

# TOWN OF RAYMOND

## Zoning Board of Adjustment Agenda

December 15, 2021

Raymond High School, Room 109, 45 Harriman Hill Rd.

7:30 pm

Application #2021-012

### Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. \**

#### 1. Call to Order

- Pledge of Allegiance

#### 2. Public Meeting-

**Application #2021-012**- A variance application has been submitted by Kathleen Morneau & John Littlefield for property identified as Raymond Tax Map 42/ Lot 10, located at 72 Mountain Road, Raymond NH, 03077 within Zone B. The applicant is proposing to build a shed 21 feet from the side property line and 15 from the rear property line where 25 feet is required. The applicant is requesting relief from **Article 15.2 Section 2.1** Excepted from this requirement are all buildings on any pre-existing lot in Zones B, C, D or E or **less than two (2) acres**, which shall require setbacks of twenty-five feet (25') from all property lines.

#### 3. Approval of Minutes

- 11/17/2021

#### 4. Other Business

- Staff Updates –
- Board Member Updates
- Any other business brought before the board-

#### 5. Adjournment of Public Meeting (NO LATER THAN 10:00 P.M.)

Note: If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.

# TOWN OF RAYMOND

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Raymond High School, Room 109, 45 Harriman Hill Rd.

7:30 pm

Application #2021-012

## ZBA Meetings 2021

<b>Submittal Deadline for Completed Application &amp; Materials</b>	<b>Zoning Board Meeting Dates (4th Wednesday of the Month)</b>
November 24, 2021	December 15, 2021

Note: If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.



# TOWN OF RAYMOND

Community Development Department  
Office of Planning & Zoning  
4 Epping Street  
Raymond, NH 03077

Tel: (603) 895-7018  
Fax: (603) 895-0903  
<http://www.raymondnh.gov>

Discuss each of the following questions based upon the evidence provided by the applicant, one at a time. DO NOT TAKE A VOTE ON EACH QUESTION.

## VARIANCE WORKSHEET

PROJECT NAME: \_\_\_\_\_ FILE #: \_\_\_\_\_ ARTICLE: \_\_\_\_\_ SECTION: \_\_\_\_\_

1. Granting this variance will not be contrary to the public interest:
2. Granting this variance will be consistent with the spirit of the ordinance:
3. Granting this variance will do substantial justice:
4. Granting this variance will not diminish the values of surrounding properties:
5. Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...
  - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and:
  - b. The proposed use is a reasonable one:

\*\*\*\*\*

## ALTERNATIVE

*If the criteria of 5a and 5b are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

**\*\*NOTE\*\*** *If there is any reasonable use, including an existing use, that is permitted under the ordinance, then this alternative is not available.*

1. Is there any reasonable use (including the existing use) that is permitted under the ordinance?



# TOWN OF RAYMOND

Community Development Department  
Office of Planning & Zoning  
4 Epping Street  
Raymond, NH 03077

Tel: (603) 895-4735  
Fax: (603) 895-0903  
http://www.raymondnh.gov

## Application for a Variance

Side & Rear setbacks

### Site Information

Property Address: 72 Mountain Rd

Map #: 42 Lot #: 10

### Property Owner Information

Name: Mathleen Morneau, John Littlefield (Phone: (603) 244-6246  
(603) 345-0223)

Address: 72 Mountain Rd Raymond NH 03077

Address: \_\_\_\_\_

### Applicant/Agent Information

Name: Same as above Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

### Complete the Following

A variance is being requested from Article 15, Section R.2.1 of the Town of Raymond Zoning Ordinance in order to Build a 12' x 10' shed for storage use only. The proposed shed will be stick built 12' high from floor to peak.

### Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

1) Granting a variance would not be contrary to the public interest because: The shed will be located on the land owner's property, behind the home and not cause any disturbance to neighbors.

2) Granting a variance would be consistent with the spirit of the ordinance because: this would allow storage space for the homeowner and it would not have a negative impact on property value for the existing home or surrounding properties.

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3) Granting a variance would do substantial justice because: \_\_\_\_\_

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4) Granting a variance would not diminish the values of surrounding properties because: \_\_\_\_\_

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5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

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b. The proposed use is a reasonable one because:

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6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.





# TOWN OF RAYMOND

Building Department  
Office of Code Enforcement  
4 Epping Street  
Raymond, NH 03077

Tel: (603) 895-7020  
Fax: (603) 895-7064  
http://www.raymondnh.gov

Dec 15<sup>th</sup>

## Minor Building Permit Application

**Property Information - Where is the work being proposed?**

Address: 72 Mountain Road Zoning District: B Tax Map#: 42 Lot #: 10  
Lot Size (acres): .44 Located within a Special Flood Hazard Area (100-year floodplain): Yes: \_\_\_\_\_ No: X

**Owner Information - Who owns the property where the work is being proposed?**

Name: Kathleen Morneau/John Littlefield Phone: 603 244-6246 or 603 346-0223 Email: ksamountain@gmail.com  
Address: 72 Mountain Road City: Raymond State: NH Zip: 03077

**Applicant Information - If different from property owner.**

Company Name: N/A Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Project Description - Describe what you are building and its intended use.**

Build a 16ft x 12ft storage shed

**Additional Project Details - Provide the requested information, as applicable to your project.**

Height: 12 ft Length: 16 ft Width: 12 ft  
Square Footage: 192 Estimated Cost: \_\_\_\_\_  
Anticipated Duration of Construction: Start: December 2021 Finish: April 2022  
Use of Building/Structure: Residential \_\_\_ Commercial: \_\_\_ Industrial: \_\_\_ Municipal: \_\_\_ Other: x \* non-living space/storage

