

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
April 8, 2024**

DATE APPROVED: 5/13/24

TIME: 7:00 p.m. – p.m. 8:00 pm

CHAIRPERSON: Lucy Pivonka/Larry Baker

VICE CHAIRPERSON: Keith Cobbett

MEMBERS: Lucy Pivonka, John Segedy, Dave Fullerton

PLANNING DIRECTOR: Robyn Payson

ALTERNATES:

EXCUSED: None

Public Present: None

CALL TO ORDER:

Lucy Pivonka called the meeting to order.at 7:00pm

Pledge of Allegiance

Election of Officers

John Segedy made a motion to elect Larry Baker Chairman. Dave Fullerton seconded the motion. The motion carried unanimously.

John Segedy made a motion to elect Keith Cobbett Vice Chairman. Dave Fullerton seconded the motion. The motion carried unanimously.

Meeting Minutes-02/12/24-approval postponed to the meeting of 5/13/24

John Segedy wanted the following changes made to the minutes of 2/12/24:

Page 1: He said 2/3rds of the way down where it says “John Segedy said that there was a disagreement on”, He said he would cross out the word “that” and say “disagreement on which things affect the criteria” He said after that sentence he crossed out “following discussion” and continued to say that it should say “while John Segedy was trying to express this point following the discussion, Lucy Pivonka said that John Segedy was out of order and ‘gave him a warning’”.

Page 3: Insert the sentence prior to “Keith Cobbett withdrew” :”Lucy Pivonka told John Segedy he needed to raise his hand to speak” He then said where it says Keith Cobbett, to add (without raising his hand) withdrew his first motion.

Page 5: At the top in the sentence that began with Mr. Hoegen to cross out “were apartments” and change it to “was an apartment.”

Page 8: After the first sentence “John Segedy started to speak” he wants to insert “John Segedy made note that no one else has needed to raise their hand and have spoken back and forth. Lucy said, ‘because you keep speaking’. ‘We can all talk when we ask to speak’. He said down a couple of lines where it says Method of Voting” in the first paragraph where it says “there was discussion” he wants inserted “when discussion began John Segedy raised a point of order that hands had not been raised. Larry Baker asked how should be address this? Lucy Pivonka stated just pop your hand up and I will call on you. Larry said just so we are all going to follow the same procedure. Lucy said all comments should go through the Chair especially when we have people here. Board members shouldn’t be addressing the audience directly.”

John Segedy said halfway down where “John Segedy said the benefit of voting”, halfway through the second line the word “not” does not belong in there because it is a double negative.

John Segedy said the next part further down on that page, the section from “following discussion Keith Cobbett recommended” up until “a change in voting must wait 60 days to take effect. Those four lines all took place after the vote for Vice Chairman so it’s not in its right place. He would have that move down to after the vote for Vice Chairman took place. After that, right after “Larry Baker made a motion to take one vote” he would insert. “ after raising his hand and being recognized John Segedy made a point of order that there had been no hand raising that last time. Lucy Pivonka said you want to start that shit. you are out of order for the fifth time, that’s aggressive I can call the police after what you did at the last meeting. John Segedy-call away. Lucy Pivonka- I’ll go home, and I’ll report you because now you’re getting aggressive again. John Segedy-I raised my hand but you’re not letting me speak. Lucy Pivonka-You’re acting like a child. “

Larry Baker said the proposed changes will be reviewed with the Planning Director and voted on at the next meeting.

WORK SESSION

Amendment to Rules of Procedure page 7 Amend Page 7 Section 6 of the Rules of Procedure, subsection 6.6 numbers 6.6-1 And 6.6-2 to amend the language to reflect the new voting method adopted on 02-12-2024.

Larry Baker said section 6.6-1 will read:

6.6-1 Variances-Voting on Variance-After the Board discusses the five criteria of a variance during the Board’s deliberations following the public hearing and is ready to vote, the Board shall vote to grant or deny the application for the Variance, including such listed conditions of any approval upon which the Board has agreed.

6.6-2 Voting on All other Applications-After the Board has deliberated on the Application following the public hearing and is ready to vote, the Board shall vote to grant or deny the application, including such listed conditions of any approval upon which the Board has agreed.

There was discussion about voting on the changes to the Rules of Procedure to reflect the

amended voting method.

John Segedy made a motion to adopt the changes as proposed as Larry Baker read them. Keith Cobbett seconded the motion. The motion carried unanimously.

John Segedy said he had some other amendments to the Rules of Procedure that he wanted to discuss. Section 4.5 by eliminating the word “shall” from:

If a member fails to attend 3 meetings in any 12 month period without giving prior notice to the Planning Director or Chairperson, the Member **shall** be deemed to have vacated their position on the Board.

And replace it with “may”.

Larry Baker said he prefers “shall”. He said “may” leads to ambiguity. His opinion is to leave it as “shall” because he takes this Board very seriously and if you don’t then you shouldn’t be on it.

There was discussion about the subject. Following discussion the amendment was dropped.

John Segedy referred to section 5.5

5.5 Audio Recordings: The purpose of recording meetings is to assist in the preparation of meeting minutes. All audio recordings shall be destroyed upon the approval of the official meeting minutes per RSA 33-A:3-a, LXXX Disposition and Retention Schedule, unless an applicant or abutter requests retention of a recording within 72 hours of their hearing; and then such recording shall be retained for the duration of any appeal concerning said hearing.

John Segedy said he would like to strike that entire paragraph and have it read as follows:

“All Board meetings shall be recorded. The purpose of recording meetings is to promote transparency of the Board’s activities to the public. All recordings shall be retained indefinitely.”

Larry Baker said John Segedy, or anybody, was free to record any public meeting they wanted to.

John Segedy said he wanted to go back to section 6.6-1 to add that Findings of Facts should be voted on and approved by the Board.

There was a brief discussion.

Keith Cobbett said that was an additional level of bureaucracy that they don’t need.

John Segedy asked that be put on the agenda for the next work meeting.

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Keith Cobbett made a motion to adjourn. John Segedy seconded the motion.

Meeting adjourned at 8:00 pm

Respectfully Submitted,
Robyn Payson, Planning Director