



Town of Troy
Zoning Board of Adjustments
Meeting Minutes

Tuesday, October 5, 2021

Members Present: Richard Thackston (Chair), Courtney Davis (Vice Chair), Justin Jones, Curtis Hopkins (Select Board Representative), Kyle Smith (Planning Board Rep.), Lexi Hopkins, Tyler Bagster, Steve Obert,

Richard Thackston called the meeting to order at **6:36 p.m.**

The purpose of the meeting is a work session, no cases are to be heard or discussed.

The Board reviewed the newly drafted Zoning Board of Adjustment Rules and Procedures developed at the last work session. Steve Obert had formatted the document. An amendment was made to the draft, adding the signature line for the Chair and the Vice Chair to sign, upon the adoption of the document and to add “**TROY, NH ZONING BOARD OF ADJUSTMENT RULES & PROCEDURES**” as a heading. Mr. Obert will make those changes and have them ready for signature.

MOTION to adopt the Rules and Procedures as amended, Mr. Hopkins, **SECOND** by Mr. Smith. All members voted in favor of the motion.

The Board then reviewed new application forms and instructions for same that will be added to the ZBA web page on the Town’s website. Discussion and agreement that the heading of each form should be added to the top of the page. The Board also requested verification that all NH RSAs designated on the forms was the correct reference for the subject matter.

The Board then decided to rehear the case from Mr. & Mrs. Daniel Lang regarding the Tolman Road building permits issued. The decision was based only on the following:

1. Whether the ZBA is “allowed to Raise, *Sua Sponte* [which means “on its own”] Constitutional Issues; and considering any Constitutional Issues Was Beyond the Authority of the Board.” This issue was raised at Section F of the Rehearing Motion;
2. Whether “the Constitutionality of the Ordinance Was Ripe for the ZBA To Determine.” This issue was raised in Section G. of the Rehearing Motion;
3. Whether “The ZBA’s Process and Procedures Violated The Lang’s Procedural Due Process Rights:”
4. Whether “the ZBA’s Decision Was Incorrect on the Merits;” See Section I of the Rehearing Motion; and

5. Whether “the ZBA Held an Illegal Meeting” as claimed in Section J.

The Board also made the decision to hear the appeal from Mr. Daniel Fougere, Fougere Construction on the same building permits.

The Board did not discuss the case at all, simply reviewed both requests and voted on same, as follows:

MOTION to approve the requests on October 19, 2021 beginning at 6:30 p.m., Justin Jones, **SECOND** by Kyle Smith. Four members of the Board voted in favor of the motion. Four members abstained – Curtis Hopkins, Courtney Davis, Tyler Bagster, and Richard HKS Thackston.

MOTION to adjourn, Mr. Hopkins, **SECOND** by Mr. Smith. All members of the Board voted in favor of the motion.

Richard HKS Thackston, Chair