

**Zoning Board of Adjustment Public Meeting
Taylor Van Brocklin Building**

July 13, 2023,

7:00 PM

Members Present

Tom Tague, Chairman
Antoinette Cincotta, Vice Chairman
David Bryan
Robert Gow, Alternate

Members Absent

Mark Beauregard
Lloyd Condon

1. Meeting called to order/roll call:

Meeting called to order at 7:05 PM
Gow seated for Beauregard

This is a working meeting to finish the Instructions to Applicants Appealing to the Richmond Board of Adjustment with the amendment dates: Amended: (5.14.14) (12.17.18)

2. June 14, 2023: Tabled

3. Draft Amendments to Rules of Procedure:

Chairman Tague handed the meeting over to Vice Chair Cincotta. Vice Chair Cincotta reference the Zoning Board of Adjustment in New Hampshire, A Handbook for Local Officials. The most recent version was updated in 2022. There is not an update for 2023. First page of the handbook gives a Summary of Changes from the NH Department of Business and Economic Affairs. The handbook has all legal changes for the Zoning Board if Adjustment. A recommendation was made to go over the summery of changes at some point. The back of the handbook there is an appendix the board will be pulling from Appendix B. Changes will be made by recommendations from the handbook. Changes are not mandatory; they are suggested changes.

Page 1, first section: Capitalize all references to Richmond Zoning Board of Adjustment and Planning Board.

Second section down: add Richmond Board of Adjustment all capitalized.

Third section down: Under Variance pull the word Is and start with: **A Variance** in bold.

Add below section 3. Variance with a new section. If you are applying for a variance, you must first have some form of determination that your proposal use is not permitted without a variance. Most often the determination is a denial of a building permit. A copy of the determination must be attached to your application.

All criteria for a variance are required by Statue and we're required by law to implement all of the conditions that have to be met before the variance is granted. The order of the requirements for the variance need to be organized and in the same order.

Under the five criteria for a variance.

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

2. Granting the variance must not be contrary to the **public interest**. These criteria should be moved and numbered 1.

1. Public Interest
2. Spirit of the Ordinance
3. Substantial Justice is done.
4. Property values not diminished.
5. Denial of the variance would result in unnecessary hardship.

There are significant changes in the criteria for unnecessary hardship since the present Instructions were first drafted.

Proposal for changes under 5., after fourth line down following similar zoning restrictions as follow RSA 674:33, 1(b)(1) provides the criteria for establishing unnecessary hardship: (A) For purpose of this subparagraph, "unnecessary hardship" means that owing to special conditions of the property that distinguish it from other properties in the area.

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to specific conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

Page 2, delete the section: The NH Supreme Court has established a new test.

Number 4. Becomes 3. to comply with Richmond Zoning 1106.3. Number 5. becomes 2. to comply with Richmond Zoning 1106.2.

Remove the section below 5. And insert Variance Criteria Guidelines- B-2 from The Zoning Board of Adjustment in New Hampshire, A Handbook for Local Officials 2022 edition.

Under Appeal from an Administrative Decision, second line down change Richmond Zoning Ordinance, fourth line down add: Zoning and capitalize Board and Adjustment.

Under Special Exception, first line add Richmond and capitalize Board of Adjustment. Second section down, second line add Richmond and capitalize Planning Board.

Page 3, first line add: depending on the particular facts of the case, presenting a site plan to the Richmond Planning Board may assist in relating the proposal to the overall zoning. The Richmond Zoning Board of Adjustment may request a recommendation from the Richmond Planning Board and/or Richmond Conservation Commission concerning the proposed use.

Under Equitable Waiver of Dimensional Requirements., third line down change the letter a to the number 1.

Fifth line down add: Instead caused by a good faith error in measurement or calculation.

Change the letter b to the number 2.

Change the letter c. to the number 3.

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

Below the new 3. Firstline change the (a) to (1) and (b) to (2).

Last section on page 3, second line down capitalize Selectmen's, remove Tax Accessor's.

Third line down change the word will to must and accepted to amended and add: before the matter may proceed to hearing. Same line, change the word you to yourself, and add agent.

Last section first line, after attachments add: Land Use Assistant or to the, the next line same sentence capitalize Board of Selectmen.

Page 4. Top of page starting with regular meetings are held on the second Thursday of each month when needed. Pull the rest of the line.

Second section, second line, pull; The applicant/property owner should be present. Third line down, authorizing as agent to represent the owner at the hearing is required. Fourth line down add: printed in newspaper and on the Town of Richmond website.

Fourth section, fourth line down remove after the date of the date and after the word of add, the.

Sixth section down, second line remove: or online at www.gencourt.state.nh.us.rsa.

Seventh section, remove all information at the bottom of the page after remit to:

Last section, update the amended to read: (5.14.14), (12.17.18), (8. .23).

Please see attached changes as well.

Changes will be made to the Applicants Instructions and reviewed at the next meeting. The board would like to have at least quarterly meetings. Check on Zoning Board of Adjustment volunteers on the Richmond Website.

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

5. Documents in compliance: Tabled

6. Other:

Motion made by Vice Chair Cincotta to adjourn. Seconded by Bryan. All in favor. None opposed. Motion carries.

Meeting adjourned at 8:12 PM.

Respectfully submitted,

Kandace Mattson