

Approved: \_\_\_\_\_  
Approved with changes: \_\_\_\_\_  
Unapproved: \_\_\_\_\_

**Effingham Zoning Board of Adjustment  
July 11, 2018**

**Members Present:** Dave Strauss, Chuck Fuller, Tim White, Jory Augenti

**Members Absent:** Tom Hart, Mike Cahalane

**Others Present:** Dianne Park

Meeting called to order at 7:00pm.

**Minutes**

A motion was made by Chuck, seconded by Tim, to approve the minutes from June 20, 2018 as amended. All were in favor.

Page 1, under 'Members Present' change 'Struass' to 'Strauss'

Page 1, sixth paragraph, last sentence, change '.....and 2 in the second floor apartment' to '....and 1 in the second floor apartment.'

Page 5, after 'All were in favor' fourth sentence, change 'Applicant states another septic system is installed by they did not provide any documentation of its existence.' To 'Applicant states another septic system is installed but they did not provide any documentation of its existence.'

**Town Attorney response on hearings/meetings for application approval**

The board discussed a letter from the town attorney concerning review of an application for completeness and scheduling of public hearings. Public hearings must be held within 30 days of receipt of the application. There are two options:

- 1-Approve the application in a Public Hearing
- 2-Approve the application in a Public Meeting then schedule a Public Hearing

**Zoning Enforcement Officer (ZEO) letter dated 6/22/2018 Davis case**

Dave passed out a copy of the letter sent by the ZEO to the Davis's for case #088 Special Exception for multi-family dwelling unit. The Zoning Board of Adjustment denied the application.

**Track progress for annual report (Tim)**

Tim is writing up each case for the annual report.

**Notice of Decisions ----cover details and problems (Tim/Dave)**

Dave went through step by step work flow for posting notice of decisions.

**Formal motion for granting/denial---was it useful from last meeting? (Dave)**

The board discussed the formal motion used at the last public hearing.

Approved: \_\_\_\_\_  
Approved with changes: \_\_\_\_\_  
Unapproved: \_\_\_\_\_

**Task List for Public meeting---cover how used (Dave)**

**Task list for Notice of Decision ---cover how used (Dave)**

The board discussed the task list for public meetings and Notice of Decision and how to customize them for their use.

**Discuss the ZBA “bible” & files in ZEO office (Dave)**

The board discussed how the Notice of Decision will be used in the future and Dave stated at the end of the year he will copy all ZBA approved forms and cases from the computer and put them in the ZBA Bible for 2018.

**Old Business**

**Review Application for revision**

The board reviewed the ZBA Application. Changes were made as follows.

Page 1-stays as written

Page 2-stays as written

Page 3-stays as written

Page 4-After ‘2. Documentation, 4’ add: ‘If you are appealing for a Special Exception explain how the proposal meets the special exception criteria as specified in Section 904 of the Effingham Zoning Ordinance (list responses to all criteria from the ordinance. For example “Criterion 1: then your response”. etc.) Use a separate sheet of paper if necessary.’

Page 4-Under ‘General Information’ second paragraph, delete: ‘Provide 3 mailing labels for each abutter, the applicant, and/or the owner.’

Page 4-Under ‘General Information’ fourth paragraph, add the third sentence ‘Public notice of the hearing will be published in a local newspaper and posted at one of the following: Town Hall, Library or Town Website.’

Page 5-Under ‘Fees’, Add:

‘4 --For **each** Abutter on the Notification list:

- a) Complete a #10 business size envelope, with return address on each addressed to: Effingham Board of Adjustment, 68 School Street, Effingham, NH 03882.  
**Hand printed or computer generated labels only.**
- b) Fill out the “Return for Certified Mail” (see example provided).
- c) Fill out the “Return Receipt Post Card” (see example provided).
- d) **Do not stuff or seal envelopes**, place “Return for Certified Mail” and “Return Receipt Post Card” under envelope flap and submit with your application package.’

