

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, March 4, 2024

6:30 PM

**Council Chamber,
City Hall**

Members Present:

Joseph Hoppock, Chair
Jane Taylor, Vice Chair
Richard Clough
Edward Guyot

Staff Present:

Evan Clements, Planner
Michael Hagan, Acting Zoning Administrator
Jesse Rounds, Community Development
Director

Members Not Present:

David Weigle

I) Introduction of Board Members

Joe Hoppock called the meeting to order at 6:30 PM and explained the procedures of the meeting.

II) Vote for Chair and Vice Chair

Ms. Taylor nominated Mr. Hoppock for Chair. Mr. Clough seconded the motion, which passed with a vote of 3-0. Mr. Hoppock abstained.

Chair Hoppock nominated Ms. Taylor for Vice Chair. Mr. Clough seconded the motion, which passed with a vote of 3-0. Ms. Taylor abstained.

III) Minutes of the Previous Meeting: December 4, 2023

Chair Hoppock asked for comments on the minutes.

Ms. Taylor noted a correction to line 237: the number “16,007 square feet” should be “1,607 square feet.”

Ms. Taylor stated that she did not understand the following from line 338: “...*the carport roof would have about a 12 10 pitch to the roof.*” She continued that she does not know what “12 10” is in this context. Evan Clements, Planner, replied that it refers to the degree per foot on the roof’s pitch, and it is fine in the minutes as written.

Chair Hoppock asked for a vote on approving the meeting minutes of December 4, 2023 with one amendment, changing “16,007” on line 237 to “1,607.” The minutes were approved with a vote of 3-0. Mr. Guyot abstained.

IV) Unfinished Business

Chair Hoppock asked if there was any unfinished business. Mr. Clements replied no.

V) Hearings

A) ZBA-2024-01: Petitioner, Richard Robidoux, of Cheshire Builders, 48 Whittemore Farm Rd., Swanzey, NH, requests a Special Exception for property located at 80 Krif Rd., Tax Map #115-008-000, is in the Commerce District and owned by 80 Krif Rd., LLC. The Petitioner requests a Special Exception to permit light industrial use in the Commerce District per Article 8.3.5.E of the Zoning Regulations.

Chair Hoppock introduced ZBA 2024-01 and asked to hear from staff.

Michael Hagan, Plans Examiner, stated that there is conflicting information, but tax records show that 80 Krif Rd. was built in 1986. He continued that the City issued a building permit on June 29, 1989 for a 30,000 square foot, 14-unit condominium building, consisting of offices and warehouses. The units in question are Units 13, 14, 12, and 11. On January 4, 1990 there was a permit issued and a CO (Certificate of Occupancy) issued for Office and Warehousing. In 1994, they expanded Unit 13 into Units 12 and 11 for Office and Warehousing. Currently, the last permitted use for Unit 14 was Office and Warehousing. There are two ZBA decisions on this property; neither affect the units in question. There was an appeal of an administrative decision on two locations, Unit 3 and Unit 1 with both granted.

Mr. Hagan continued that when this building was constructed, it was zoned Industrial. It went through a rezoning in 2013-2014 where the property was rezoned to Commerce Limited. The Land Development Code (LDC) change in 2021 included changes to the permitted uses within that location, requiring a Special Exception for the use that is in front of the ZBA today.

Chair Hoppock asked if the use they are looking for today was in existence when the 2021 change occurred. Mr. Hagan replied that to staff’s understanding, the business was in operation in 2018. He continued that there are no permits on record for that business going into that location. Chair Hoppock replied that it is an expansion, basically, according to the materials.

Chair Hoppock asked if there were any further questions for staff. Hearing none, he asked to hear from the Petitioner.

