

Town of Warner
Zoning Board of Adjustment

Meeting Minutes

Wednesday June 13, 2018
7:00 PM Warner Town Hall

1. OPEN MEETING and ROLL CALL

Harry Seidel	Barbara Marty	Sam Bower
Janice Loz (Chair)	Howard Kirchner (Vice Chair)	
Elizabeth Labbe	Beverley Howe	

2. APPROVAL OF MINUTES – May 29, 2018

Howard: Motion to approve minutes as amended.

Beverley: Second.

APPROVAL: Meeting minutes approved as amended, unanimous vote.

Discussion about how corrections are made to the minutes. Janice would like complete sentences, even if that is not what was said.

Elizabeth Labbe – noted that we follow parliamentary procedure.

Sam – thinks it is good that we look, and then if the person is here and agrees with the change, then it can be ok. Also, you can mis-speak, and then when you read the minutes you realize you did not mean to say that.

Harry Seidel – I think we can make up our own rule. The written word should be what is on the tape. If it is more than that, then you can add an asterisk. We can consult with the lawyer on the minutes. The rule is that you are supposed to go by what is recorded verbatim.

Sam: Somewhere down the line, people reading should understand the meaning. I think it is good to have general consensus.

Janice: Minutes do not have to be verbatim. Then you are not getting everything that was said. Once the minutes are approved, then they are the official minutes and tapes can be erased unless someone has requested that the tape is saved.

Sam: If somewhere in the future, someone reads the minutes, they should understand what we were trying to say. I do like the script, the word-by-word refresher on contentious issues.

Janice: In the future we have had minutes that were not verbatim but you still got the message.

Howard: And they were harder to read. I like this method.

Sam: Agreed. Maybe on some cases, that are more complicated, then we save the minutes longer.

Diane: I have not deleted any minutes, everything is saved. But after the minutes are approved, they are the official minutes.

The board agrees that trying something less scripted would be OK to try for this meeting as long as the meaning is clear and ideas are conveyed. We don't have to be super picky about edits if it does not change the meaning, and it is understood.

3. COMMUNICATIONS:

Review Decision Case ZBA 2018-02 Manufactured Housing Cluster Development

Barbara feels we changed the minutes to reflect a different phrasing. The board agrees that it says the same thing. "The board has found no substantial evidence, " as opposed to "The applicant did not present."

EMAIL COMMUNICATION GUIDELINES:

Harry sent an email to the board which should not have been sent. Howard apologized that he did not notice it earlier as he would have read it into the meeting minutes. Fortunately nobody responded to the email, and most people did not see it. An email to the entire board is part of the public record and members should not gather to discuss their votes, which they do not. This is just a reminder.

Janice: Anytime you want to send something the board, it should go to Diane for distribution. You can discuss with the board as long as you are not discussing the case. The email is part of the public record which will be filed with public record.

Howard asked if there are any other times that board members are allowed to discuss the merits of a case (either with one another or with the public) other than when the board is deliberating on a motion, and after the public hearing is closed.

Janice: During board deliberations it would be OK to discuss. After a motion, alternates cannot speak. We can ask questions of one another.

Janice: In September we will have a joint meeting with the planning board. We usually come up with a list of things that we found awkward about the ordinances. Please come up with anything you think is awkward and could be fixed in some way. Bring suggestions to the meeting. For example, internally lit signs. Perhaps the PB would like to put something else before the board.

Janice: With regards to tiny houses, we will wait to develop guidelines about tiny houses until the state is done with tiny houses.

Beverley: I would like them to limit the land in Warner that can be used for mobile homes to what we have now. This would need to be voted on at town meeting.

Janice: Please send all your suggestions to Diane if we do not have a meeting in July.

There will be a SEPTEMBER 17, 7pm COMBINED MEETING WITH PLANNING BOARD

4. NEW BUSINESS

REVIEW REFORMATTED VARIANCE APPLICATION

Janice worked on a new document. Everyone agreed that the new document looks great.

Howard said that there is a difference between a “size” and “use”.

There was discussion on how an application is accepted, and that going through each of the five criteria before accepting the application is what some towns do.

Howard: When we talk about dimension, we sometimes look at the footprint, and then other times look at an overhang. We sometimes say pass with conditions.

Janice: I will look into size vs use.

Harry: I did not go to the most recent planning conference, and I don't know that it has changed, but I mentioned it before and noticed it again with the tiny house hearing. As I understand it, in all the years I have done zoning, the applicant makes a presentation, the public speaks, the zba deliberates, and then the zba makes a motion. “The motion is to consider the application presented tonight for a, b, c, and then each member gets asked to vote.” “I vote to grant or I vote to deny because,” Those that are voting to deny give the reason. What we are doing is deliberating as a group,

Elizabeth – I just need some clarification. The way that I understand that we do it now is that we go through, then we close the public hearing, then deliberations, then there is an actual up or down vote.

Howard: I vote against a vote to deny, but I don't get to say that the way it is now.

Janice: Yes you do, during the discussion.

Howard: Suppose we have a motion to end the discussion, and I might say, “I don't feel we should end the discussion.”

Harry: I'm not talking about that though. When we take the vote to approve or deny, the motion was to deny, so you voted in favor of deny. That is just my view, in my experience. Back to what Howard was saying, when you are making the motion and going into the deliberative stage, if I'm the presenter, and I don't think I have five nay's, I stop the case and say, “We would like to

continue the case, I have heard some concerns.” I would try to stop if I could because the deliberative goes right into the vote.

Barbara: At the conference, they said whatever way your board does it you should be consistent.

Janice: Each Chair can try a different process.

Howard: What if it comes up and I say next month I’m going to be out of state, and I’m going to be an important vote on the case? If they get it continued, they might get an alternate to come in and swing the case. That is why we vote to continue. Let’s be sure we think about having brought up everything before voting. It is interesting to get things from Harry’s point of view because he has a lot of experience.

Harry: If you ever have a chance to go to another town, it can be very interesting. I go because I am presenting. I was once presenting in Concord and started to go through my presentation when the chair stopped me and said, “We have your application, do you have anything else?” They did not want me to read everything, just get to the point.

Sam: When we start getting 6 cases per night, maybe we can speed thing up.

Janice: I noticed that the Planning Board has a note on their agenda that meetings end at 10pm, and we put that on our agenda too. Sometimes it is very good to continue to the next month to read things that you might not have heard during the meeting.

Motion to Adjourn by Beverley

Second by Sam.

Meeting adjourned at 8:08pm