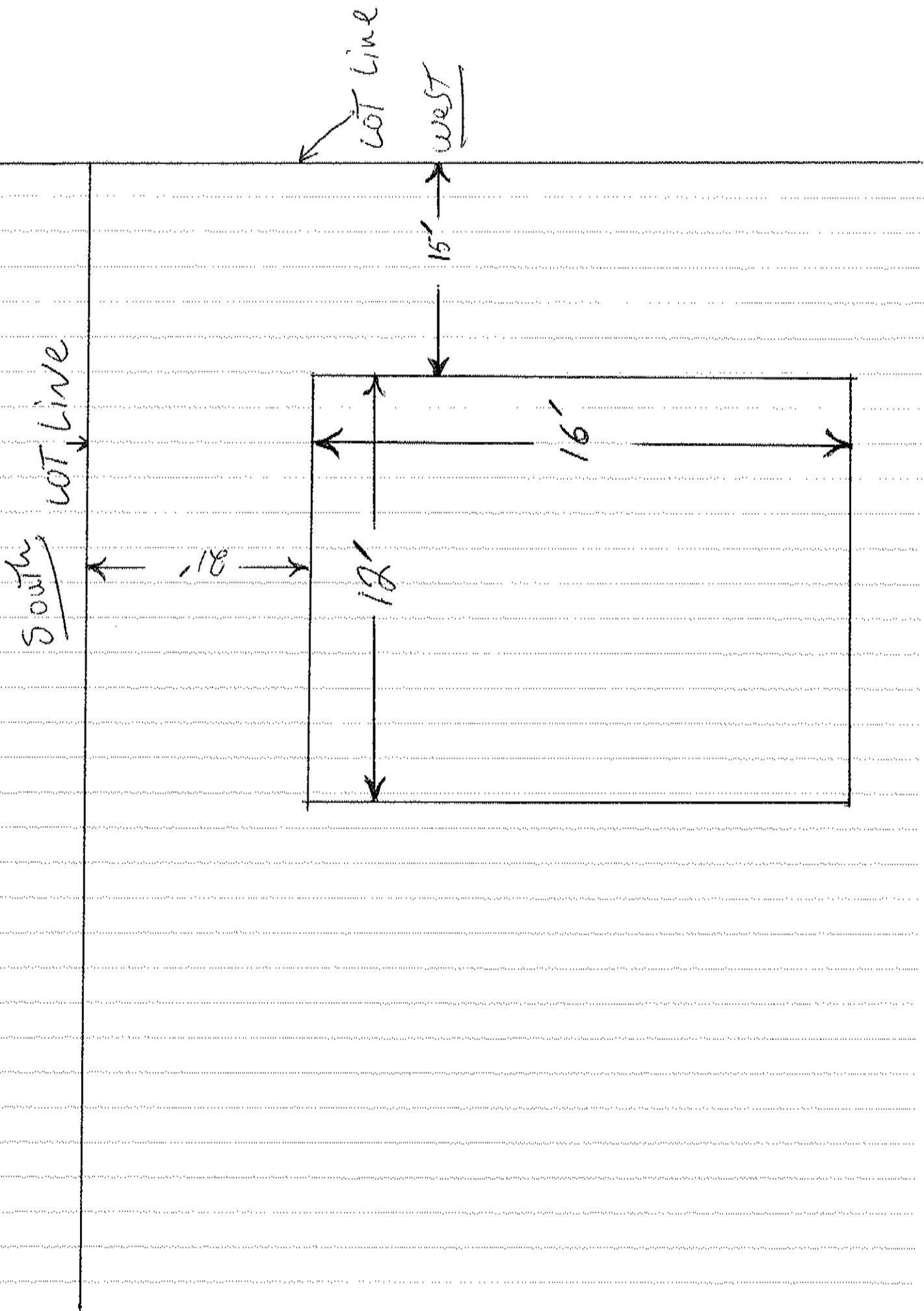
**Signature of Applicant**

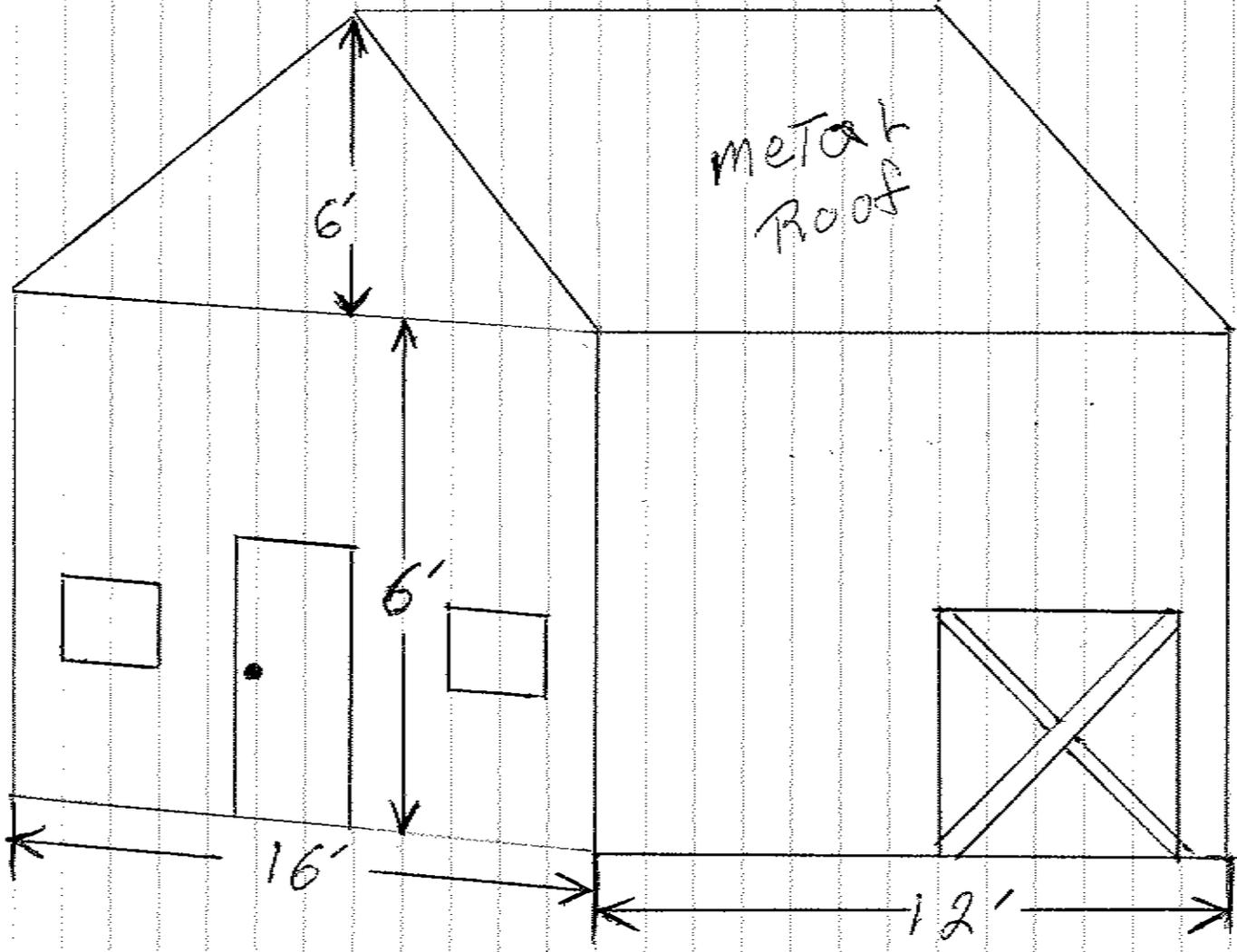
I hereby declare that the statements and information contained on this application and submitted in conjunction with said application are true and accurate, to the best of my knowledge. I understand that I am responsible for ensuring all construction or other work will be completed in accordance with applicable Federal, State and Local laws, regulations, codes and ordinances, including but not limited to the State of New Hampshire Building Code (RSA 155-A). I understand that I am responsible for ensuring all inspections will be completed as required by the Town of Raymond and that no structure will be used in violation of Federal, State and Local laws, regulations, codes and ordinances. The making of a false statement on this application shall constitute a criminal offense.

