

TOWN OF THORNTON

Zoning Board of Adjustment

Approved on:	2/27/24
ZBA Initials:	
Rec'd by Town Clerk on:	2/27/24
Town Clerk Initials:	ACB

ZONING BOARD OF ADJUSTMENT MEETING MINUTES

November 20, 2023

WELCOME:

Chairman Joe Monti welcomed the members.

CALL TO ORDER BY CHAIR:

Mr. Monti called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

ROLL CALL BY CHAIRMAN:

Mr. Monti completed the roll call.

The following members were present: Chairman Joseph Monti, Vice-Chairman Maureen Patti, Joan Marshall, Alan Rawson, Jerry Sobolewski, Alternate Roger Robidoux, Board Assistant Kerrin Randall

The following members were absent: Alternate John Maher

Others Present: Steven Babin, Shawn Magoon

Others Present on Zoom (names are as they appeared): Jen McGibney

REVIEW/APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of July 27, 2023 the members took the following action:

MOTION: "To accept the Minutes of the July 27, 2023 meeting as presented."

Motion: A. Rawson

Second: J. Sobolewski

Discussion: None

Vote: 3 - YES, 0 - NO, 2 - ABSTAIN (J. Marshall, M. Patti)

Motion passes.

COMMUNICATIONS AND MISCELLANEOUS:

Letter of Support re: Central New Hampshire Climbers

Mr. Monti reviewed that a letter of support was submitted for the CNHC proposed rock climbing venture. He asked that the correspondence be placed in the ZBA files, as there is no application before the Board at this time.

MOTION: "To retain the letter of support until such a time as there is an application submitted by CNHC."

Motion: M. Patti

Second: J. Sobolewski

Discussion: None

Vote: 5 - YES, 0 - NO, 0 - ABSTAIN

Motion passes.

Zoning Ordinance Requests

Mr. Monti stated two requests were submitted by Mr. Babin for the removal of language regarding short term rentals and dwellings per lot from the Zoning Ordinance. Mr. Monti asked that discussion on whether the ZBA has jurisdiction over these requests occur.

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Ms. Marshall stated there are specific items that the ZBA has jurisdiction to hear; waiver requests, variance requests, equitable waivers of dimensional requirement, and appeals of administrative decision. She stated that she does not see the ZBA having the authority to vacate something in the Zoning Ordinance.

Ms. Patti agreed with Ms. Marshall and commented that the ZBA cannot vacate an action that was voted on by the legislative body. Ms. Marshall added that the RSA is specific on what actions the ZBA can take.

Mr. Monti cited RSA 674:33 and 674:33a and stated that his interpretation of those is that the ZBA does not have authority to make a decision on those topics.

Ms. Patti stated that she feels the ZBA would be in violation of RSA 677:2 if it were to act, and it would not be appropriate for the ZBA to take action.

Mr. Rawson commented that any appeal of a decision made by the local legislative body needs to go before the BOS 30 days after the decision. Ms. Patti confirmed this by reading RSA 677:2 aloud.

Mr. Monti stated the dwellings per lot language was voted into the Zoning Ordinance in March 2022 and the short term rental language was voted in in March 2020. Ms. Patti stated the timeline to appeal to the BOS has long passed, and it is beyond the procedures of the ZBA.

Mr. Monti summarized that the Board finds that the requests do not fall into the four (4) types of applications that can be heard by the ZBA, the requests are not covered by the authority granted to the ZBA by the State, and the time to appeal a decision of the legislative body has expired.

MOTION: "To affirm that the ZBA has no jurisdiction to address the concerns raised in the correspondence received."

Motion: M. Patti

Second: A. Rawson

Discussion: Ms. Marshall reiterated that the requests do not fall into the four (4) types of applications that can be heard by the ZBA, the requests are not covered by the authority granted to the ZBA by the State, and the time to appeal a decision of the legislative body has expired.

