

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
March 21, 2022**

DATE APPROVED:05/09/22

TIME: 7:00 p.m. – 7:30 p.m.

CHAIRPERSON: Roger Racette

VICE CHAIRPERSON: Russell Galpin

MEMBERS: Lucy Pivonka, John Segedy

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Mark Bodanza

EXCUSED

Public Present: Cynthia Matthews, Bryan Beebe, Barbara Acorn, David Fullerton, Meg Curtis, John Vergel

CALL TO ORDER:

Roger Racette called the meeting to order at 7:00pm

Roll Call-Appointment of Alternate

Mark Bodanza was appointed to sit in the vacant seat.

Election of Officers

John Segedy made a motion to appoint Roger Racette Chairman. Russ Galpin seconded the motion. The motion carried unanimously.

Roger Racette made a motion to appoint Russ Galpin Vice Chairman. Mark Bodanza seconded the motion. The motion carried unanimously.

Russ Galpin addressed the Board:

He said in the past it has troubled him that people have been speaking without being recognized, or they are talking back and forth among themselves. When these meetings are open, everything being said is public. The public has the right to hear everything that is said. That is why there should be no quiet talking among the Board members or interrupting those who have the floor. Before anyone has the right to speak, they must be recognized by the chairman. He pointed out that the ZBA is the nearest thing the town has to a court of law. The ZBA is more powerful than the Board of Selectmen and sometimes the Board has to make decisions that include the Board of Selectmen. He said he think the Board should try and keep thing neat and correct so everyone has a chance to be heard.

Roger Racette said he agreed with Russ. Now that the ZBA is an elected board they will need to review the Rules of Procedure. Roger said the goal is to keep the meetings moving smoothly.

Special Exception

5 Depot Street (Map 24 Lot 130)
Richard and Jennifer Hellings

Robyn Payson said that there was an error in the meeting notice, so this hearing is re-scheduled to April 11th.

Minutes 02/14/2021

Roger Racette made a motion to approve the minutes as amended. Mark Bodanza seconded the motion.

Roll Call Vote:

Russ Galpin-Y, Roger Racette-Y, Mark Bodanza-Y, Lucy Pivonka-AB, John Segedy-AB
The motion carried unanimously. The minutes were approved.

Open Seat

Roger Racette said prior to the ZBA being an elected board, the Board of Selectmen would appoint someone to fill a vacancy. Now the ZBA makes its own appointments. There are two people interested in the open seat.

John Segedy said before discussing individuals, he would like to discuss the rules for appointing alternates and filling vacancies. John said he prepared a draft interim rule. He said the rules say that amendments can be voted on at the next meeting, but that could be waived. Mr. Segedy distributed his draft changes. (See attached)

Roger Racette said that the Rules of Procedure have not been changed yet and there is an immediate need to fill the vacancy. He said with the hearing coming up on the 11th and a 5-person board is needed.

John Segedy said that an ad could be placed in the paper tomorrow and an extra meeting could be scheduled to follow his proposed procedure.

Roger Racette said that there are two candidates who can be chosen from tonight to fill the open seat rather than going through this procedure which is not a rule at this point.

John Segedy said it was also not necessary to appoint a full member. Both candidates could be appointed as alternates, and they could be both appointed over the year.

Lucy Pivonka said it would be jumping the gun to add a rule when the Rules of Procedure needed to be updated anyway. She said it would take a couple of work meetings to do that. Lucy said that they needed to go ahead and appoint someone and tuck this away to be considered when the Rules of Procedure are reviewed.

John Segedy said he would urge appointing alternates only at this time.

Russ Galpin made a motion that the Board appoint a permanent member tonight who will serve on the Zoning Board of Adjustment until the next election. Lucy Pivonka seconded the motion.

Roger said one of the candidates has served on the Board already and the other person should be allowed to come to the Board and state their qualifications.

Russ Galpin said that the other person could be appointed as an alternate.

John Segedy said just appointing alternates would solve that problem. He said the person being considered for the full member position was not elected for a position on the Board and that is something that should be taken into account.

Lucy Pivonka said there were two people present right now that could be interviewed for the position.

Roger Called for a vote on the motion. The motion carried with four votes in the affirmative and John Segedy voting no.

Roger said they would interview the candidates.

The first person to be interviewed was Cynthia Matthews. Roger asked her to tell the Board about herself.

Ms. Matthews said she is a stay-at-home mom with spare time who wanted to help the Board research stuff. She said she has been researching all of the zoning requirements and policies and how they should be followed.

Roger asked her what her experience is with land use?

Ms. Matthews said she can't use hers right now. She said she is new at it, she has owned a home for 20 years, never had any issues with neighbors. She said she did what she did with her house. She said she worked for a roofing company and had to learn codes and how things were supposed to be structured. She said she was the General Contractor when she built her own house. She said she knew about boundaries and setbacks.

Roger asked her what her philosophy was of land use? Should people be allowed to use their land as they see fit?

