

TOWN OF EAST KINGSTON ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

October 26, 2022

Pound School
41 Depot Road
East Kingston, New Hampshire

Tim Allen, Chair
Ed Robbins, Vice Chair
7:00PM

AGENDA

No Public Hearings Scheduled

Board Members present: Tim Allen – Chair, Dave Ciardelli, and Ed Robbins – Vice Chair. Absent: Frank Collamore, Nate Maher, and Alternate Paul Falman.

Chairman Allen opened the meeting at 7:18pm followed by the roll call.

APPROVAL OF MINUTES

Board members reviewed the minutes from July 28, 2022.

MOTION: Chairman Allen motioned to approved the July 28, 2022 minutes; seconded by Mr. Ciardelli. With no further discussion the motion passed 2-0-1 (Vice Chair Robbins abstained).

RULES OF PROCEDURE

Board members reviewed the draft Rules of Procedure noting the purpose of the document is to inform the public and applicants of the process for submitting an application to the board as well as the expectations in how those applications are adjudicated. Highlights of the proposed changes included updating sections to align with state statute, linking referenced statutes to the official state statute website, incorporating HB1661 requirements, posting pertinent board information to the town's website, adding timeline, finding of fact, issuance of decision, amendments and waiver sections. The recording of written decisions at the Registry of Deeds was discussed and by general consent, it was determined that denials for accessory dwelling unit cases would not be recorded at the Registry, all variance decisions would be recorded with a 30-day hold on denials, and all other decisions would be recorded on a case-by-case basis. A notation for recording will be added to board checklists. The term "chairman" to be changed to "chair," board member training would be noted as optional, and Appendix A – Land Board Secretary job description was reviewed.

MOTION: Vice Chair Robbins motioned to move forward the Rules of Procedure as corrected and amended to the next available meeting for adoption; seconded by Mr. Ciardelli. With no further discussion the motion passed 3-0-0.

UPDATES TO ZBA LAWS

The board reviewed new ZBA laws resultant of the passing of HB1661.

- The Office of Planning and Development shall provide an optional 30-question ZBA test based on the information in the ZBA handbook to satisfy board member training requirements.
- Land Use Board Fees be published on the town website – this was completed back in August as part of the Planning Board's initiative to comply with HB1661.
- Written Finding of Facts for all decisions whether granted or denied must be provided to the degree of the complexity of the case. In many cases, a checklist of requirements may suffice. A sample ADU finding of fact form and variance finding of fact form were provided.
- All ZBA case decisions to be made within 90 days unless the applicant agrees to an extension.

VARIANCE APPLICATION FORM UPDATE

The board reviewed an updated variance form that included excerpts from the New Hampshire Local Government Center publication The Five Variance Criteria In The 21st Century that would assist applicants in filing for variance. Discussion ensued on the first and second prongs of the hardship criteria where examples for fair and substantial relationship, unique character of property, and special conditions existed.

ZBA CASE MASTER

The board was provided a master list of all ZBA cases since the 1980's that included the name, location, MBL#, type of hearing, purpose reason for the hearing, and the board's action. Decisions recorded at the Registry of Deeds were marked with book and page recording numbers. The purpose of this list was to provide a historical record that could be referenced and researched as needed.

ZBA MEETING MINUTES UPDATE

The board was informed that all ZBA meeting minutes as far back as the 1980's have been converted into an electronic format. All signatures were redacted for identity fraud prevention reasons. The plan is to post these minutes to the town's new website once it goes live.

2023 PUBLIC HEARING AND SUBMISSION DEADLINE DATES

The board reviewed and approved, by general consent, the schedule for meetings and application submission deadlines for 2023 as presented.

SET NOVEMBER AND DECEMBER MEETING DATES

The board designated November 29th and December 29th as tentative meeting dates due to the Thanksgiving and Christmas holidays. All board members will be polled before these dates are finalized.

OTHER BUSINESS

Noting the Planning Board was currently working on proposed amendments to the zoning ordinance, board members were informed of amendments to be made to accessory dwelling unit provisions that would clarify septic design requirements.

With no other business before the board, the meeting adjourned at 8:39pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on November 29, 2022.