Richard Robidoux of Cheshire Builders, 48 Whittemore Farm Rd., Swanzey, stated that 603 OPTX wants to expand into two more condominium spaces to expand their company. He continued that the changes required to make this space usable for them are all interior, with no load-bearing changes to the facility. The only changes made to the outside of the building will be a condenser or two as required to upgrade the heating system to more stringent temperature controls to accommodate their manufacturing. Nothing in the expansion will be different from what is already there in the first two condo spaces. The equipment is similar; there will just be a little more of it.

Mr. Robidoux continued that the way the building is used on the outside will be the same. The processes are all the same; it is just expanding into two more spaces. Regarding affecting structures and important areas of the site and property, nothing will really be different. When they (603 OPTX) got the two other condo spaces, that came with additional parking, too. He does not see anything changing on the outside of the building other than a couple condensers, and he does not see any issues with the expansion changing what they have been doing for the past five and a half years. Thus, he thinks it is a rather minor scenario. He sees this (Special Exception request) mostly as a technicality.

Chair Hoppock asked if it is correct that they will have five to eight more employees as a result of this expansion. Mr. Robidoux replied that is correct. He continued that he would have Matt Zabko, General Manager, speak to this.

Matt Zabko, General Manager of 603 OPTX, stated that the intent is to add five to nine jobs in Keene through this expansion. He continued that it is a continuation of what they are already doing, which is optics manufacturing. It is high-tech manufacturing, less like a machine shop and more like a lab. They operate on two shifts.

Mr. Robidoux stated that five to nine employees would be added over a period of time. Mr. Zabko replied yes, over the next year or so. Chair Hoppock asked if it is correct that they will not have a third shift. Mr. Zabko replied that at this point, there is no intent to have a third shift.

Chair Hoppock asked him to explain about the expected new employees. He continued that two new units will come with their own parking spaces. He asked how many parking spaces those units receive as a result of being in that complex. Mr. Zabko replied that each unit has eight spaces. Chair Hoppock asked if that is 16 spaces for five to nine new employees. Mr. Zabko replied yes.

Ms. Taylor asked for Mr. Zabko to speak about what they are planning to do internally. She asked if they are combining the units. Mr. Zabko replied that they are looking at a combination of some additional manufacturing space for the manufacturer of infrared optics and mirrors, along with an area for quality control, a small area for shipping and receiving, and some additional office and meeting space.

Ms. Taylor stated that maybe her question is for staff. She continued that she does not know what the building looks like inside. She asked if there is any concern for knocking down walls or reconfiguring the interior. Mr. Hagan replied that currently, they have a building permit application and have gone through the review process. He continued that staff is working through the remaining issues in order to issue the building permit. One issue is receiving the Special Exception for the use they (603 OPTX) propose on site. All of the building and fire codes have been addressed to this point; there are just some remaining floodplain questions.

Chair Hoppock asked if there were any further questions for the Petitioner. Hearing none, he asked for public comment. Hearing none, he closed the public hearing and asked the Board to deliberate.

- A. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.*

Chair Hoppock stated that the particular use is Light Industrial, and to him, that is consistent with the purpose of the Commerce District and its history, since it has been in that kind of use since about 1989. He continued that he thinks it is consistent with the spirit and intent of the Zoning Regulations and the LDC. Everything will happen inside. It will just be an expansion of the same activity that has been going on, with more machines and more employees, so there is a public interest piece here that the City should not ignore. In his view, that makes it more consistent with the spirit and intent. The applicant states that there have been no noise complaints and no complaints of any kind, and staff did not mention anything like that. They are in a review process now for a building permit. He thinks the first criterion is satisfied.

Ms. Taylor stated that she agrees with Chair Hoppock's comments and will add that it is consistent with other types of activities going on in the condominium complex and in that area of Winchester St. Chair Hoppock agreed.

- B. The proposed use will be established, maintained and operated so as not to endanger the public health, safety, or welfare.*

Chair Hoppock stated that he does not see anything in the application, especially since everything will happen inside, which would indicate that the proposed use would be established, maintained and operated in a way that endangers public health, safety, or welfare. He does not see anything in the materials or hear anything in the presentation that would even suggest that. He thinks the second criterion is satisfied.