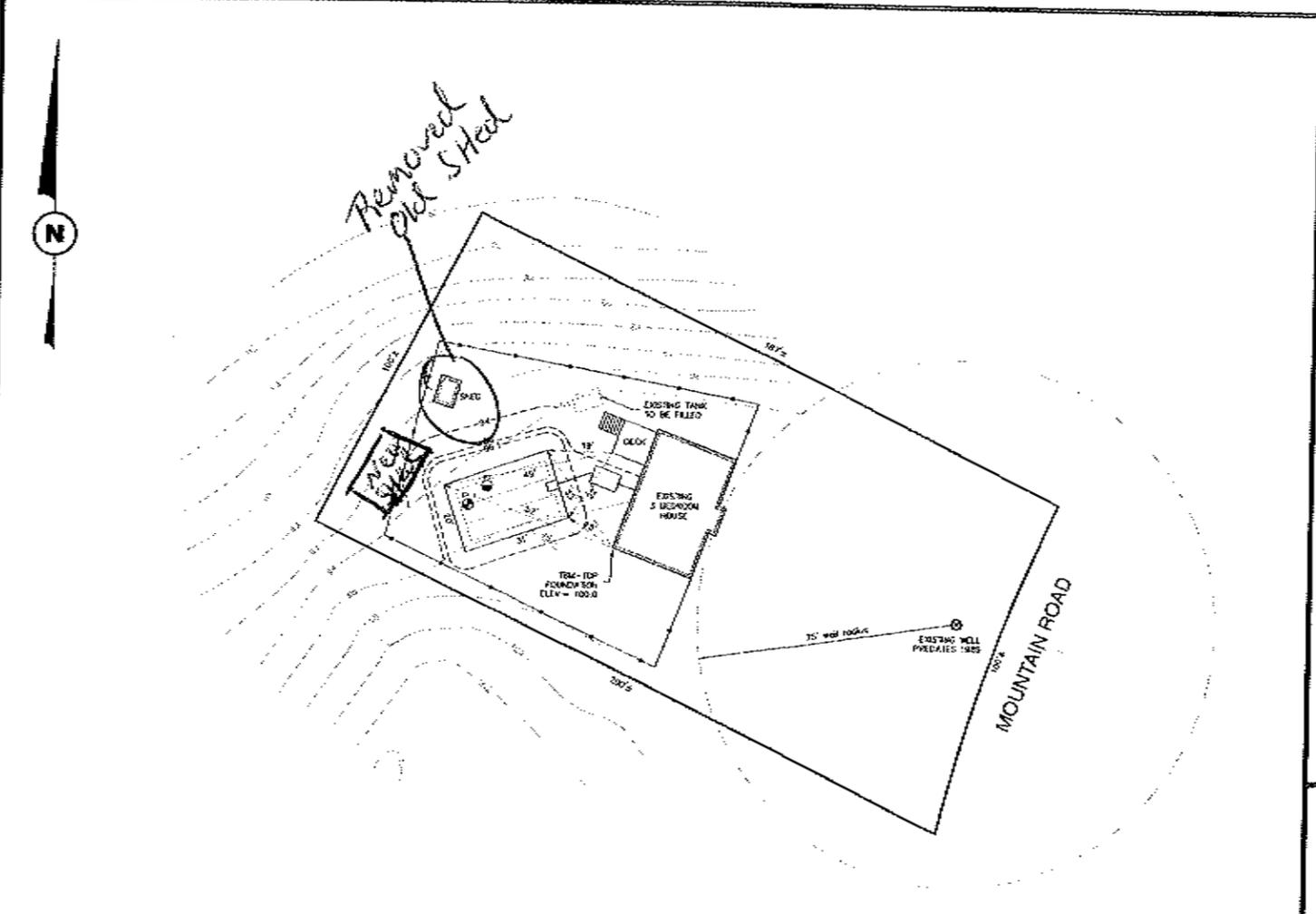
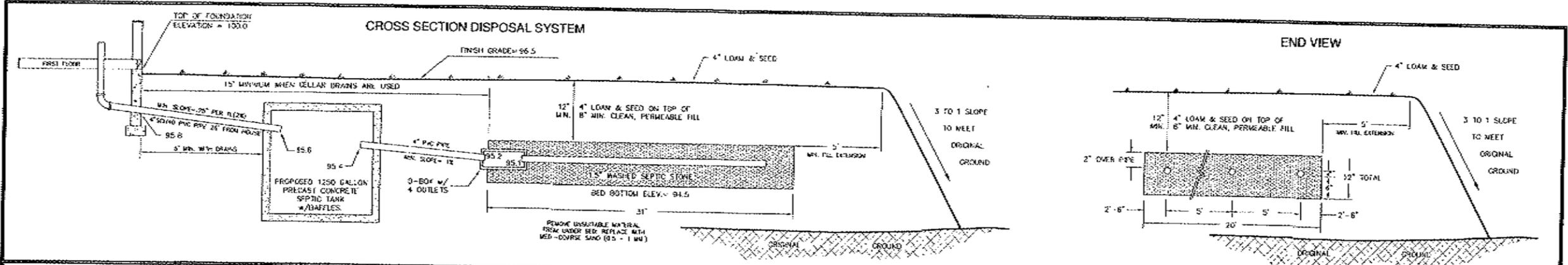
I hereby certify that I am signing this application as the: Property Owner: X Authorized Agent: \_\_\_\_\_  
\*If you are not the property owner, a notarized letter of permission from the owner authorizing you to submit this application is required.

Attest: Kathleen Morneau  
Signature of Applicant

Date: 11.8.2021







**LEACH BED REQUIREMENTS**

PERCOLATION RATE: 1" PER 4 MINUTES @ 18"

NUMBER OF BEDROOMS: 3 (THREE)

HYDRAULIC LOADING: 150 GPD/BEDROOM = 450 CPD

SYSTEM AREA REQUIRED: 617 Sq.Ft.

SYSTEM AREA PROVIDED: 20' x 31' = 620 Sq.Ft.

**DESIGN INTENT**

THE INTENT OF THIS DESIGN IS TO MAINTAIN AT LEAST 3.0 FEET ABOVE THE SEASONAL HIGH WATER TABLE AND 4 FEET ABOVE LEACH BED OR IMPERMEABLE SUBSTRATIUM BY CONSTRUCTING THE BED BOTTOM OF THE EFFLUENT DISPOSAL AREA AT ELEVATION 94.5 WHICH IS APPROXIMATELY 1.6 FEET BELOW ORIGINAL GROUND ON THE HIGH CONTOUR OF THE DESIGNED EFFLUENT DISPOSAL AREA.

**GENERAL NOTES**

THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY.

ANY DISCREPANCY BETWEEN THESE PLANS AND THE FIELD CONDITIONS IS TO BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION.

THE SEPTIC SYSTEM IS NOT DESIGNED TO HANDLE A GARBAGE DISPOSAL UNIT.

