second Tuesday of April.

The procedures for appeals were discussed. There are specific timeframes in which the board must respond. Notices must be adhered to as well. They include: Public Meetings, Public Hearings, Public Hearing Notice, Newspaper Notice and Personal Notice.

Application Amendments

The board reviewed amended application forms, revised to be consistent with the state ZBA Handbook for Local Officials. Digital copies of applications are now required.

- "Appeal from an Administrative Decision" was approved, four in favor and none opposed.
- "Application for a Variance" was approved, four in favor and none opposed.
- "Request for Rehearing" was approved, four in favor and none opposed.
- "Application for a Special Exception" was approved, four in favor and none opposed.
- "Equitable Waiver of Dimensional Requirements" was approved, four in favor and none opposed.
- "Application Fee Schedule" was approved, four in favor and none opposed.

Voting method on Variances.

The ZBA may authorize a variance from the terms of the Town's Ordinances. To obtain a Variance, the ZBA must find all five items adhered to, under the Variance rules.

The Board discussed RSA 674:33, I(c) and the voting on variances. The RSA now requires that the ZBA decide to vote on each criteria individually, or collectively, and use that method consistently, until the ZBA votes to change their methodology.

A motion to vote on five criteria individually was made.

Motion: "When deciding matters with several criteria, the board shall vote on each one separately."

Moved and seconded. The motion was approved with four in favor and none opposed.

Rules of Procedure Amendments

The Board discussed the process for amending the Rules of Procedure. Amendments must be read at two successive meetings, before being voted on at a third. The proposed amendments make the Rules of Procedure consistent with current RSAs, and clarify application timing requirements.

Paragraph "Applications"

#1. Insert text "A digital copy, with all attachments, shall be emailed to zba@tamworthnh.org."

#3. Replace existing text entirely, with "Applications for a rehearing after any order or decision of the zoning board of adjustment, made under RSA 677:2, shall be filed within 30 days of the decision."

#4. Replace "30 days" with "45 days."

#5. Delete item #5 entirely.

Paragraph "Decisions"

After first sentence, insert "When deciding matters with several criteria, the board shall vote on each one separately."

Paragraph "Public Notice"

1. Replace "ten (10) days" with "five (5) days"

2. Replace "ten (10) days" with "five (5) days"

The amendments will be read again at the April meeting, and voted on in July.

Education

ZBA board may get voluntary training. While not mandatory, RSA 673:3-a recommends ZBA members complete training available from Office of Planning and Development, or from NH Municipal Association. The links below can be accessed for webinars, presentations, and educational articles.

<https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-training>

<https://www.nhmunicipal.org/search/google/zba>

7. Summary for Town Annual Report
Nicole to write one up.

8. Communications and Miscellaneous
Miriam needs to take an oath at the Town Office for her participation on the ZBA.

It is the obligation of Board of Selectmen to appoint three alternates to the ZBA.

9. Public Comment (none)

10. Adjournment

A motion to adjourn was made, seconded and accepted at 7:50 pm.

Respectfully submitted, Louise Taylor