Ms. Taylor stated that since it is contained inside the building, there is nothing "obnoxious," which comes later in the criteria, and nothing that would impact (public health, safety, or welfare).

Mr. Guyot asked about a loading dock. Mr. Zapko replied no, it is not a loading dock. He continued that there are existing roll-up doors. They will just use a portion of that existing door

space for shipping and receiving. (They receive items) the size of UPS parcels, not (from) tractor-trailer trucks.

Chair Hoppock stated that as a reminder, the public hearing is closed, but he understands that Mr. Zapko was answering Mr. Guyot's question.

C. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.

Chair Hoppock stated that this goes to Ms. Taylor's point, and he does not think there is any question that the proposed use will be established, maintained, and operated so as to be harmonious with the surrounding areas.

Mr. Clough replied that he agrees. He continued that it is all contained, and it is already happening. It is all good.

Ms. Taylor stated that if they are looking at adjacent property being the other condominiums, they are all essentially developed.

D. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.

Chair Hoppock stated that this came up in the presentation, and it seems to him that the proposed use will be an extension of what is there, into two units that will create a greater space. He continued that there would be no additional noise. There are no odors and glare and vibration are not an issue. With the surrounding areas not affected, he is satisfied that this criterion is met.

Mr. Clough stated that he thinks a number of those issues would actually impact what they (603 OPTX) try to do there, so they would try to keep all of that to a minimum anyway. Chair Hoppock replied yes, given that they are precision optics creators. That is a good observation.

E. The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.

Chair Hoppock stated that he does not think anything in this application suggests they will draw more water, more light, more Police or Fire activity, or be a burden on any public facility or improvement in the area.

Mr. Guyot stated that if anything, it (the expansion) will improve electrical consumption, because of the LED conversion in that space and adjacent space. Chair Hoppock agreed.

F. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.

Chair Hoppock stated that notwithstanding the fact that Krif Rd. has been there forever, he does not think there is anything “historic” in the area or deemed of significant historic importance. He continued that it is far away from the river. No part of this use would impact any part of the area’s natural scenery. There would be no impact to the environment.

G. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

Chair Hoppock stated that there will be five to nine new jobs, with more than sufficient parking spaces to cover those new employees, and they will be working in two shifts, so the impact of that minimal amount of traffic will be nothing on this site.

Mr. Clough agreed.

Chair Hoppock stated that if the ZBA members agree with the comments, they should make a motion to approve ZBA 24-01.

Ms. Taylor made a motion for the Zoning Board of Adjustment to approve ZBA 24-01 for a Special Exception for property located at 80 Krif Rd., Tax Map #115-008-000, in the Commerce Limited District. Mr. Clough seconded the motion.

Chair Hoppock stated that it is to permit a Light Industrial use in the district. The motion passed 4-0.

B) ZBA-2024-02: Petitioner, Thomas Hanna of BCM Environmental and Land Law, PLLC, Keene, requests a Variance for property located at 19 Grove St., Tax Map #585-055-000, is in the Residential Preservation District, and is owned by 1925 Grove Street, LLC, 295 Seaver Rd., Harrisville. The Petitioner requests a Variance to permit the conversion of a legally non-conforming office use to a third apartment unit in the Residential Preservation District per Article 3.2.5 of the Zoning Regulations.

Chair Hoppock stated that the ZBA has been informed that the applicant, 1925 Grove Street, LLC, has requested via email to the Community Development Department, a continuance of the hearing because there is not a five-member board today. He continued that the Board is inclined to grant such requests.

Chair Hoppock read ZBA 2024-02 into the record and opened the public hearing.

Mr. Clough made a motion for the Zoning Board of Adjustment to continue ZBA 2024-02 to the next ZBA meeting, April 1, 2024, in accordance with the Petitioner’s request. Ms. Taylor seconded the motion, which passed by unanimous vote.