SEPTIC TANKS SHALL HAVE INLET AND OUTLET BAFFLES INSTALLED AND BE WATER TIGHT. ALL JUNCTIONS, MALES, OUTLETS, ETC. TO BE SEALED WITH NON-SHRINK MORTAR OR LEAK WATER TIGHT NEOPRENE GASKET SEALS CAST INTO THE CONCRETE BY THE MANUFACTURER. PRECAST CONCRETE COMPONENTS MAY BE PURCHASED FROM "A.J. FOSS" OR EQUAL.

THERE ARE NO SURFACE WATERS WITHIN 75 FEET OF THE PROPOSED EDA. THERE ARE NO POORLY DRAINING SOILS WITHIN 50 FEET AND NO VERY POORLY DRAINING SOILS WITHIN 75 FEET OF THE PROPOSED EDA AS DELINEATED BY ADAM R. FOGG, DESIGNER No. 1377 FOR Env-Wq 1014.03.

LEACH LINES TO BE LAID LEVEL AND INSTALLED IN ACCORDANCE WITH Env-Wq 1017.05 AND Env-Wq 1017.01.

SEPTIC STONE SHALL BE CLEAN, UNIFORMLY-SIZED WASHED CRUSHED STONE, WASHED ROCK, OR SIMILAR AGGREGATE, 1.5 INCH FREE OF FINE, 0.75 INCHES TO 1.5 INCHES, IN ACCORDANCE WITH Env-Wq 1016.04.

THE INSTALLED SYSTEM SHALL BE LEFT EXPOSED UNTIL INSPECTED BY A REPRESENTATIVE OF THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES.

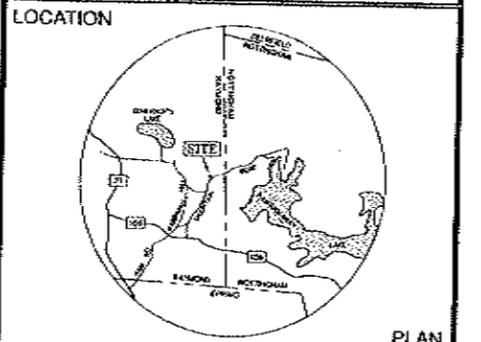
SYSTEM SHALL BE REBUILT IN PLACE SHOULD FAILURE OCCUR.

THIS PLAN CONFORMS TO ALL APPLICABLE LOCAL SEPTIC SYSTEM ORDINANCES AND REGULATIONS AS APPROVED AND STAMPED BY THE LOCAL AUTHORITY. IF APPEARS THAT THIS PARCEL IS NOT LOCATED WITHIN THE FLOOD HAZARD ZONE, THE SHORELAND PROTECTION ZONE, OR THE AQUIFER PROTECTION ZONE.

**TEST PIT DATA**

SEE ATTACHED DATA

SOIL TYPE: 140C: Chatfield-Hollis-Condon  
"Soil Survey of Rockingham County, New Hampshire"



**SUBSURFACE SEPTIC DESIGN IN FAILURE**

OWNER: KATHLEEN MORHEAU  
72 MOUNTAIN ROAD  
RAYMOND, NH

LOT ADDRESS: 72 MOUNTAIN ROAD  
RAYMOND, NH

SUBDIVISION: PRE-DATES 1967

TOWN INFO: TAX MAP 42 LOT 10 0.44 ACRES  
REGISTRY of DEEDS: ROCKINGHAM BOOK 5215, PAGE 1903

**LEGEND:**

--- 2' CONTOUR LINE

- - - PROPOSED CONTOUR LINE

⊙ EXISTING WELL

⊙ TEST PIT

⊙ PERCOLATION TEST

SCALE: 1 inch = 20 feet

0 10 20 40

JUNE 12, 2015  
CAD FILE: 15117

SEAL: HAMPSHIRE  
Professional Engineer  
Subsurface Disposal Systems  
Adam R. Fogg  
No. 1377  
Water Supply & Pollution Control

**ATLANTIC SURVEY CO., LLC**

149 Mill Road, Durham, New Hampshire 03824

PREPARED BY: SUPERVISOR PLANNERS SEPTIC DESIGNERS

603-659-8939

REVISIONS TO BE MADE BY THE DESIGNER PRIOR TO CONSTRUCTION. ANY DISCREPANCY BETWEEN THESE PLANS AND THE FIELD CONDITIONS IS TO BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION.

*Adam R. Fogg*  
Date: 6/15/15



41 We will start by advising the applicants that are one board member short this evening, we  
42 normally have a full board would be five members. In order to grant the relief that you request,  
43 you need to have at least well, you need to have three or more affirmative votes. So, in this  
44 case, you need to get at least three out of four. If we do not approve your application, you cannot  
45 use the fact that there was less than a full board as grounds for an appeal. So, you can either  
46 choose to go forward with your application this evening or continue this to a later date. When we  
47 may have a full board.

48  
49 Mrs. Boucher 7:24  
50 So, we'll go forward with tonight.

51  
52 Mrs. Wood 7:54  
53 Okay, so would you please present your case.

54  
55 Mrs. Boucher 7:59  
56 Our house currently, all of us are living there, we would like to divide the house into an  
57 accessory dwelling. My parents bought the house when we were kids, I was five. So now I'm  
58 getting married, looking to have kids and stay in town. I'm a teacher in the town. My mom was a  
59 parent in the town, but they can't keep up with the upkeep of the house anymore. So, to divide it  
60 so we have our area to have our family and then my parents have their area so we're there to  
61 help them as they're getting older and take care of the property. So that's so we're working  
62 within what is currently built and altering it. So that has to do with the square footage because  
63 we're working with what we currently have but trying to make so everything is on one level for  
64 them to not have to worry about the stairs.

65  
66 Mr. Reed 8:59  
67 How many square feet is a house currently?

68  
69 Mr. Boucher 9:04  
70 I believe it's around 2200. I don't know exactly what it is.

71  
72 Greg Arvanitis 9:10  
73 2,141.

74  
75 Mrs. Wood 9:20  
76 So not adding on at all.

77  
78 Mrs. Boucher 9:24  
79 So, we're adding on the cape and a ranch. We're adding on 12 feet to the ranch side and then  
80 12 feet to the Cape side. Due to the way the house is constructed right now we would have to

81 add on a kitchen to the Cape side so that the brand side could keep the current kitchen. So, we  
82 each have a kitchen which would take out the current living room. So, we would have to add on  
83 the 12 feet to make a living room and that additional bedroom upstairs and an office. You know,  
84 we keep going remote, hybrid back and forth and its area to be able to do parent conferences  
85 and stuff like that at home uninterrupted.

86  
87 Mr. McCoy 10:19

88 I have one question. How many bedrooms has the main house have now?

89  
90 Mrs. Boucher 10:23

91 Currently, there are three.

92  
93 Mr. McCoy 10:27

94 Yeah, two down and one up,

95  
96 Mrs. Boucher 10:29

97 Upstairs and technically a bedroom door there is just a lofted area that we're using as an office,  
98 there's this like computer, the exercise equipment. And then there's two bedrooms on the ranch  
99 side, one bedroom on the cape side. And then just the loft area. There's no door.