Ms. Patti stated there is no background provided for why the requests are being made or the intent behind the submission. She commented there are other avenues that one can pursue to change the Zoning Ordinance that include submitting a petition warrant article, asking the Planning Board to propose an amendment, or bring the concerns to court.

Mr. Babin requested to be heard and Mr. Monti stated that Mr. Babin was out of order.

Mr. Monti reviewed that the discussion points will be added as part of a letter to Mr. Babin on his submitted correspondence. He stated the current motion is regarding the jurisdiction of the ZBA to act on the requests.

Vote: 5 - YES, 0 - NO, 0 - ABSTAIN

Motion passes.

Resignation of Alternate Member

Mr. Monti stated a letter of resignation was received from Mr. Maher.

MOTION: "To accept the letter of resignation from Mr. Maher."

Motion: M. Patti

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100 **Second:** J. Sobolewski
101 **Discussion:** None
102 **Vote:** 5 - YES, 0 - NO, 0 – ABSTAIN
103 **Motion passes.**
104

105 Mr. Monti asked that a letter be drafted and sent to the BOS regarding the acceptance of the resignation.
106 Mr. Monti asked that a letter of thanks be sent to Mr. Maher for his time on the Board.
107

108 **OTHER BUSINESS:**

109 Legal RFP Update

110 Mr. Monti reviewed that the BOS has contracted with Donahue, Tucker, and Ciandella PLLC for legal
111 services in order to have one law firm represent the Town. Mr. Monti stated Attorney Boldt will remain
112 the ZBA legal counsel and the BOS and Planning Board will have different attorneys in the same firm.
113

114 Town Report Review

115 Mr. Monti asked that the Board review the ZBA submission for the Town Report and distributed copies
116 to the members for review.
117

118 2024 Meeting Dates

119 The Board reviewed the 2024 meeting dates. Ms. Patti asked that a notation be added for meetings that
120 are being held on days other than Thursdays; these days are to accommodate for holidays.

121 **MOTION: “To approve the 2024 meeting dates as amended.”**

122 **Motion:** M. Patti
123 **Second:** A. Rawson
124 **Discussion:**
125 **Vote:** 5 - YES, 0 - NO, 0 – ABSTAIN
126 **Motion passes.**
127

128 Mr. Monti asked Board members if they had anything to share, and there was no comment. Mr. Monti
129 asked Ms. Randall for comments, and Ms. Randall commented that the BOS has agreed to allow for third
130 party recording of meetings and that the ZBA meetings moving forward will be following suit.
131

132 Mr. Monti asked ZRO Magoon if he had anything to add and ZRO Magoon had no comments.
133

134 Mr. Babin asked to speak and was acknowledged by Mr. Monti.
135

136 Mr. Babin stated he would like to enter two (2) items in the record that were not taken into consideration
137 before it was deemed that the ZBA did not have authority to act on his requests; a letter from Chris Boldt
138 and the ZBA. He stated he finds the process that has occurred at this meeting concerning and commented
139 that the ZBA is losing their local rule.
140

141 Mr. Babin stated that the ZBA deliberated over jurisdiction to act, and he would not have submitted his
142 requests to the ZBA if no action could be taken. He stated that he finds it offensive that it has been
143 suggested that time has been wasted in this pursuit and that it is unfortunate that the ZBA has missed an
144 opportunity to act.
145

146 Mr. Monti thanked Mr. Babin and stated that this is a public meeting, not a public hearing.

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147 **ADJOURNMENT:**

148 **MOTION: "To adjourn at 7:05 p.m."**

149 **Motion:** M. Patti

150 **Second:** J. Marshall

151 **Discussion:** Mr. Monti commented that the BOS will not be hosting a holiday party this year, and
152 a check in the amount of \$50.00 will be sent to Board and Committee members as a 'thank you'
153 for their work.

154 **Vote: 5 - YES, 0 - NO, 0 - ABSTAIN**

155 **Motion Passes.**

156

157 Respectfully submitted,

158

159 Kerrin Randall

160 Zoning Board Assistant