

HANOVER ZONING BOARD OF ADJUSTMENT
Administrative Meeting
April 24, 2008
Municipal Building - 6:00 p.m.

Board Members Present: Arthur Gardiner, Chair; Carolyn Radisch, Clerk; Ruth Lappin, Vice Chair, Bill Dietrich, Gert Assmus.

Staff: Judith Brotman.

Others: No members of the public attended.

- 1) The Meeting was opened by Chair Arthur Gardiner at 6:05 p.m.
- 2) The purpose of the meeting was to review the ZBA By-Laws, Member Communications Policy, Recusal Standards, and other topics of concern to Board Members.
- 3) The By-Laws were reviewed.
 - a) Gardiner moved to change the annual meeting from May to September (see Item C, 1.). Radisch seconded the motion. After further discussion, the Board voted 5/0 in favor of the Motion.
 - b) Gardiner requested that the word “chairman” be changed to “chair” wherever it appears in the By-Laws. The Board Members present concurred with this change.
 - c) The Members discussed the various ways Notice is given.
 - d) The Members discussed the specifics of when an applicant has an automatic right to a continuance (Item D, 2.).
 - e) The Members discussed what happens with a four-member Board when the decision is voted 2-2. This is a “non-decision”. State law requires three affirmative votes to be granted relief. A 2-2 vote is grounds for an automatic rehearing.
 - f) The Members discussed the specifics of Disqualification (Item D, 4.) as to when a member should be disqualified, that member can ask for the whole Board to vote on the recusal. The Members reviewed Attorney Walter Mitchell’s 1998 letter on the subject.
 - g) The Members discussed the procedure for closing a Hearing but leaving the record open for additional items to be submitted for consideration (Item E, 3, m.). The consensus of the Members was that when the record is left open for submittal of additional items after the public hearing is closed, there must be an opportunity for the opposing party to respond to the additional material. Only 1 response will be allowed. At the time of the Hearing, the timing for submitting and responding should be made very clear.
 - h) Gardiner noted that the By-Laws call for decisions to be made within specific time frames (Item E, 4.)
- 4) The Communications Policy was reviewed.
 - a) RSA 91-A, the State Right-to-Know Law, was reviewed.
 - b) Gardiner directed the Members to Item J of the Policy, with respect to communications with the media. Item J instructs Members to “...not discuss the substance of any case with the media.”

- 5) Members discussed the concept of having a ‘minority opinion’ in cases where the Board is divided on a case decision. It was the consensus of the Members present that this would not be undertaken at the present time.
- 6) The Members recessed the meeting at 6:58 p.m., to be re-opened following the public hearing.
- 7) The meeting was reopened by Chair Gardiner at 8:05 p.m. for continued discussion on ZBA administrative matters.
- 8) Gardiner reviewed the By-Laws, Item E, 4, and the Communications Policy, Item F, with regard to assigning Draft Decisions to two Board Members.
 - a) Gardiner thought that in special instances two Members should be allowed to work on a draft decision.
 - b) The NH Municipal Association Law Lecture Series counsels against such two-member discussions, advising that it “undermines the public process”.
 - c) After continued discussion, the Members present felt that the Board should seek an opinion from Walter Mitchell, Hanover Town Counsel.
- 9) RSA 91-A was again reviewed, specifically with regard to the exceptions to the public meeting law.
- 10) The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

/s/ JLSB

Judith Lee Shelnuttt Brotman
Zoning Administrator