

Ashland Zoning Board of Adjustment
Thursday, August 13, 2020
6:30 PM, Zoom Meeting
Draft Minutes

Call to Order: Chair David Toth called to order at 6:37 PM

Roll Call: Members Present, Chair David Toth, Mardean Badger, Charles Bozzillo;
Absent: Alan Cilley; Also present: Susan MacLeod, Land Use Assistant

Minutes: There were no outstanding minutes to approve.

New Business: Chair Toth called the meeting as an informational session to discuss the basics of decision-making process and procedures of a zoning board. The major points were:

1. Members of a zoning board are not permitted to discuss a case with an applicant, or potential applicant outside of a public meeting where the board is present. The role of the Land Use Assistant is to respond to the applicant as necessary regarding process, and to review incoming applications to verify they are complete and do any follow-up requests from applicant.
2. The Public Hearing procedure was reviewed, from proper notification to the process of the hearing to its close. The timeline for decision was mentioned as 30 days from the close of the public hearing, so the board can hold two meetings for a thorough review.
3. The decision-making process based on the legal (RSA 674:33) criteria for granting or denying a variance was reviewed. The applicant will provide the reasoning to meet the criteria. Each of the criteria is discussed by Board members, and when voting on it, members must explain the reasons for their vote to grant or deny. Each of the five criteria must get three votes to grant the variance.
4. The process for a Special Exception was reviewed. The criteria is somewhat different, formulated more from the local ordinance than the RSA. They are:
The specific site is an appropriate location for the intended use or structure.
The use will be compatible with neighboring land uses.
 - The property values in the zone and in the surrounding area will not be reduced by such use.
 - There will be no nuisance or serious hazard to vehicle or pedestrians.
 - Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
 - The proposed use will comply with the minimum lot sizes, frontage and setback requirements set forth in section 2.3 of the zoning ordinance.
 - Existing road and highways are capable of carrying additional traffic.

The variance or special exception granted remains with the property. There is an exception with variances granted to accommodate circumstances for those with disabilities, i.e. access ramps within a setback. These variances expire with the change of resident(s) who were granted the variance.

Other points: The board can retain expert advice, the cost covered by the applicant. The timeline may be extended past the 30-day limit if requested by the applicant. Most cases involve variances, and many come through the Building Inspector's office when setbacks or other zoning cannot be met on a building project.

The importance of keeping any and all discussion in a meeting and public hearing to the specifics of the use of the land pertinent to the case was discussed. The judgment of the board is on that use based on the zoning ordinance, and not necessarily on the project. For example, if the case is for a housing project, who will live there is not the case, just whether the building on a specific property meets all of the criteria.

The use of the official email address was emphasized as important to retain all official correspondence in one place, and to minimize use of personal addresses. It was suggested to set up a “town business” email for sending and receiving board information. It also keeps personal email protected from any Right-to-Know requests.

Next meeting will be held when there is an application. Members should review all the information received and feel free to ask questions.

Adjournment: 7:44 PM

Minutes taken by Susan MacLeod