VI) New Business

A) Vote to Adopt 2024 Meeting Calendar

Chair Hoppock asked if anyone had questions about the meeting schedule. Hearing none, he asked for a motion.

Ms. Taylor made a motion to adopt the 2024 meeting schedule as presented. Mr. Clough seconded the motion, which passed by unanimous vote.

B) Rules of Procedure Updates

Chair Hoppock stated that there are amendments to the Rules of Procedure to examine.

Mr. Clements stated that tonight staff are proposing two changes to the ZBA's Rules of Procedure, one related to the type of mailing product staff utilizes to notify abutters and the other required parties for public hearings. He continued that this is part of a comprehensive effort the Community Development Department is doing to update all of its land use boards for abutter notification. Currently, the certified mail rate is \$5.06. The USPS uses another product, certificate of mailing, where they verify that City staff has brought the letters to the Post Office to be mailed to abutters and other required parties. It is significantly cheaper per letter, and after discussing it with the City Attorney, staff believes it meets the statutory requirement. Thus, they are systematically going through and making this change to all land use boards. The ZBA is unique for having all of that language embedded into the Rules of Procedure.

Mr. Clements continued that the second change is an update to what happens when there is a situation in which (the ZBA votes) 2-2. The statute update says that if you do not have three members voting in a certain direction, you have to table it until the next meeting when there are enough board members to be able to issue a 3-X verdict. Staff proposes adding that into the Rules of Procedure.

Mr. Clements continued that application fees in the Rules of Procedure (are something else to consider), but he will hold off on that change until they go over the other proposed changes to the Rules of Procedure, because that is a different agenda item and there is some research to go over. The first change to the Rules of Procedure is on page 56 of 68 (in the agenda packet).

Mr. Hagan stated that (the first change is) there is no longer an application for a Change of a Non-Conforming Use. To reflect the new LDC wording, that has been changed to Enlargement or Expansion of a Non-Conforming Use.

Chair Hoppock stated that that change is corrective, not substantive. Mr. Hagan replied that is correct.

Mr. Clements stated that on page 57, the proposed change is to replace the text “*Certified Mail*” with “*Certificate of Mail.*” He continued that he also proposes eliminating the description of the product for the post office, and inserting “*in accordance with the requirements of RSA 676:7.*” Then, as the statute evolves, they (staff and the board) do not need to return to the Rules of Procedure to make the changes again. It would just state that they will be notifying abutters and other required parties as required by State statute.

Chair Hoppock asked where that language would be. Mr. Hagan replied that it is the separate form the ZBA received from staff at the beginning of the meeting, with the red text. Mr. Clements stated that under “II. PROCEDURES FOR FILING APPLICATIONS” is “A. Application/Decision,” and under that is (a paragraph of text) labeled “b.,” and under that is “i.” Staff recommends that “i.” read, “*Personal notice shall be made in accordance with the requirements of RSA 676:7 to the applicant and to all abutters and holders of conservation, preservation, or agricultural preservation restrictions, not less than five (5) days before the date of filing.*”

Ms. Taylor stated that there is a similar change on the back. Mr. Clements replied that is correct, because there is another section in the Rules of Procedure that also discusses notification to abutters and public. He continued that that same change is proposed, from “*Certified Mail*” to “*Certificate of Mail.*”

Mr. Clements stated that going back a step, to page 57 of 68, “d. Abutter Notification Materials,” (under “A. Application/Decision,” under “II. PROCEDURES FOR FILING APPLICATIONS”), (staff proposes adding) clarifying information about who needs to be included on the abutters’ list, including the property owner, the applicant, authorized agent, and easement holders. That is all reflective of State statute.

