

**Minutes of
Board of Adjustment Work Session
Conference Room A
Municipal Complex, 1 Junkins Avenue
Portsmouth, New Hampshire**

7:00 P.M.

October 11, 2016

Members Present: Chairman David Rheaume, Vice Chairman Charles LeMay, Arthur Parrott, Patrick Moretti, Christopher Mulligan, James Lee, Peter McDonell, John Formella

Also Present: Assistant Planning Director Juliet Walker and Assistant City Attorney Jane Ferrini

The Chair, Vice Chair and Members Mulligan, Johnson, Formella, Parrott, Moretti, Jane Ferrini and Juliet Walker discussed the issue of whether an Alternate, who will not be voting on an application should be able to participate and ask questions of the applicant until the public hearing closes. The Board determined that they agreed that would be appropriate and may need to clarify/revise Rule VI, 12 at a public meeting.

The Board discussed the issue of time limits on applications and reviewed Rule VIII 2 which provides that “absent extenuating circumstances, ten (10) minutes for the presentation from the applicant and three (3) minutes per person during public comment shall be considered a reasonable time limit.” The Board acknowledged that their Rules permit that the Board may vote to waive the time limit but discussed whether these time limits should be amended. Chairman Rheaume, Vice Chairman LeMay, Members Parrott, Lee, Mulligan, Moretti and Juliet Walker discussed the issue. The Board concluded that the time limits were insufficient and agreed to amend the time limits from 10 to 15 for the applicant and from 3 to 5 for public comment at a public meeting.

The Board discussed the issue of the timeliness of receipt of documents, including documents from Applicants, Abutters and Staff. Chairman Rheaume, Vice Chairman LeMay, Members Morretti, Parrott, LeMay, Johnson, Moretti, Mulligan and Juliet Walker discussed the issue. The Board determined there would be no deadline for the receipt of public comment. The Board determined that if packets go out on Thursday, they did not want emails on Friday with additional information and that any information received on Friday or Monday may be printed and left at their seats prior to the public hearing. Other than minor revisions, the Board determined that if these new documents from the applicant or public contained new information, the Board would consider a postponement in order to have sufficient time to consider and review these documents receive after the packet had gone out.

Vice Chairman LeMay, Chairman Rheume discussed the need for clarification or an amendment to the nonconforming use ordinance in Article 3 because the language of the ordinance and how it appears in the legal notice can be confusing. Juliet Walker mentioned that the Planning Department is aware that the ordinance needs to be clarified.

The Board discussed the criteria for a variance. Chairman Rheume, Vice Chairman LeMay and Member Mulligan specifically discussed the hardship criteria and Applicant's burden.

Juliet Walker mentioned the increase caseload of the Board and staff and noted that the Planning Department would be addressing an ordinance regarding chickens and sheds in the future.

The Board discussed the method of making motions. Chairman Rheume, Vice Chair LeMay, Members Mulligan, Parrott, Moretti, Johnson, McDonell discussed methods of making motions and the usefulness of the "cheat sheet" with special exception and variance criteria.

Chairman Rheume also referenced the resources of the ZBA Handbook and seminars put on by the Office of Planning as helpful tools for Board members.

The Board discussed conflicts of interest and Jane Ferrini mentioned City Attorney Sullivan would be doing a presentation to the Board at a later meeting on the subject.

The length of meetings was discussed by the Board. Jane Ferrini asked if the Board would consider limiting the Agenda to a certain number of cases but the Chairman thought this would be difficult.

Vice Chairman LeMay discussed that the meetings were going too long and that if there is a motion and a second the Chairman does necessarily need to add to the discussion on the motion. Chairman Rheume discussed the issue of silence after the public meeting is closed and the need for Board members to initiate discussion or a Motion sooner and his goal of informing the public for the reasons for the Board's decision. Board members Moretti, Parrott and McDonell participated in the discussion

The Board complimented the Planning Staff regarding how helpful the table of existing and proposed conditions is for each case.

Motion to adjourn seconded at 8:40 p.m.