Page 5-Bottom of the page, add: ‘Mail the complete application, mail certifications/receipts, envelopes, and check to: Effingham Board of Adjustment, 68 School Street, Effingham NH 03882’

Approved: \_\_\_\_\_  
Approved with changes: \_\_\_\_\_  
Unapproved: \_\_\_\_\_

Page 6-stays as written

### **Review Rules of Procedure**

The board reviewed the Rules of Procedure. Changes made were as follows:

Page 1-stays as written

Page 2-Top of the page, insert 'ROP' after 'Rules of Procedure'

Page 2-under 'Members and Alternates' 2a reads 'Should a member be absent without an excuse for 25% of the meetings in a year, the Board shall vote to see if the member should be officially requested to review their ability to perform duties for the rest of the term.'

Page 2-under 'Members and Alternates' 2b first sentence, reads 'Should a member be absent without an excuse for 50% of the meetings in a year, the Board shall vote to see if said member should resign from the Board.'

Page 3, under 'Alternates', insert 'd. In the event a regular member arrives late at a Public Hearing, the alternate standing in for that member will step down, provided significant testimony has not yet been received (as determined by the chair). Otherwise, the alternate will continue to sit for that member.'

Page 4, under 'Application/Decision' a) reads: 'Each application for a hearing or appeal before the board shall be made on forms provided by the Board and shall be presented to the Zoning Board of Adjustment. The Select Board office clerk shall stamp and record the date of receipt.'

Page 4, under 'Application/Decision' d) reads: 'The Select Board office clerk shall place the application in the designated Zoning Board of Adjustment mailbox and notify the board chair.'

Page 4, under 'Application/Decision' e) reads: 'A public hearing must take place within 30 days from the receipt date. RSA 676:7, II If able to meet the 30 day time limit (10 days or MORE to post prior to the hearing) the board shall convene a meeting to vote to accept a complete application and schedule a public hearing. If unable to meet the 30 day time limit (10 days or LESS to post prior to the hearing) the board shall schedule a public hearing to vote to accept a complete application and proceed directly into the case if approved.'

Page 5, top of the page, reads:

'Incomplete forms will be returned to the applicant with the reason for rejection.

Note: If applicant desires a meeting later than 30 days, a waiver from the 30 day requirement must be submitted to the board.'

Page 6, 'b', reads: 'The Chairman shall ask for the clerk's/designated member report on the first case. The clerk/designated member shall read the application and report on how the public notice and personal notice were given.'

Approved: \_\_\_\_\_  
Approved with changes: \_\_\_\_\_  
Unapproved: \_\_\_\_\_

Page 6, '9' reads: 'The public input portion of the hearing on the appeal shall be declared closed. The public shall be informed the deliberation is an open public meeting but no public input will be allowed.'

Page 6, '10', reads: 'Note: if additional input from the public is desired or needed the Chair shall re-open the **Public Hearing** using the rules on page 5.'

Page 6, bottom of the page, after 'Note', insert '11. For variance the chair at any time may call for a non-binding straw vote of the five (5) criteria of RSA 674:33, I-b. For an equitable waiver of dimensional requirements the chair at any time may call for a non-binding straw vote of the four (4) criteria of RSA 674:33,a-I. For a special exception the chair at any time may call for a non-binding straw vote of the requirements of RSA 674:33 IV & local ordinance Article 9.'

Page 7, under '4 Decisions.', '1.' reads: '1. A draft motion (with conditions if needed) shall be developed by the board and put forward as a formal motion once the majority of board members agree on the draft. The exact motion shall be copied into the minutes verbatim.'

Page 7, under '4 Decisions.', '2.' reads: '2. The board shall take one all-encompassing (of all the criteria used) vote to either approve or deny the application. The concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass. RSA 674:33, III.'

Page 7, under 'Records', '4.', reads: '4. Standard Forms may be developed and adopted by a majority vote of the board under RSA 676:1 and shall become part of these rules of procedure. Forms shall be uploaded to the ZBA computer for official usage and an electronic back-up copy shall be placed in the ZBA files at the town offices. Prior to usage all forms shall be verified to the ROP.'

Page 7, under 'Amendments' reads: 'These rules of procedure may be amended by a majority vote of the members of the Board. RSA 676:1.'

Page numbers in this document will be formatted 'x of x'

Dave briefly went through the Task List. Forms will be on the agenda for July 18, 2018.

A motion was made by Chuck, seconded by Tim, to adjourn the meeting.  
Meeting adjourned at 8:50pm.