100  
101 Mr. Boucher 10:50

102 The second floor is just an open area.

103  
104 Mrs. Boucher 11:06

105 I don't think the current plan we didn't commit with the house. Architectural.

106  
107 Mr. McCoy 11:14

108 This is the current existing conditions. shows the rec room upstairs, open stairway.

109  
110 Mr. Reed 11:20

111 Cape side, two bedrooms, the ranch side will have one bedroom.

112  
113 Mr. McCoy 11:33

114 Alright, so you're just you just want to expand it to?

115  
116  
117 Mrs. Boucher 11:52

118 Oh, no, yeah, we're just expanding the current.

119

120 So, we'll have those. It's currently three bedrooms it will still be three bedrooms and with the  
121 addition for expanding like the living room area and then the bedroom location will be relocated  
122 because the current bedroom will become a living room and just in the bedroom will be moved  
123 upstairs.  
124

125 Mr. McCoy 13:41

126 Okay, so we get straight, you don't have a three-bedroom one bedroom with a ranch and two on  
127 the cape. With the upstairs being the office and maybe a bedroom.

128  
129 Mrs. Wood 13:51

130 Yeah, upstairs will be the master bedroom, another bedroom and then the office downstairs.  
131 You're just going to have one bedroom .  
132

133 downstairs we'll just be the kitchen dining room, laundry rooms, living room on the cape. Yes,  
134 and then on the ranch side it'll be the living room, office, bedrooms, bathroom.  
135

136 Mr. Reed 15:33

137 Greg is the reason they're here for a variance because they asked to make this an ADU instead  
138 of just expanding because it doesn't sound like they're adding bedrooms.  
139

140 Greg Arvanitis 15:41

141 It doesn't mean they're not adding bedrooms, they're just expanding. Well, the size of the ADU is  
142 going to be 1300 feet, whereas 1000 feet is a maximum.  
143

144 Mr. Reed 15:51

145 The reason for my question is if they didn't call it an ADU, they already have two dwellings in  
146 one house.  
147

148 Greg Arvanitis 15:56

149 It's really not two dwellings it's configured, while it was a ranch and a cape that what I don't  
150 know, why don't what was first. The cape was first, and he added the ranch to it. So, it was just  
151 an addition,  
152

153 Mr. Reed 16:10

154 It was an addition that has two living spaces. That's why I'm asking a question because this is a  
155 little unusual.  
156

157 Greg Arvanitis 16:25

158 Right, and then they wouldn't have to worry about fire separation, either. Because once you get  
159 into the building code, you have to separate the two dwelling units with a one-hour fire rating.

160 So, I guess if they if they just added on to the building and all lived as one big happy family, it  
161 would eliminate the need for a variance? I would say yes.  
162  
163 Mr. Reed 16:49  
164 Why am I asking the question? Right.  
165  
166 Mrs. Boucher 16:52  
167 I would like a door in the middle.  
168  
169 Mr. Reed 16:56  
170 Nothing says you can't have a door in the middle.  
171  
172 Greg Arvanitis 16:59  
173 If you want to add on to your building, as long as you meet your setbacks. Yeah, you're plenty of  
174 room for it.  
175  
176 Mr. Boucher 17:25  
177 There's 4.6 acres.  
178  
179 Greg Arvanitis 17:27  
180 Yeah. So, you have plenty of room in your room.  
181  
182 Mr. Reed 17:30  
183 Yeah. And if you're not adding bedrooms, it's not a septic system, correct? That's because that's  
184 where some people get into the ADU thing because of the septic thing. If you get a waiver.  
185  
186 Greg Arvanitis 17:40  
187 Because the septic is contingent upon the number of bedrooms in the house, not the number of  
188 kitchens or bathrooms, like that. So yeah, I mean, to get you out of the variance and then again,  
189 with the fire separation of the two units, that's going to be more, it's going to be more costly.  
190 Because you're going to have to separate them, we're going to have to create a door or common  
191 entrance way between them. So, it's great it's a valid point and a good thing, a good possibility to  
192 get out of the variance.  
193  
194  
195 Mrs. Boucher 18:11  
196 So, to not do the variance we do what?  
197  
198 Mr. Reed 18:13  
199 Not do the variance just apply for an expansion of the existing houses.

200  
201 Greg Arvanitis 18:17  
202 Just apply for an additional two additions, one on each end or whatever, whatever you want to  
203 propose as additions.  
204  
205 Mr. Boucher 18:22  
206 And that still wouldn't be considered a duplex such as single-family building  
207  
208 Greg Arvanitis 18:27  
209 Single family dwelling.  
210  
211 Mrs. Boucher 18:29  
212 And it doesn't matter if there's a door dividing.  
213  
214 Mrs. McCarthy 18:49  
215 It's up to you guys. I mean, yeah, that's all we have to do. I believe I don't think I missed  
216 anything there.  
217  
218 Greg Arvanitis 18:56  
219 I probably should have brought it up, but I don't get into the design aspect of anything. Um, you  
220 know, it's, it's a valid alternative, I believe.  
221  
222 Mrs. Boucher 18:56  
223 So just apply for an expansion of both sides.  
224  
225 Greg Arvanitis 19:14  
226 Apply for two additions, where the plot plan showing the location of where they're going to land  
227 with regards to the setbacks, framing plans, foundation plans it just as you have to do it if you're  
228 going to build an addition.  
229  
230 Mrs. Boucher 19:38  
231 Is that an additional fee to apply for that?  
232  
233  
234 Greg Arvanitis 19:55  
235 No. Well as for the permit itself, you're going to have too only for themselves anyway.  
236  
237 Mrs. McCarthy 20:08  
238 Since we've, since we've determined that they are not going to go the variance with the ZBA it  
239 would be only fair that you refund the application fee to them.

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Mr. Reed 20:25

If you were going forward with that, that you just expand your existing building without a variance?

Mrs. Boucher 20:32

I mean if we're allowed to, yeah.

Motion:

Mr. Reed made a motion to refund the application fees for application number 2021 -011, where they don't require a variance. McCoy seconded the motion. The vote was unanimous 4 in favor, 0 opposed and 0 abstentions.

Mrs. Wood 22:21

well, two applications have gone by the board here. The only other things on our agenda are approval of minutes September 22, 2021. And October 27, 2021. So, let's start with the September minutes so everybody had a chance to read the September 22 minutes

Motion:

Mr. McCoy made a motion to accept the September 22, 2021 minutes be accepted as amended. Mr. Reed seconded the motion. The motion passed with a vote of 3 in favor, 0 opposed and 1 abstention.

Motion:

Mr. McCoy made a motion to accept the October 27, 2021 minutes be accepted as amended. Mr. Smith seconded the motion. The motion passed with a vote of 3 in favor, 0 opposed and 1 abstention.