Ms. Matthews said within certain boundaries. We're not an HOA (Home Owner's Association) so people should have more freedoms than an HOA would have. She said she has seen big improvements on Main Street and she wants to help contribute to that.

Roger asked for questions from the Board

Lucy Pivonka asked what she thought the scope and purpose of the Zoning Board is?

Ms. Matthews said she knew the purpose was to keep things in checks and balances. She said she has an accounting degree as well as bookkeeping and administrative assistant, so she knows there is always checks and balances to everything. If not, then that's when we as a Board would have to work within checks and balances to make a happy town. The scope would be to help the town thrive and grow and that's where the planning and zoning work together to help the town.

John Segedy asked if she thought she could get up to speed on the eight pages of the Rules of Procedure and regulations that the Board should follow by the next meeting to review the Rules of Procedure.

Ms. Matthews said she has read the current ones already online and has been researching a lot of septic stuff and land use boundary lines. Also, with our neighbors who just turned their land from a subdivision to a one-division she helped look at all of that stuff.

Russ Galpin asked what the reason was that she did not run for the seat on the ZBA?

Ms. Matthews said she didn't think about it at the time. She said she knows John Segedy and Lucy Pivonka and voted for them. She did not want to interfere in that.

Mark Bodanza asked if she would be able to make the 12 meetings a year. He asked if she had any commitments that interfere or conflict with this.

Ms. Matthews said it should not. She said she has a special needs child at home, and he has his doctors down in Cincinnati so every once in a while she might have to make an emergency trip but usually she can schedule those around a meeting.

Mark Bodanza asked her to explain why she couldn't use her property now.

Ms. Matthews said she could not go in to full detail but she has been researching all of the issues.

Mark Bodanza asked if they were zoning issues.

Ms. Matthews said potentially but she was not sure, that is why she was researching it.

Roger Racette said the Board meets 12 times a year unless there are some additional meetings held in between. Attendance is very important. If one person doesn't show up it puts the applicant at a terrible disadvantage because whether there are four people here or five the applicant still needs three affirmative votes. The chances of getting that with a four-man board

are 20% less. If you can't make it, you have to notify Robyn in advance to try and make other arrangements.

Ms. Matthews said she has her (Robyn's) e-mail now so she can e-mail her.

Lucy Pivonka asked if she felt she could work cooperatively with the people who come in and other members of the Board? It is much easier to process things if we are all working together rather than setting up against each other, and to work in harmony with the other people on the Board.

Ms. Matthews said it was a public position, so you have to be.

Roger said they aren't always going to agree, and we have to go with the majority whether you are in the majority or not.

There being no other questions Roger initiated the interview with Meg Curtis-Sauer. He said she has served on the Board up until the last Town Meeting. He asked Meg if she had anything to say.

Ms. Curtis-Sauer said she would continue to do the job that she was asked to do and that was to give hearings to the individuals that come in with issues of property setbacks and whatnot and go by the rules.

Lucy Pivonka asked what she thought the scope and the purpose of the ZBA is.

Ms. Curtis-Sauer said the scope is to keep the Town running smoothly, to help all of the other Boards to run smoothly. That would be the scope and purpose both. And to make sure things are done in a legal fashion. That's the most important.

Lucy Pivonka said her other question is do you think you could work cooperatively with people that come in as well as the other members of the Board?

Ms. Curtis-Sauer said she hasn't had problems in the past getting along with anyone.

Roger Racette said he knew she understood the importance of attendance

There being no further questions for Meg Curtis-Sauer Roger recognized Dave Fullerton who wished to make a comment.

Mr. Fullerton said Meg Curtis lost the election to John Segedy; that was the people's decision. The reason she lost was because of the way she acts. He said he knows she does a lot for the Town, but she has another side and that side is coming out.

Roger Racette closed the interviewing process.

Roger Racette said his thoughts were that Meg has experience with the Board and she is willing to continue serving. He said he was impressed with Cynthia as well. He said he would like to see Meg appointed and if Cynthia wishes, to serve as an alternate.

John Segedy said he would lean the opposite way. Like Dave said, the people spoke.

Roger Racette said this is different. This is an appointment by the Board.

John Segedy said he recognized that. But to shut their eyes to the vote of the people and not take that as evidence to be considered he thought would be disrespectful.

John Segedy made a motion to appoint Cynthia as the full-time member for the next year. The motion died for lack of a second.

Roger asked Mark Bodanza for his thoughts. Mark said he found that the Board from his perspective has been a great opportunity to serve the community. From that perspective he would welcome them both to be on board.

