

**Zoning Board of Adjustment Public Hearing
Richmond Veterans Hall**

April 12, 2023

7:00 PM

Members Present

Mark Beauregard, Vice Chairman
Lloyd Condon
Antoinette Cincotta
Robert Gow, Alternate
David Bryan, Alternate

Members Absent

Public: Christopher Guida- State of NH Certified Wetland Scientist with Fieldstone, Fran Heap, Lisa Treager, Kim DeMasco, Charlene Shaver, Paul Shaver, Doug Bersaw, Sarah Thompson, Mark Cullen

Beauregard seated to chair the meeting.

1. Meeting called to order/roll call:

Meeting call to order at 7:00 PM.

2. Public Hearing for Map 407 Lot 86:

Public hearing call to order at 7:02 PM.

Vice Chairman Beauregard read the procedures that would be followed from the 2021 Zoning Board of Adjustment Handbook for local officials.

Vice Beauregard opened the floor to Christopher Guida, State of NH Certified Wetland Scientist from Fieldstone Land Consultants located in Milford, NH. IN reference to Map 407 Lot 86. This is a Proposed three lot subdivision for Map 407 Lot 86 owned by Charlene and Paul Shaver at 44 Monument Road in Richmond, NH,

The present Map 407 Lot 86 consists of 24.90 acres. The application is asking to subdivide Map 407 Lot 86 into 3 parcels. Map 407 Lot 86 is the present mother lot with the existing home would have 4.058 acres with 250 feet of road frontage on Monument Road. The proposed second lot Map 407 Lot 86.1 would have 5.949 acres with 235.56 feet of road frontage on Monument Road. The proposed third lot Map 407 Lot 86.2 would have 14.89 acres with 325 feet of road frontage on Rt. 119 (Fitzwilliam Road).

Guida addressed criteria needed under Article 11: Zoning Board of Adjustment, under 1105 Special Exceptions more specifically 1105.1 General Provisions. Both Lots 86.1 on Monument Road and 86.2 on Rt. 119 (Fitzwilliam Road) would need a proposed Special Exception from Article 6: Wetland Conservation District, under 604 Special Exceptions more specifically 604.1 for wetland setbacks. Both lots would be required to receive State of NH DES approval for the wetland crossing.

Richmond Conservation Commission viewed and discussed the proposed subdivision and wetland setback. It was decided that the Commission would meet on April 13, 2023, for a site walk on the two parcels.

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

Being addressed at the same time is Map 407 Lot 86.1 would need a proposed Variance from Article 4: Residential District, under 405 Lot Frontage and Yard Requirements more specifically 405 .1 Frontage. The present proposed road frontage for Lot 86.1 located on Monument Road is 235.56 feet and the required footage to satisfy Richmond Zoning is 250 feet of road frontage on a class I, II, IV, V or approved subdivision road. The Variance would address the lack of 14.44 feet of frontage to meet Richmond Zoning. He continued and addressed the criteria under Article 11, more specifically 1106 Variances.

Guida explained that there were two options for the road frontage. The original plan had a sliver of property roughly 10 feet wide that ran from the Southwest side of Lot 86.1 down the property line along Map 407 Map 83 to the Southeast corner of Lot 86.2 along Rt. 119 (Fitzwilliam Road) to obtain the required frontage. Or ask for a variance for the 14.44 feet.

Guida attended a preliminary consultation with the Planning Board on February 7, 2023, and at that consultation the Planning Board asked if the Shaver's could request a Variance to make the proposed subdivision cleaner. Though the sliver was legal it could eventually create problems in the future.

Mark Cullen the owner of Map 407 Lot 83 expressed that he was not in favor of a sliver of land running down his property line. He wanted to encourage the Zoning Board to consider the Variance.

It was suggested that maybe the Shavers could purchase some additional land frontage along Monument Road from an abutter? Guida explained that if the abutters wanted to sell it would make the Shaver's incur a fair amount of cost. At this time there were no questions from the public or the board.

Motion made by Tague to join the Conservation Commission on April 13, 2023, for a site walk.
Seconded by Condon. All in favor. None opposed. Motion carries.

Public Hearing for Map 407 Lot 86 was continued to the site walk on April 13, 2023, at 5:30 PM located at 44 Monument Road.

3. Minutes of September 14, 2022:

Page 1, top of page date of meeting from July 27, 2022 to **September 14, 2022.**

Same page under Members Present add the letter a to Cincotta.

Page 2. Under Minutes of July 27, 2022, fourth section down, third line down, starting with: **It was discussed that if there was a discrepancy that the Chairman would review the tape and share his findings with the board.** Pull the full sentence. Same section last sentence pull: **The expense of retention is what the board and the Selectmen do not want to incur.** Pull the full sentence.