Mrs. McCarthy 30:00

So, a couple of things I noticed you guys were having a big discussion last time about what date you were meeting. So, I want you to know that your schedule is always on the back. Okay, I do the schedule for you at the beginning of the year, and I fix anything that's going to run into a holiday week where we could be shorthanded that we meet the week before, or even possibly the week after given the circumstances. So, if you'll notice, our December meeting is December 15, which is the week before Christmas. So that if anybody has travel plans or vacations, or

280 anything like that, we try to avoid all major holidays, Fourth of July. You know, Thanksgiving,  
281 Christmases, anything like that.  
282  
283 Mrs. Wood 30:55  
284 Makes perfect sense to me. So, I try to have as many people here as we possibly can.  
285  
286 Mrs. McCarthy 31:00  
287 Exactly. And I try to get your meetings for the year done in December, so that you can review  
288 them, we can talk about anything that is odd that comes up, we usually make notes of the  
289 holidays, the changes I've made so that we have that all set. So, they're always going to be on  
290 the back of your agendas. So, if you ever falter for what day you're supposed to be meeting, it's  
291 always in your hands, as long as you have your agenda. I also gave everybody a cheat sheet on  
292 meeting how the meetings are supposed to go. Sure. So that if you're ever in a position that you  
293 have to be the meeting controller, you have a copy of the meaning process. All right. So, Tim,  
294 last week, they accepted I'm sorry, not last week, last month, they accepted Joe Jovialities his  
295 resignation letter.  
296  
297 Tim Cahill 32:04  
298 I saw that.  
299  
300 Mrs. McCarthy 32:10  
301 So, he has moved. Keith has offered to fill the permanent position. The board will have to make  
302 a decision on whether they want to recommend an appointment to the board of selectmen so  
303 that we can have that done. Not sure if you were interested in the position?  
304  
305 Tim Cahill 32:32  
306 I would accept the position if it was offered.  
307  
308 Mrs. McCarthy 32:35  
309 Okay. So, you guys have a decision to make. About filling your vacancy, you have two  
310 alternates.  
311  
312 Keith Smith 32:53  
313 No, I did submit the paperwork the next day, like you had said at the meeting. Excuse me, I  
314 submitted the application to move up to Deb and Christina. The following day, as you would note  
315 at the end of the meeting,  
316  
317 Mrs. Wood 33:07  
318 Remind me Christina, the planning board representative is an alternate or full member?  
319

320 Mrs. McCarthy 33:12  
321 Planning Board rep is a full member. That's Brad, Yeah, until March until they change with  
322 another Planning Board member.  
323  
324 Mr. Reed 33:21  
325 And we do that after the town elections every year. That's one of the things we take care of.  
326  
327 Mrs. McCarthy 33:29  
328 Okay. And your board of selectmen rep may change as well in March depending on what  
329 happens. So those are two positions that can be different. Every year.  
330  
331 Mrs. Wood 33:47  
332 The board of selectmen representative is a full member, right.  
333  
334 Mr. Reed 33:53  
335 And they do have an alternate appointment for each board. Did you I know you're talking about  
336 this, but did you elect the vice chairman in case Joyce is not here someday?  
337  
338 Mrs. McCarthy 34:07  
339 We have not done that either. Okay.  
340  
341 Mrs. Wood 34:09  
342 I have been Chair for long enough. I was hoping to pass the gavel to Joe. And I can't do that.  
343  
344 Mrs. McCarthy 34:19  
345 Well, Joe was Chair two years ago. Yeah, but you ended up being vice chair. So, it was kind of  
346 like you guys. You guys have been flipping flopping for the last yet. We did have, I don't know,  
347 five years.  
348  
349 Mrs. Wood 34:32  
350 But as chair for a while. So as far as he moved to Alaska or something.  
351  
352 Mrs. McCarthy 34:37  
353 That was Stephen. Yes. Yeah, he moved to Florida. Yeah,  
354  
355 Mrs. Wood 34:43  
356 It was the opposite corner of the country anyway. One of the opposite corners, right.  
357  
358 Tim Cahill 34:49  
359 So, who makes the decision of who fills the chair, Selectmen, or the zoning?

360  
361 Mrs.McCarthy 34:54  
362 The zoning board makes the recommendation to the board of selectmen to appoint one of you.  
363  
364 Mrs. Wood 35:00  
365 So as far as the new member to the board, see, the two came in at the same time they went to  
366 the meetings. I know, Keith is I see him. He's at the planning board meetings a lot. And it was  
367 some issues, too. I don't know. I had heard rumors that you were going to resign. Is that Nope.  
368 No, that was a rumor as well. I want to get that straight. Because I know the last time you  
369 weren't, you weren't available.  
370  
371 Tim Cahill 35:25  
372 I had sent an email had something come up.  
373  
374 Mrs. Wood 35:29  
375 Okay. Cuz, I mean, that's what so I mean, I'm thinking maybe they gotta flip a coin. I mean, they  
376 came in together and they've been to the site walks. They've made an effort to be here.  
377  
378 Greg Arvanitis 35:44  
379 Do you guys think you should wait for the board of selectmen representatives that make the  
380 decision as a vote or.  
381  
382 Mrs. Wood 35:51  
383 I think we need somebody for the next meeting.  
384  
385 Mrs.McCarthy 35:54  
386 Well, they're your alternates regardless.  
387  
388 Mr. Reed 35:57  
389 We just can't elect them as an officer.  
390  
391 Mrs. Wood 36:02  
392 Well, the Selectmen appoint either as alternates or as full members.  
393  
394 Greg Arvanitis 36:13  
395 My point is, recommendation should start doing you think you should wait until you have your  
396 board of selectmen representative here to make the decision as to whether to flip a coin or pick  
397 one or the other guy, one or the other. Or? I don't know, that's up to you guys. But  
398  
399 Mrs. Wood 36:29

400 It's frankly, it's a tough decision. These guys been good about Yeah.  
401  
402 Greg Arvanitis 36:34  
403 And they'll both be here, you know,  
404  
405 Mrs. Wood 36:37  
406 But it's hard to say which of them has more experience.  
407  
408 Keith Smith 36:50  
409 I can only speak for myself. But then in town since 1985, followed land use built a couple built  
410 quite a few buildings in town, and kept up on the best I can. You see on the outside, following  
411 the meetings and being alongside the Exeter River, I've always had to be aware of what's going  
412 on around town. And I spent a lot of time with Richard Mailhot and Ernie trying to educate myself  
413 about land use in town.  
414  
415 Mrs. Wood 37:22  
416 What's the pleasure of the Board shall we meet until we have Scott or Chris show up? Before we  
417 make a decision here.  
418  
419 Mr. McCoy 37:31  
420 Sounds like this. Okay with me, logic, they're both going to be here. And if I think that makes  
421 sense, we're up for any vote, have a full board. That means the Selectmen member will be here.  
422  
423 Mrs. McCarthy 37:47  
424 The Selectmen will typically appoint a member if it's an emergency situation. They've done it  
425 once since I've been on this board. Your usual course of action is for your ZBA to make the  
426 recommendation for the Select Board to appoint, you know, one, or whatever you they need, or  
427 whoever they decide, is the usual course of action.  
428  
429 Mr. Reed 38:17  
430 Could we pass both names to them and let them decide. I'm just we're running out of meetings  
431 this year for the Selectmen. I know that came up last night on our capital improvements meeting,  
432 right, they were probably going to have to call a special meeting to get those things on the  
433 warrant article. So, if they had another meeting, and they had two names, could they choose?  
434 I'm just asking I don't. Or is that not?  
435  
436 Mrs. Wood 38:42  
437 Normally we send them.  
438  
439 Mr. Reed 38:44