Russ Galpin said he has served with Meg for two years and they have been on the opposite side of issues. He said he holds no rancor whatsoever; each person has to make a decision and once a decision is made it does not bother him if he is the one loser with four votes in favor. He said he still speaks his mind and stands by his principals. Having served this town for well over 10 years as a selectman, school moderator for 32 years, and moderator for the Town of Hillsborough for 8 or 9 years and has served on every board in this town except the Town Clerk. He said the experience that Meg gained over two years should be rewarded. She is willing to take the job until the next election. This bit about losing the election; he said he has, as a selectman appointed an opposing candidate to the job of selectman when a selectman resigned because they showed an interest by running. To him that is far more important than any other thing. At any campaign in this town there is always a little under-activity behind the scenes. Sometimes its very effective especially between 80%-90% of the people who to vote have no idea who most of the candidates on the ballot are. Because Meg lost the election doesn't mean a great deal to him. She didn't lose by that much, and there are still people who think she can do a good job, and I am one of them.

Lucy Pivonka said Russ said most of the things she was thinking of saying. She said she was concerned when Cynthia showed ire on some of her tangents. She said it is crucially important as a Board member to be completely unbiased all of the time with every decision. Meg volunteered for a thankless position and up until now has served well. She would like to see her continue to do that.

Roger Racette asked Cynthia Matthews how she would feel about being appointed as an alternate. He said that will provide her with a chance to get her feet wet. This position will open up in a year and she can run for it if she chooses. He said, as Mark can attest, alternates are used a lot. Mark has served as a member a number of times so its not like she would never be needed. He said he would like to see the Board appoint Meg (because of her experience) to finish this year and he would like Cynthia to consider being an alternate.

Cynthia Matthews said she would be up to the challenge.

Roger Racette made a motion to appoint Meg to serve as a member of the ZBA for a one-year term. Russ Galpin seconded the motion. The motion carried with John Segedy abstaining.

Roger Racette made a motion to appoint Cynthia Matthews to a three-year term as alternate. John Segedy seconded the motion. The motion carried with Lucy Pivonka abstaining.

Other Business

John Segedy asked about the two articles that he brought forward to be included in the Rules of Procedure. He asked that they be posted for the next meeting. He said he thought the rule about audio recordings was important because the Board should be as transparent as possible and also the rule as it exists hasn't been followed. The current rule talks about the recordings being on the Town website and they have not been, he also said the latest minutes on the website were from October. He said they have not been transparent at all about this kind of thing.

Roger said this is not on the agenda and as part of the revised Rules of Procedure, if he wants to discuss anything, call Robyn and have it put on the agenda so the Board can prepare for that discussion. He said he was unprepared for this discussion tonight.

John Segedy said the Board can have a preliminary discussion about it and notice it for the next meeting and discuss it in more detail then.

Roger said he thought this issue had been discussed years ago.

Russ Galpin said it had.

John Segedy said it hasn't been followed. He said the voters voted for an elected ZBA for democratic transparency.

Roger Racette said the Board is very transparent.

John Segedy said the minutes are not on the website and you have to know who to call to get copies.

Lucy Pivonka made a motion to not discuss this right now where it is not on the agenda. Talking about an issue that is not on the agenda is not transparent.

Roger said he was not prepared to discuss this tonight.

Robyn said that she expected the next ZBA meeting may be very demanding if she gets the variance application she is expecting. Putting the Rules of Procedure on the next agenda might be difficult.

Roger said the Rules of Procedure do need to be reviewed but it probably won't be the next meeting.

Russ said his opinion was that destroying the recording 30 days after the meeting may be a little too soon but keeping them for ten years is ridiculous. He said he has been serving on this Board for an awfully long time and he has never seen anyone come in to pick up meetings from previous times. He said he would agree to keeping them 60 days rather than thirty but no more than that.

Robyn said they do need to discuss this at a specific meeting on the Rules of Procedure because there are specific recommendations from Town Counsel that apply to this.

John asked if the variance that is expected does not come in time for the meeting, if the Rules of Procedure would be added to the agenda.

Roger said he did not know when, but there will be a specific meeting to address the Rules of Procedure.

Mark Bodanza made a motion to adjourn. Roger Racette seconded the motion.

Meeting Adjourned 8:00 pm

Respectfully Submitted,

Robyn Payson, Planning Director

Hillsborough Zoning Board of Adjustment
Rules of Procedure
Proposals March 21, 2022

(Interim- Draft) Article IV, 4.2

Before appointing any alternate or filling a vacancy the position shall be at a minimum posted on the Town Website, on two public bulletin Boards and in a local paper of general circulation at least two weeks before the meeting when it will be considered, inviting letters of interest as well as any other information that the Board shall require.

(Interim- Draft) Amended Article IV, 5.4

Audio Recordings: The ~~primary~~ purposes of recording meetings is to assist in preparation of meeting minutes **and to provide transparency to the public.** Audio recordings when made, shall be maintained in conformance with RSA 91-A:4, III and be kept on the Town Website for the convenience of the public ~~when possible~~ **for a minimum of one year.** All audio recordings shall be ~~destroyed 30-~~
~~days following the approval of the official meeting minutes~~ **retained at the Town Office for a minimum of ten years.**

(Deletions – ~~strikeout~~; Additions - Bold)