Page 3, under Page 3 Under 2 add to end of section. On the town website and notice of the website posting should be on the notice.

Same page under 6. Other: 1. Check all forms for Professional Clause: **Pull the entire section.**

Motion made by Condon to accept the minutes as amended. Seconded by Cincotta. All in favor. None opposed. Motion carries.

4. Draft Amendments to Rules of Procedure:

5.

There were more changes than just the changes under Amendment. Also, brought to the attention of the board there was a clause missing at the end of the Rules of Procedure.

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1. Meetings
2. Wednesdays as needed.
3. Amendments.

The reference to gencourt was pulled off as there is no long a gencourt and it doesn't direct the applicant to an alternate site. Put Town of Richmond information back in as it was dropped and the RSA governing ZBA information and procedure.

Joint meetings. At this time the Rules of Procedure does not have information on Joint Meetings. After a discussion it was decided to put the information in reference to Joint Meetings from the NH Planning and Land Use Regulations, 2022-23 Edition on page 474, Under 672:2 Joint Meetings and Hearings.

Motion made by Tague to add rules for Joint Meetings. Seconded by Cincotta. Three in favor. One opposed. Motion carries.

To Add: Information on materials at the Richmond Town Hall and the correct website for further information.

6. Professional Clause on all applications and applicant's checklist:

Question as to whether this was discussed at the last meeting. It could have been a suggestion from Attorney Boldt and was asked by the past Chairman.

Discussion on creating a subcommittee to review all the applications and documents.

Motion made by Tague to assign a subcommittee to make sure all documents are compliment with the State Law. Seconded by Bryan.

Discussion as to whether the subcommittee was getting to involved that Richmond is a small town. There is available new Area Variance criteria that Richmond forms may not align with. The subcommittee will review for determination.

Call for vote on the documents: Three in favor. Two opposed. Motion carries.

Motion made by Lloyd to put the professional clause be added to the bottom of all applications. Seconded by Vice Beauregard.

Discussion to give the subcommittee the opportunity to review the language and reasonable fees under RSA 673:16. This would be reviewed as well by the subcommittee.

Call for vote: Two in favor. Three opposed. Motion denied.

Subcommittee will consist of two members. It was agreed that Tague and Cincotta will be the subcommittee.

7. Election of Officers:

Vice Beauregard opened the floor for nominations.

Fran Heap asked if she could have the floor. Vice Beauregard recognized Heap to take the floor.

Heap attended the Selectman's meeting of 4.10.23 where the Selectmen appointed an alternate member to move into a full board seat wanting him to become the Chairman. Heap mentioned that her sources from the NHMA couldn't be seated on the ZBA as a full board member since he was still holding the seat of alternate. A full 3-year term is mandated, and Bryan needs to serve out his term. or resign as an alternate.

At this time Alan Schmidt should still be seated until a successor is appointed. Robert Gow is done until 2024 and David Bryan 2025. Neither alternate can be appointed at this time to a full board member.

Members of the board cannot be removed for convenience but there are criteria for them to be removed.

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A member of the public Doug Bersaw asked to speak and wanted to let Heap know that she must of misheard as the Selectmen can't appoint officers of the board. But they cannot appoint seats on the board.

Currently, it was safe to seat either Bryan or Gow as an alternate. Vice Beauregard sat Bryan. To this point there were votes taken under the assumption that Bryan was a board member appointed by the Selectmen and was not seated. Bersaw felt it was in good faith and would be alright to continue without a revote.

Motion to continue the discussion until we meet after we get the results back from the Conservation Commission and then we can handle both at the same time. Seconded by Cincotta. An alternate had not been seated so at this time there is not a full board to vote. Suggestion to rescind the motion, seat the member and remake the motion. Tague rescinded his motion and Concotta rescinded her second.

Bryan seated at 8:57 PM.

Nomination for Condon as Chairman by Beauregard. Nomination wasn't seconded.

Nomination for Tague as Chairman by Cincotta. Seconded by Bryan.
Nomination for Cincotta as Chairman by Bryan. Cincotta seconded.
No more nominations from the floor.
All in favor of Tague for Chairman.
Two against. Three in favor. Motion carries.

Nomination for Condon as Vice Chairman by Tague. Seconded by Vice Beauregard.
Two in favor. Two opposed. One abstention.
Tague changed his mind from an abstention to a no vote. Final vote was two in favor. Three opposed. No abstentions. Motion fails.

Nomination for Cincotta as Vice Chairman by Tague. Seconded by Bryan.
Two opposed. Three in favor. No abstentions. Motion Carries.

8. Other

No other.

Motion made by Condon to adjourn. Seconded by Cincotta. All in favor. None oppose.

Meeting adjourned at 9:02 PM.

Respectfully Submitted,

Kandace Mattson