



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT

Litchfield, New Hampshire

December 11, 2013

DRAFT

Regular meetings are held at the Town Hall at 7:00pm on the 2nd Wednesday of each month.

ZBA Members in Attendance (indent if absent):

Richard Riley, Chairman

Laura Gandia, Vice Chairman

John Regan

Albert Guilbeault

Eric Cushing

Greg Lepine (alternate)

John Devereaux (alternate)

Thomas Cooney (alternate)

Also present:

Russell Blanchette, Chairman of the Litchfield Planning Board

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:03pm. Richard Riley took attendance. Alternate, Greg Lepine, was appointed by the board to sit in for the missing board members.

II. ORDER OF TONIGHT'S MEETING

Rick Riley stated that there were no scheduled hearings for tonight's meeting. He explained that the board invited Russell Blanchette, Chairman of the Planning Board, to attend the meeting. He would be first on the agenda for tonight. Afterwards, they would go through some other business with the Zoning Board, including approval of previous minutes.

Alternate, John Devereaux, arrived at 7:04pm. The Board appointed him to sit in for missing board members.

Rick Riley called Russell Blanchette forward. Rick Riley explained that the Board had invited Russell Blanchette to the meeting to talk about a document that was posted on a Planning Board website. Russell Blanchette explained that it was a public outreach site that the Planning Board had established. Rick explained that on the website there is a document posted that is titled "Town of Litchfield Planning Board Summer 2013 Community Conversations What We Heard". Rick explained that the board had some concerns about two comments on the document that were directed specifically to the Zoning Board. The two comments were:

1. "Zoning Board tends to get emotionally involved which effects the decisions being made and what is being passed in the town".

2. "Zoning Board expects too much from businesses and think they have endless amounts of money in the town".

Rick Riley explained that as Chairman of the zoning board, he takes his role seriously, and he knows that the other board members also take their roles seriously. Rick says he was concerned about those two comments because they really go right at the foundation of what the zoning board is here to do for the town. He explained that they are all volunteers. They attend training to stay current with laws - decisions being made that are in the area of zoning in the state of NH. Russell Blanchette added that it is similar to how the Planning Board operates. They too are volunteers and they attend training to stay current. Rick explained that his primary goal is to try to understand from Russell 's perspective, as the Planning Board Chairman - If he feels there is a merit to those particular comments, the Board would welcome that type of feedback because the Board needs to understand what the perception is out there and also to try to go away from this with a feeling that there is trust and confidence in what the zoning board is doing today and how we conduct our business. It is important to us that not only members of the public, but certainly folks on the Planning Board, the Building Dept, Selectmen, everyone has confidence in what we do. If they don't, we would welcome that type of information or feedback in order to be able to address it. If there is something that needs to be corrected, we can correct it. And if it's a perception issue, then maybe we can fix the perception out there.

Russell Blanchette said the document is compilation of commentary that was received by the Planning Board staff in response to requests for input from the public as to what their vision for Litchfield is. The document is a poll of local business owners -- What is their feel for where Litchfield is now? What's right? What can be improved? Where do they want to see the Planning Board go with the town? So, the comments are a raw set of comments from the business community. It doesn't reflect the opinions of the Planning Board or anyone else that he's aware of. It's what was said to members of the NRPC staff who were given the task of going forth and polling the businesses. John Regan asked how many businesses there are in Litchfield. Russell Blanchette he said he didn't have an exact number, but probably 40 to 50. John Regan asked what percentage of the business owners in town were represented in this poll? Russell Blanchette replied that in the opening paragraph two of the document there is a list of businesses. Rick Riley looked at the document and read the names of the businesses that were interviewed. There were 11 business owners interviewed. Russell Blanchette explained that it was some of the larger businesses that they could reach and they were agricultural too. He said they are focused on the agricultural preservation right now. Trying to understand what the farms want and how they can best serve their desires and create some sort of a balance between what's best for the farm and what's best for the town as a whole.

Greg Lepine said that based on those comments, it sounds like some people in town don't understand how the Zoning Board really works. He further explained that the Zoning Board doesn't make the zoning ordinances. The Town actually votes on them based on Planning Board's suggestions of the ordinances. So, the Town votes them in. All the Zoning Board does is try to interpret them and try to provide relief where they can. But we have to follow the letter of the law. Greg Lepine believes that some people in town think the Zoning Board makes them up and he believes that is part of the problem.

Russell Blanchette agreed that there are some misperceptions. He said we can work together to help dispel those misperceptions. At town meetings, at the deliberative sessions, if the Boards each give statements of how they operate, he thinks that will help to clear misperceptions and help the

public understand their roles. Doing some outreach and providing education would help. Rick Riley agreed that there is some lack of understanding. Greg Lepine added that on Election Day, people need to read and understand the questions that are at the beginning of the ballots because they're voting on those ordinances. They need to understand that *they* are voting them in; the Zoning Board isn't voting them in. Russell Blanchette said that's why public outreach is so important. We have to communicate what the Board's mission is. Public outreach is more important than a lot of us have given credit to and going forward he plans to work with the Planning Board to try to engage the public more to build better understanding.

Rick Riley said the other issue he would like to discuss with Russell Blanchette is about changes coming. He asked if Russell could educate the Zoning Board about what the Planning Board is doing and what changes are coming. Russell explained that in 2013 they are working with a grant they received to review all zoning ordinances. The big item they are working on right now is agricultural overlay district. They're also looking at commercial, industrial, changes to the zoning ordinance. They will be having a public hearing on Dec 17 at 7pm.