Mr. Clements stated that (under “d. Abutter Notification Materials”), staff proposes changing the text of “iii.” to read, “*A check in an amount sufficient to cover the cost of legal notice advertising and required mailing,*” (instead of “*...advertising and mailing of certified letters to abutters.*”)

Mr. Clements stated that “B. Voting” (is under “III. CONDUCT OF PUBLIC HEARINGS,” on page 61,” and (the second sentence begins), “*Prior to voting the action, the Board shall render, as appropriate, findings of fact.*” He continued that the new language continues the sentence, “*and a decision by majority of vote, consisting of at least three concurring members.*” Staff also added, “*In the case of a tie vote, the applicant can either withdraw their application upon written request, or the Board shall vote to continue the application to the next meeting with a full five-member Board.*”

Ms. Taylor stated that it says, “*In case with a tie vote,*” and she thinks it should be, “*In case of a tie vote.*” Mr. Clements agreed.

Chair Hoppock stated that to (illustrate the) problem he sees with this, he will use tonight's Petitioner as an example. He continued that there are four Board members tonight. If they had voted 2-2, the applicant could have said he wanted to come back next month. When there are five Board members next month, they would have to start from the beginning. As long as no one minds that, they can (make the change to the Rules of Procedure that staff proposes), because re-starting would be necessary.

Mr. Clements asked if he means they would re-start the ZBA's deliberations. Chair Hoppock replied no, they would have to start the hearing from scratch, because the fifth Board member would not have heard any of it. Mr. Clements replied he thinks that is fair; it would be part of the consequence of requesting a continuance. Chair Hoppock replied that it may not be an efficient use of time, but it is fair. He continued that it might make sense to say to (such applicants) that if they have any inclination, to just continue it, because it would not hurt. However, there are cases in which applicants have a strict timeline. For example, a few months ago there was an applicant with a grant. He is not sure how to solve that problem. Maybe it is best to leave it up to the applicant.

Mr. Guyot stated that the applicant maintains the right to accept a 2-2 split or a 3-2 vote, a four-member or five-member Board. Chair Hoppock replied that they need three affirmative votes to get it passed. Mr. Guyot replied yes, but if there are four Board members present, the applicant can choose whether to proceed, or to continue it to the next meeting. Chair Hoppock replied that that is not what this says. He continued that if they can decide to proceed with a four member Board, but then it is a tie vote, the applicant has the right to continue it at the next meeting and try again. He would prefer applicants make a decision (up front) and say, "*I don't want a four-member Board; I'll wait until the fifth Board member is here,*" and just be done, so there is no risk of a tie. A situation like this happened less than six months ago. He thinks it will happen infrequently, so he is fine with it if someone says that if it is a tie vote, they want to come to the next meeting when the fifth member is here. As long as everyone is aware of the fact that they would have to start over again, (this procedure) would be fine with him.

Mr. Clements stated that the Rules of Procedure need to allow the instance where they are not anticipating a 2-2 split and then they end up with one. He continued that then, they would need to keep it going. They cannot just rely on the applicant voluntarily continuing their application, because they might not know (what will happen). They might think the Board will all vote one way, and then they do not. Ms. Taylor replied that is why it says, "*The Board shall vote to continue....*" She continued that it would be the Board continuing the application for further hearing, not the applicant. Mr. Clements stated that he is filling in for Corinne (Marcou, Zoning Clerk), so he apologizes for not being super well versed in the implications of all of these changes, but it says, "*or the Board shall vote to continue the application to the next meeting with a full five member Board.*" Chair Hoppock replied, if they do not withdraw it. Mr. Clements stated that they might not know when the next meeting with a full five member Board will be. Chair Hoppock replied that they never know, because someone could get sick, like somebody did

tonight. It is unpredictable. Mr. Clements replied yes, it might need to be *“The next regularly scheduled meeting.”*