440 Yeah, I think I didn't know he would be open on that side of it.  
441  
442 Mrs.McCarthy 38:47  
443 Yeah. I think it would be better for you guys to send a name up rather than put it in their hands.  
444 They've only like I said, they've only elected one person for an emergency situation. And he  
445 came, I think one meeting and then it was a conflict of interest in hindsight, so he couldn't stay.  
446  
447 Keith Smith 39:10  
448 yeah, part of the reason why I was concerned about it is come to alternate sit on the board. We  
449 ran into that issue tonight, so you don't have a full board. That's why I thought it might be a little  
450 time sensitive because whereas this board is going to meet December 15 Again, and the  
451 selectmen's next meeting would be you're talking into January or February,  
452  
453 Mrs.McCarthy 39:33  
454 Two alternates could sit on the board. The only time that you cannot fill a position with an  
455 alternate is when it's the board of selectmen. You can fill the planning board's position, you can  
456 fill Paul, you can fill Joyce's, you just can't fill Scott's. The Planning Board can't send an  
457 alternate, so you guys are the planning board alternate for that position as well.  
458  
459 Mr. Reed 40:31  
460 Well, Paul's the only other full-fledged member right now and if you were not to show up at our  
461 next meeting, could he, would you even be willing to consider being Vice Chair for the rest of this  
462 year? Through March  
463  
464 Mrs. Wood 40:46  
465 I'm not going to be here in January. Probably.  
466  
467  
468 Motion:  
469  
470 Mr. Reed made a motion that we elect Paul as vice chair of the zoning board; there's no one  
471 else eligible. Mr. Smith seconded the motion. The motion passed with a vote of 3 in favor, 0  
472 opposed and 1 abstention.  
473  
474  
475 Mrs. Wood: 42:59  
476 Have we decided to put off making a recommendation on filling Joe's seat until next month?  
477  
478 Mr. McCoy 43:13

479 Yeah, we have the I don't know let's make it what happens if the selectmen's representative isn't  
480 here next month? We're going to end up in the same situation because you can't fill a selectman  
481 position with an alternate.

482

483 Mrs.McCarthy 44:21

484 Better for them to just give a name. It's better for them to give the name of the board of  
485 selectmen if they don't if they don't know you, then they're not going to know what to pick either.  
486 So, it's the board that works with you. They know you know you guys have been involved with  
487 them too.

488

489 Mrs. Wood 44:37

490 But like I said, I've been around for a while. So, we all have experience, right

491

492

493 Mrs.McCarthy 44:55

494 Are you not going make a decision tonight?

495

496 Mrs. Wood 44:59

497 Do we need to Take a formal vote to defer that decision till next month?

498

499 Mr. McCoy 45:08

500 Alright, got my conversation with this, I think we can make the decision now to get him before  
501 the board the next month, the next few weeks. So, we don't have to wait another month, if  
502 something should happen,

503

504 Mrs.McCarthy 45:20

505 Because you guys don't always have a hearing every month either. So, if something happens in  
506 December, we get a freak snowstorm and that, you know, you're looking at putting this off. And,  
507 you know, you have to have willing people, I know, Keith has gone through and filled out all of  
508 the recommended paperwork, even though he probably necessarily didn't have to, because he's  
509 already on the board as an alternate, but he went through the process and filled out all the  
510 paperwork for it. And, you know, I think it would be in your best interest to make that decision  
511 and get somebody appointed, because you never know what could happen.

512

513 Mrs. Wood 45:57

514 When do the Selectmen meet again?

515

516 Mrs.McCarthy 46:01

517 I don't know off the top of my head. I don't know that you necessarily had to fill out paperwork.  
518 Because if they say if they vote to say, you know, Keith is going to be working out, Keith to be

519 appointed, I have to provide the minutes to the meeting, I have to provide the memo from the  
520 ZBA. And I have to provide the appointment papers. That's all they get  
521  
522 Keith Smith 46:47  
523 I had asked at the last meeting about the process of it. And Joyce said if anybody is interested in  
524 a membership or an alternate position, submit the paperwork. So that's why I submitted the  
525 paperwork. It was her request.  
526  
527 Mrs. Wood 47:03  
528 I think what I said this, this, this board would take a vote and make a recommendation to the  
529 board. So, if you want to make a recommendation to see what would you like to  
530  
531 Mr. McCoy 47:15  
532 I just want to get one thing clear. I know, I know that Tim. Tim was excused from the last  
533 meeting. Right? Because I know, he's been at notice he's been at the selectmen's meetings.  
534 He's been at the planning board meetings.  
535  
536 Tim Cahill 47:30  
537 I was told he couldn't come to the planning board meeting because it would have made a  
538 quorum.  
539  
540 Mrs. McCarthy 47:35  
541 Yeah, so if there's more than that is true.  
542  
543 Mr. McCoy 47:41  
544 I think I just want to go back to my, my feeling is that between the two of them, they did show up,  
545 they did everything we asked them to do.  
546  
547 Mrs. Wood 47:50  
548 Are you talking about the work session?  
549  
550 Tim Cahill 47:52  
551 Yeah, I was told if two of us went then anymore. It was a quorum. So, I abstained from going.  
552  
553 Mrs. Wood 48:01  
554 It would have been a quorum of the zoning board that should have been the possibility of what  
555 should have been noticed  
556  
557 Tim Cahill 48:07  
558 My only question was what if I stood up as a citizen.

