



**TOWN OF
BROOKLINE, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT**

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**BOARD OF ADJUSTMENT
MINUTES**

**Wednesday August 10, 2022
7:30pm**

Present: **Peter Cook, Chairman**
 Archer Batcheller, Vice Chairman
 Webb Scales, Member, Clerk
 Dan Marcek Jr., Member
 Dave Partridge, Alternate
 Charlotte Pogue, Alternate
Absent: **Marcia Farwell, Member**

Peter read the rules of the hybrid meeting.

- Any meeting attendees participating via Zoom are asked to activate the “mute” function until called upon by the chair
- Meeting attendees via Zoom must use the “raise hand” function under the “reactions” tab to participate in the meeting – and will be permitted to comment once and if called upon by the chair.
- Anyone providing comments during the meeting must first identify their name and address
- The “chat” function for Zoom participants will be disabled by the meeting administrator or otherwise not addressed; “chat” items will not be part of the public meeting/record
- Meeting attendees via Zoom will not be listed as attendees in the minutes (except Board members)
- The meeting’s physical location is the official meeting room. Should technical difficulties arise with the remote portion, the meeting will continue at the physical location.

Code of Ethics

Webb made a motion to adopt the Code of Ethics. Archer seconded the motion.

Vote yes 5-0.

Minutes

Webb said regarding the minutes of April 13, 2022, he believes they are not missing information, but they did not include any findings of fact or reasoning as to why one of the variances was denied if this ends up in court their decision may not be defensible. Kristen was asked to go back to that meeting and make sure the reason why they denied the variance is listed.

Webb made a motion to approve the minutes of July 27, 2022. Dan seconded. Vote yes 5-0.

ZBA Minutes
August 10, 2022

Rules of Procedures

Peter said they should add the way they deliberate on a variance request in the ZBA Rules of Procedure. The Board agreed. Peter handed out that he had writing up for the Board to review. After discussing the process, they use to deliberate on a variance application they agreed to add the following two sentences:

Each member has to be ok with all 5 criteria for that member to approve the variance. At least 3 members have to approve the variance for it to prevail.

The Board discussed how they decide to grant or deny a Variance. The Board also agreed that they should state what the process is for going through a Variance application at the beginning of each case and at the end of the case explain that anyone affected by the ruling of the Board has the right to appeal the decision in 30 days to appeal the Zoning boards decision.

Webb made a motion that they add to the Rules of Procedure the following:

Each member has to be ok with all 5 criteria for that member to approve the variance. At least 3 members have to approve the variance for it to prevail. Under a newly numbered section 8 of the Rules of Procedure. Dave seconded. Vote yes 5-0.

Webb also made a motion to change the Rules of Procedures order of number 5. and place the public hearing as the second one on the list:

- a. Roll call by the clerk**
- b. Public Hearing**
- c. Unfinished business**
- d. New business**
- e. Communications and miscellaneous**
- f. Adjournment**

And to strike (remove) the last part of Number 5. that states:

(Note: although this is the usual order of business, the board may wish to hold the hearings immediately after the roll call in order to accommodate the public.)

Archer seconded the motion. Vote yes 5-0

Archer said they should mention that this is not a change in the procedure, but it is clarification to the variance procedure.

Peter said they should also review some other towns Rules of Procedures and they may need to make another change.

Adjourn

Peter made a motion to adjourn at 9:00pm. Dan seconded. Vote yes 5-0.

Peter Cook, Chairman, _____

Archer Batcheller, Vice-Chairman, _____

Webb Scales, Member, Clerk, _____

Dan Marcek Jr, Member, _____

Dave Partridge, Alternate, _____

Charlotte Pogue, Alternate, _____

Minutes submitted by Kristen Austin.

ZBA Meets when needed on the second Wednesday of the Month as needed.