Ms. Taylor stated that last year, the ZBA went several months without a full five-member Board, and an application was continued repeatedly. She continued that she thinks that is what this (proposed change) is addressing, because it would not make sense to continue it to the next meeting if there were only four members present again. Mr. Clements replied yes, you never know when there will be all five members. Ms. Taylor replied that she thinks they would need to keep continuing it. Mr. Clements replied yes, until there is a five member Board or until the applicant chooses to take their chances with a four member Board voting. Chair Hoppock stated that if the applicant does not withdraw it, the ZBA is duty bound to continue it. Mr. Clements replied as written, yes, versus just saying the application shall be continued to the next regularly scheduled meeting. Then at the next regularly scheduled meeting if they have to do it again, they still have that ability, but are not potentially stuck in this continuation loop if they can never get five Board members.

Chair Hoppock stated that he does not have any objections to the way this (proposed change) is written, as long as everyone understands the implications of it, which is his concern. He continued that the applicants should be aware of this before they go forward, because they could withdraw their application at the beginning before they even start, as the applicant did tonight regarding ZBA 2024-02. They did not withdraw their application; they asked the Board to continue it. That is fine, too.

Ms. Taylor stated that the Board does not know what the procedures are in the Community Development Department when someone comes in and applications are scheduled for hearings. Maybe this is already being done, but maybe part of it could be to let applicants know, *“By the way, if you go with a four member Board and it is a 2-2 tie, it will end up being continued anyway, so do you want to continue?”* Mr. Hagan replied that they do make applicants aware of their rights on the application and the Rules of Procedure for that, if they do choose to move forward with a four member Board like the applicants here tonight. Ms. Taylor asked if applicants are aware of what might happen if there is a tie. Mr. Hagan replied yes, (one choice is to) withdraw the application because no decision has been made. Ms. Taylor asked if they are told that. Mr. Hagan replied yes, and many applicants ask what happens if there is a split vote, and staff explains this criteria to them.

Mr. Guyot asked if applicants, as a matter of course, receive these Rules of Procedure. Mr. Hagan replied no. He continued that the Rules of Procedure are available on the website and in the office, however, for the public. Mr. Clements stated that the application procedures that staff normally use are in Article 25 of the LDC. He continued that normally, they direct applicants there.

Chair Hoppock stated that there was one other provision in subparagraph C, which he thinks Ms. Taylor has some comments on.

Ms. Taylor stated that her only comments are regarding this (sentence in subparagraph C) and the one typo she already mentioned, so she appreciates the work that has gone into this. She continued that the last sentence, *“All Notices of Decision will expire in 24 months commencing with the date following the date of the action of the Board if no action is taken based on the Board decision,”* is very confusing. In addition, her opinion is that it is not following the State statute. The State statute talks about final approval, and as written, this does not contemplate what would happen if there was a motion for re-hearing, which extends the date, or an appeal to the Superior or Supreme Court. She suggests the following: *“All notices of decision will expire in 24 months, commencing with the date following the date of final approval.”* They could end it there. That is reflective of what the statute says.

Mr. Clements replied that to make sure they are being consistent with other information; he and Mr. Hagan can take this back to staff for a rewrite and present it to the ZBA next month. He continued that that way they are not trying to change it on the fly, perhaps leading to a need to change it again later. Tonight the Board can set subparagraph C aside and staff will return next month with alternative language.

Ms. Taylor stated that RSA 674:33 I-a.(a) is probably one of the most confusingly numbered statutes in the book. She continued that that is what she is concerned about, as it references “final approval.” Chair Hoppock stated that if cases go to the Superior Court after they leave here, and then may go to the Superior Court, it makes perfect sense. He continued that he agrees that it is consistent with what he read in 674:33 I-a.(a). Mr. Clements replied that staff will look at the language and edit it.

C) Fee Schedule Proposal

Mr. Clements stated that staff proposes increasing the application fee from \$100 to \$250. He continued that staff conducted an analysis of fees that Keene’s sister communities require for Variance requests and other ZBA applications and noted that an adjustment to the fee schedule has not been conducted since 2017. Each community does it a little differently, but staff decided that the increase from \$100 to \$250 would do a little more to capture the costs that go into staff time in preparing the applications while not being unduly burdensome to applicants.