John Devereaux asked to return to the discussion about the comments. He said he was confused by the first comment on whether the ordinances are too anti-business or too burdensome for the business. Or, is it the ZBA's decisions being made that are anti-business or too burdensome for the business. So, is it the ordinances that we're to rule against, or is it our ability to properly interpret the ordinances? We can't tell. Russell Blanchette said we cannot go back to ask for clarification because we don't know who made the comment. Rick Riley stated he doesn't agree that their decision are based on emotion. He says their decisions are based on what they understand their role to be, what they understand the zoning ordinances to be, and what we are reading in the application and what we're hearing from testimony.

Greg Lepine stated that when they have a case, the Board does their best to help and guide the people through it. Laura Gandia added that the Zoning Board is a quasi-judicial body that's unlike any other Board in the town and with that responsibility the Board takes it seriously. We do not let our emotions get involved. We are bound by the zoning ordinances. It's important for people to understand that we are given ordinances, or rules, or laws. We don't have a lot of leeway. Each case is fact specific and we do our best to uphold the purpose and intent of the ordinance as a quasi-judicial body with the upmost integrity. Regarding the emotional part, all of our input is open to the public and there's never been any display of inappropriate emotion or conduct by any member of the Zoning Board in my 10+ years of experience.

Rick Riley asked to get back to the upcoming changes. Laura Gandia suggested it would be more appropriate to go the meeting on Dec 17th first. But to give the Zoning Board a heads-up she read allowed some of the significant changes being proposed to the town; Agricultural Overlay District, changes to frontage on 3A, and changes to frontage on Route 102. Russell Blanchette said all the documents are on the public outreach website. He said to read them and if any questions to feel free to contact him or anyone on the Board. He said he would like to work with the ZBA to make sure to put forth the best possible changes to our ordinances. Laura Gandia asked what the process is. She received the document as a member of the public. She was wondering if there was any way that the ZBA could be involved prior to it being disseminated to the public. Russell Blanchette said he didn't consider it soon enough. He apologized for not thinking of it. Laura Gandia said that by statute the ZBA is allowed to have joint sessions with the Planning Board.

Greg Lepine asked when the Planning Board will start putting these articles into a warrant. Russell said they are having the first public hearing of these articles on Dec 17th. He explained that any changes will be considered by the Board and a second public hearing will take place. Rick Riley asked if we should have a joint session between the two hearings. They decided it was too late to have a joint session. It would have been best to have a joint session or workshop before the Dec 17th hearing.

The Board thanked Russell for taking the time to come and meet with them.

III. COMMUNICATIONS AND OTHER BUSINESS

Changes to ZBA By-Laws

Rick Riley stated that the next on the agenda is to discuss changes to the ZBA By-Laws. He said the Board had discussions about this in January and since then, he has met with the Town Attorney and with Jason Hoch, the Town Administrator. He presented a draft of the By-Laws with revisions to the proposed addition of new Section 4.10 which covers video recordings of Zoning Board meetings. Laura Gandia read it aloud. The board discussed the revisions and then voted on whether to accept proposed changes to the By-Laws, which was the addition of Section 4.10 as it was read, and the insertion of the fee schedule. John Devereaux motioned and Laura Gandia seconded the motion. Motion carried 5.0.

Application Fees

Rick Riley said Laura Gandia did some research based on the Board’s discussion back in January regarding the Boards current fees. She researched surrounding towns and cities to find out what they were charging for variances. This information was taken from the individual town’s or city’s website.

Town/City	Application Fee	Cost per certified mailing (for Abutter Notification)
Litchfield	\$100.00	\$6.11
Londonderry	\$60.00	\$6.11
Hudson	\$100.00	\$3.56
Derry	\$100.00	\$3.40
Bedford	\$100 residential variance / \$200 commercial variance	\$6.11
Nashua	\$900 basic use variance / \$300 for all others	\$3.00 per Abutter plus postage
Manchester	\$25 initial fee, then \$350 for change of use variance & multi-use variance / \$200 for all others / \$35 for a re-hearing	

Rick Riley’s opinion is to not make any changes to the ZBA’s current fees. He asked the Board’s opinion and everyone agreed.

Approval of 6/12/13 Meeting Minutes

Last item on agenda was to review and approve the meeting minutes for 6/12/13. Rick Riley read aloud portions of the minutes as a refresher and asked if the Board was prepared to accept the

minutes. John Devereaux made a motion to accept the minutes for 6/12/13 and Greg Lepine seconded. Motion carried 3-0-2. Two members, John Regan and Laura Gandia, abstained because they want to take more time to review the minutes first.

Agriculture Overlay District

Rick Riley asked if there was anything else that the board wanted to discuss. Laura Gandia mentioned that there are a lot of changes that are being proposed to be reviewed on 12/17/13 and one of them is the agriculture overlay district which is brand new. The Board discussed what that is. Laura Gandia read aloud the purpose "The agriculture conservation district is intended to promote areas of the community that are well suited for agriculture. The overlay district is authorized and enacted in accordance with RSA 2134A Farm Agriculture Farming and the objective to protect, promote and encourage the continuation of farming in areas with the most suitable soil in areas historically farmed."

Rick Riley asked if there was any other business. The Board did not. John Devereaux motioned and Greg Lepine seconded the motion to adjourn the meeting. Motion carried 5-0-0.
Meeting adjourned at 8:05pm

Respectfully submitted,
Gisele Mercier

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