

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

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

July 27, 2022

7:00 PM

Members Present

Alan Schmidt, Chairman
Mark Beauregard, Vice Chairman
Lloyd Condon
Antoinette Cincott
Robert Gow, Alternate
David Bryan, Alternate

Members Absent

Public: Lisa Traeger, Doug Bersaw, Attorney Christopher Boldt.

1. Meeting called to order/roll call:

Meeting call to order at 7:00 PM.

7:03 meeting called to a recess to allow a non-public meeting/session with Attorney Boldt
Public was asked to leave the room until the session was over.

Meeting called back to order at 9:10 PM. Pubic was invited back in. Lisa Traeger joined as public.

2. Discussion on Disqualification:

No discussion, this was covered.

3. Discussion on recording/availability of minutes:

No discussion currently. Addressed by Chairman Schmidt later in the meeting.

4. Minutes of July 13, 2022:

Motion made by Chairman Schmidt to accept the minutes as read. Seconded by Vice Chairman Beauregard.
Chairman Schmidt opened the floor for discussion.

Discussion on what constitutes a substantial change in the minutes.

Page 2, seventh section down, after the line: No one spoke. Add: Chairman Schmidt continued the hearing to the time of the site walk July 21, 2022, at 8:00 AM.

Motion was changed at this time to read amended and not read. Vote was called.
Three in favor. One opposed. One abstention. Motion carries.

Minutes of July 21, 2022:

Motion made by Vice Beauregard to accept the minutes as read. Seconded by Condon.
Chairman opened the meeting for discussion.

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Discussion that Condon stepped down at the walk. David Bryan was seated at the July 13, 2022, hearing and didn't need to be reseated on the site walk.

With no further discussion.

Motion made by Chairman Schmidt to approve the minutes as presented. Seconded by Tague. Three in favor. Two opposed. One abstention. Motion carries.

Minutes of July 27, 2022:

Motion made by Chairman Schmidt to accept the July 27, 2022 minutes. Seconded by Tague.

Page 1, Under 2. Hearing on Map 407 Lot 18, five sections down, Motion made by Cincotta to vote for Chairman Schmidt to step down. Change to: Motion made by **Chairman Schmidt for a vote on his disqualification** to step down and recuse.

Discussion that the criteria under Section 2. Hearing on Map 407 Lot 18 was not present in the minutes of July 27, 2022. With further discussion it was determined that the criteria through House Bill 1661 as of August 23, 2022 Findings of Facts in reference to the criteria must be included in the final letter of decision to the applicant under RSA 677:5 or RSA 677:15.

It has been the procedure in the past that the Richmond ZBA files Findings of Facts in the applicant's record held at the Town Clerk's office once the record is complete.

The criteria for Map 407 Lot 18 was given to the ZBA and will be included in the amendments to the minutes of July 27, 2022. (See end of minutes)

Chairman Schmidt asked for all those in favor of the minutes of July 27, 2022 to be approved as amended. Three in favor. Two opposed. One abstention. Motion carries.

Chairman Schmidt asked for a discussion on the recording of meetings for minute accuracy. The board was referenced back to the NHMA Meetings Minutes 101 and NHMA Legal Q&A: Of Meeting Minutes and Machines. It was discussed that if there was a discrepancy that the Chairman would review the tape and share his findings with the board. If the entire board listens to the tape, it becomes a part of the permanent record and must be retained as part of the record. The expense of retention is what the board and the Selectmen do not want to incur.

Motion made by Chairman Schmidt to start tape recording hearings and meetings for the minutes. Have Land Use Assistant hold the recording until the draft minutes are approved by the board. Seconded by Tague. Three in favor. One against. One abstention. Motion carries.

5. Discussion on Amendments to Rules of Procedure:

Discussion on Amending the Rules of Procedure on page 4., Under Amendments, at the end of the second line down, pull: preceding the meeting at which the vote is taken. Add: **at which a vote will be taken**. Should read: provided that such amendment is read at two successive meetings **immediately at which a vote will be taken**.

Page 1. under Meetings, more specifically 1. Meetings/Hearings: Exchange the word each for **the** and after the word month add **as needed**. Sentence will read: 1. Meetings/Hearings will be held on the second Wednesday of **the** month **as needed** at 7:00 pm at the

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Page 3 Under 2. Public Notice, more specifically a. Second line down pull the word Civil Defense Building and add **Veterans Hall**. Should read: shall be posted at the Town Hall, inside and out, and at the **Veterans Hall** not less than five days (5) before the date of the hearing.

6. Other:

1. Check all forms for Professional Clause:

Check on the applications or instructions to be sure that there is a clause allowing the ZBA to employ an outside professional at the applicant's expense if the board deems it necessary. HB 1661 change.

2. Location of postings for ZBA:

Susan Harrington at the Selectmen's office will be asked to post the locations of all Zoning Board meetings and hearings on the website.

Post all fees on the website if needed. HB 1661 change.

With no further business in front of the board.

Motion made by Condon to adjourn. Seconded by Vice Beauregard. All in favor. None opposed. Motion carries.

Meeting adjourned at 10:05 PM.

Respectfully submitted.

Kandace Mattson

Corrections to ZBA Minutes 7/27/2022

“Motion made by Cincotta ... There was discussion concerning criteria for a special exception under Article 6, section 604.1 for a driveway crossing within the Wetland Conservation District setback at this location. There was board discussion as to each of the criteria under Article 11, section 1105.1, specifically sections 1105.1.1, 1105.1.2, and 1105.1.3. Under section 1105.1, the board discussed the fact that a driveway would qualify as a special exception use under Article 6, section 604.1, as a street or other access way. Under section 1105.1.2, the board discussed that this is a proposed driveway in a residential area on Route 119, surrounded by other residential units. The driveway is needed as an access way for a single family home and the proposed location of the driveway is appropriate. Under section 1105.1.3, the board discussed the fact that there is no evidence that putting a driveway there will adversely affect the use, enjoyment, or value of adjacent property. Under section 1105.1.3, there was discussion that a driveway for a single family home like this one is not likely to generate excessive noise, traffic, dust, glare, odors, or other conditions that are associated with the use of the driveway that would not be typical of any other driveways in the area. There was discussion that an opinion or recommendation from the Planning Board was not needed under section 1105.1.4 for the driveway at this location.”