Chair Hoppock stated that he sees (in the materials staff provided) that Nashua has a fee for submitting more than one request. Keene does not get many of those, but it could be something like two Variances in one application. Mr. Hagan replied yes, there might be multiple Variances asked for, for something like setbacks or impervious coverage.

Chair Hoppock stated that it is interesting that Concord has a rehearing fee of \$50. He asked if Keene has considered that. Mr. Clements replied no. Chair Hoppock replied that Keene does not get many of those.

Ms. Taylor stated that she really appreciates the work that went into this (review). She continued that it is very helpful. Case law says you cannot charge fees for more than what the cost is that you are incurring. Thus, if the City is ever challenged by any of this, they have the documentation to show what it is costing. Chair Hoppock stated that to add to that, it is clear that the City of Keene is charging less than the cost it takes staff to do this work. The City would pass any audit with flying colors.

Mr. Hagan and Mr. Clements stated that all the credit goes to Corinne Marcou. Mr. Hagan stated that she did a great job doing all of this research and putting all of this information together, coming up with a reasonable fee to cover the ongoing and rising costs of operating. Ms. Taylor and Chair Hoppock asked them to please pass the Board's compliments to Ms. Marcou.

Chair Hoppock asked if the Board should wait to vote on the fee changes at the same time as staff gives them the revised policy changes. Mr. Clements replied that that would be his recommendation, for them to vote to adopt all of the changes next month. Chair Hoppock asked if the Board voting on the fee changes tonight would allow the Community Development Department to start charging the new fees (before next month's meeting). Mr. Clements replied no, because the land use fees are tied into the City Code, so the City Council needs to approve it. He continued that staff are having each land use board approve the fee changes, and will then compile that into one proposed ordinance change, to bring to Council.

Ms. Taylor stated that procedurally, tonight is their discussion of the proposed changes so they should not be voting on them anyway. Mr. Clements replied that his understanding was that this was brought up at a prior meeting. Mr. Hagan replied that the ZBA had heavy agendas for several months and then did not meet in January or February. Ms. Taylor replied that she thinks the Board had discussed the need to *have* this discussion, but had not yet discussed the actual provisions. Chair Hoppock replied yes, this is the first substantive conversation the Board has had about any of these changes. Mr. Clements replied that he understands what Ms. Taylor is saying, and yes, voting next month is appropriate, procedurally. Chair Hoppock asked if that is okay for staff's timeline. Mr. Clements replied yes, they are still months out, due to their work with the other boards.

Ms. Taylor stated that she thinks the Board did discuss the "final approval" part. Chair Hoppock agreed. Ms. Taylor stated that that should be an easy one to resolve.

VII) Communications and Miscellaneous

Mr. Hagan stated that Jesse Rounds, Community Development Director, is here tonight. He continued that staff has been talking about doing a presentation to go over the broad scope of the Zoning Ordinance, perhaps on a night when the Board does not have a heavy agenda. It would help the Board members navigate the Zoning Ordinance more easily as they are seeing and reviewing the applications, especially since there are two new Board members, and he cannot remember the last time the Board had such a presentation, and the LDC has been updated. Chair

Hoppock replied that such a presentation would be welcome. Mr. Hagan replied that staff tries to present the Board with the best education they can so the Board can make the best decisions for the community.

Chair Hoppock asked Mr. Hagan to keep the Board updated on when they might do the presentation. Mr. Hagan replied that next month the agenda will have at least four applications, so he probably will not include the presentation then; they will try for May or June. Chair Hoppock replied that whenever staff thinks is best works for the Board.

VIII) Non-Public Session (if required)

IX) Adjournment

There being no further business, Chair Hoppock adjourned the meeting at 7:27 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Corinne Marcou, Board Clerk