559  
560 Mrs. Wood 48:12  
561 That is what I was. I was a citizen at large.  
562  
563 Mr. Reed 48:19  
564 He could not vote on any of the things.  
565  
566 Tim Cahill 48:24  
567 It is a learning process for me because sometimes I go to zoning board meetings or zoning  
568 regular meetings right from Citizen and I don't want to ever make the wrong decision there, so I  
569 just didn't even come.  
570  
571 Mrs. McCarthy 48:39  
572 right. And I wasn't I didn't know who was going to be there so  
573  
574 Keith Smith 48:44  
575 When Paul came in, I stepped down. I was a citizen at large.  
576  
577 Mrs. Wood 50:22  
578 We still need to vote. Yes, right.  
579  
580  
581  
582  
583  
584  
585 Motion:  
586 Mr. McCoy made a motion to recommend Tim Cahill to be a permanent member of the board, so  
587 we can go before the Selectmen as soon as possible. Mr. Reed seconded the motion. The  
588 motion passed with a vote of 3 in favor, 0 opposed and 1 abstention.  
589  
590  
591  
592 Mrs. McCarthy 52:10  
593 I have to do the paperwork. I'll let you know when it's ready. At what, you know, because I have  
594 to wait for the minutes. And because they have to see that they actually made a motion. And I  
595 like good stuff. I'll let you know when the paperwork is ready.  
596  
597 Keith Smith 52:25

598 I read that it was the decision that followed to go forward. That was what I read that work that  
599 both would go forward. And the decision would be this. I didn't even see anything about a  
600 recommendation or anything. I haven't

601

602 Mrs.McCarthy 52:56

603 It's typical of the ZBA to provide a recommendation to the board.

604

605 Keith Smith 53:01

606 Say anything. There is nothing actually cited.

607

608 Mrs.McCarthy 53:08

609 ZBA Rules of Procedure

610

611 Mr. McCoy 53:21

612 Are you questioning, are there some issues?

613

614 Keith Smith 53:33

615 I was just questioning because we had talked about the procedure last meeting in regard to  
616 appointments. So, it's in the rules and procedures. And then it was also in another one. And I  
617 brought with me but.

618

619 Mr. McCoy 53:51

620 I can clear that up pretty quickly. There's rules and procedures, we make the recommendation.  
621 And the reason the recommendation was made is that you both are very similar. You've been to  
622 the meetings you've been to. You came at the same time you both went to all the meetings, and  
623 I could have sworn that you both agreed to do a coin flip.

624

625 Keith Smith 54:10

626 I was at a loss because I have these with me, because I was going to question.

627

628 Mr. McCoy 54:18

629 What's the question there?

630

631 Keith Smith 54:19

632 Well, the question says vacancies in the membership of local union, land use for voids occurring  
633 through the expiration of date of Office shall be felt as follows for an elected member by  
634 appointment of remaining board member at the next municipal election, the chairperson of the  
635 local board may. That was why I was going to question Christine and off. This one's more  
636 definitive. In the event that a board members seat becomes vacant due to the resignation or  
637 other reason, the board of selectmen shall appoint a new member to fill the vacancy for the

638 remainder of the vacated members term under RSA 673:12.1, the chair may designate the  
639 alternate member to fill the vacancy temporarily until the board met selection permanently fill the  
640 seat per RSA. And that's in the rules of procedure for this board. It has nothing about  
641 recommendations or coin flips or anything.  
642

643 Mr. McCoy 55:34

644 With this we do, I have to make a recommendation to the Selectmen.  
645

646 Keith Smith 55:37

647 Okay. I couldn't find that anyplace that's where I might not be written down.  
648

649 Mr. McCoy 55:41

650 This will we've always done.  
651

652 Mrs. Wood 55:44

653 I can put both names up.  
654

655 Mr. McCoy 56:02

656 I think we I think we have in our procedures you have we have to we recommend  
657

658 Keith Smith 56:07

659 No when your procedures and actually reading through this it does not say that you have to  
660 provide a recommendation. I always tried to follow the what's different boards' rules or  
661 regulations. And that's why I was at a loss at the last meeting. And I'm even more baffled by the  
662 decisions. This meeting. Just goes way out of what is written. Nothing follows the rules.  
663

664 Mrs. McCarthy 56:40

665 Okay. Yeah, He's right. So, the board of selectmen can appoint a new member to fill a vacant  
666 seat for the remainder of the vacated member's term.  
667

668 Keith Smith 56:51

669 It's completely their purview.  
670

671 Mrs. McCarthy 56:56

672 The chairman designates alternate members to fill the vacant seat temporarily until the board of  
673 selectmen permanently fill the seat. Yep,  
674

675 Greg Arvanitis 57:04

676 so, the coin flip was null and void.  
677

678 Motion:  
679 Mr. Reed made a motion that we withdraw our recommendation and let the board of selectmen  
680 handle it. Per the rules. Mr. McCoy seconded the motion.  
681  
682 Mrs. Wood 57:38  
683 we're voting to rescind our last vote. Is that what we're doing?  
684  
685 Mr. Reed 57:41  
686 Yes, we're voting to pull back our recommendation and let the board of selectmen handle it per  
687 the rules of procedure.  
688  
689 Mrs. Wood 57:48  
690 I don't know what the Selectmen are going to do. Short of them, we go to the board of selectmen  
691 and say, well, we have two alternates pick one.  
692  
693 They have an interview process.  
694  
695 Tim Cahill 58:04  
696 They already flipped a coin for me this year.  
697  
698 Keith Smith 58:06  
699 They have an interview process, and they have their procedures.  
700  
701 Mr. McCoy 58:10  
702 Just keep in mind that both of you are going to be very important. You want no reason I did the  
703 coin flip. But we need somebody, we want to make sure we have a full board. And it's quite  
704 interesting. This is the first time we've had any alternates for a long time. Yeah, I just really  
705 appreciate what you guys have done.  
706  
707 Keith Smith 58:25  
708 We've earned rules and procedures.  
709  
710 Mrs. Wood 58:34  
711 So, the motion was the motion made,  
712  
713 Mr. Reed 58:36  
714 we need to vote on it or vote down.  
715  
716 Mr. McCoy 58:39  
717 motion was made and I seconded.

718  
719 Mrs. Wood 58:42  
720 The motion was to rescind our recommendation  
721  
722 Mr. Reed 58:45  
723 and let the board of selectmen handle it.  
724  
725 The motion passed with a vote of 4 in favor, 0 opposed and 0 abstentions.  
726  
727 Keith Smith 58:55  
728 So, he'll put his name and, and I already gave you mine, and you'll just forward to put on the  
729 agenda. Is that how this is going to work from now? Okay, well, because that's why I didn't say a  
730 word when I got the emails and kind of died on the spot. I want to see what happened here and  
731 follow the rules.  
732  
733 Mrs. McCarthy 59:15  
734 Right, historically, I will say it's not the way we've always done it. I use that term historically. It  
735 was based on the ZBA's recommendation to the board of selectmen.  
736  
737 Mr. Reed 59:29  
738 You just point out that section of the rules.  
739  
740  
741 Mrs. McCarthy 59:36  
742 It's just one section that I know. I knew they appointed in an emergency situation. But other than  
743 that, you know, the recommendations have always been put forth.  
744  
745 Keith Smith 59:51  
746 Or volunteers come forward.  
747  
748 Motion:  
749 Mr. Reed made a motion to adjourn. Mr. McCoy seconded the motion. The motion passed with a  
750 vote of 4 in favor , 0 opposed and 0 abstentions.  
751  
752 The meeting adjourned at approximately 8:30 pm.  
753  
754 Respectfully submitted,  
755  
756 Jill A. Vadeboncoeur  
757