

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
October 16, 2023**

DATE APPROVED: 11/13/23

TIME: 7:00 p.m. – 7:55 p.m.

CHAIRPERSON: Lucy Pivonka

VICE CHAIRPERSON: Roger Racette

MEMBERS: John Segedy, Keith Cobbett, Russ Galpin

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Larry Baker

EXCUSED Keith Cobbett

Public Present: Joe Kopp, Manuel Garcia

CALL TO ORDER:

Lucy Pivonka called the meeting to order at 7:00 pm and called the roll. Keith Cobbett was absent and there was no alternate to replace him.

Pledge of Allegiance

Minutes 9/11/23 Roger Racette made a motion to approve the minutes. John Segedy said that the transcript submitted by Riche' Colcombe should have "As submitted by Riche' Colcombe" at the top of the transcript. Roger Racette made a motion to approve the minutes as amended. Russ Galpin seconded the motion. The motion was carried with Lucy Pivonka abstaining.

Public Hearing

Special Exception

29 Church Street (Map 23 Lot 109)

Samuel Joseph Kopp

Lucy Pivonka told the applicant that because there were only four members present it lowered his odds of being approved.

Mr. Kopp said he would like to re-schedule the hearing to the November 13th meeting.

Larry Baker arrived at the meeting.

There was discussion about notifying the Board via e-mail if a member was going to be absent. John Segedy suggested that when a member is unable to attend the meeting, they send an e-mail to the entire board. Following discussion, it was suggested that when a Board member will not be able to attend a meeting that they send an e-mail to Robyn Payson and cc. the chairperson.

Lucy Pivonka said she had some notes about the training that she wanted to review.

Voting Method on Variances

There was discussion on the voting method used for variances. The attorney said that it was preferable that the Board take an overall vote on the application after discussing the criteria. The Board discussed voting on the criteria individually.

John Segedy said that there was no indication that the method of voting on each criterion was not legal.

Following discussion, it was decided that further discussion on the voting method be included on the next meeting's agenda.

Re-opening a Public Hearing

Lucy Pivonka said if the Board has more questions for the applicant after the hearing is closed it is necessary to re-open the public hearing. If the applicant makes a statement, then the public has a right to comment on that statement.

Robyn Payson suggested that an announcement be made to the public when the hearing is closed stating that the hearing may be re-opened during deliberations.

Over Capacity Meeting Attendance

Lucy Pivonka brought up the situation of having attendance at the meeting that exceeds the building's maximum occupancy.

Robyn Payson said she would not be able to secure another venue the night of the meeting so the Board should continue the meeting to a time and date certain to allow for time to get space at the school or the fire station. She said that stating where the meeting would be problematic because one or the other locations might not be available.

John Segedy said in that case the Town should pay to renotify the hearing.

Robyn Payson said it didn't make sense for the Town to pay for that.

Larry Baker said if there needs to be a large location it is best to locate at the school.

Typos in the Minutes

Lucy Pivonka said that she found it is legal for typos or spelling errors in the minutes to be corrected via an e-mail to Robyn Payson.

New Information Presented at a Hearing

Lucy Pivonka said that some applicants have come to the hearing with information that was not included in the original application.

Robyn Payson said that in the Rules of Procedure it says that any new information needs to be submitted at least seven days prior to the hearing. She said it is the Board's decision whether to accept the information at the meeting and proceed or continue the hearing.

John Segedy said it is important to give abutters or interested parties an opportunity to review the new information.

Lucy Pivonka said the Board can choose to accept the information or continue the hearing. Members of the public can request a copy of the information at the hearing. She said it is the citizen's responsibility to ask for the information.

John Segedy said it was in case anyone who had interest in the application needed to check in at the last hour.

There was further discussion about receiving new information the night of a public hearing.

Lucy Pivonka asked if the Board wanted to be stricter on that. She said if it takes more than two or three minutes to read something it takes time out of the hearing. She said it makes sense to continue the hearing to allow the Board to take time to consider the new information.

Other Business

Roger Racette said November 13th would be his last meeting because he is moving.

John Segedy said the need for alternates needs to be in the Town newsletter.

Robyn Payson said she already added that to her newsletter article.

Roger Racette will resign at the next meeting and Larry Baker will be appointed to fill the vacant seat for the remainder of the year.

Lucy Pivonka asked if there was anything further to discuss pertinent to the training.

John Segedy said he did not agree that the training was a "non-meeting".

Robyn Payson said that the attorney said it was.

John Segedy said he disagreed that attorney client privilege applied to training. He said there was no reason to have a "secret" meeting.

Lucy Pivonka asked if someone was asking him about secret meetings.

John Segedy said they hadn't because they didn't know. He said if he wrote a letter to the paper he was sure people would be concerned, but he said he would not do that.

Larry Baker said it is a training session not a non-public meeting.

Robyn Payson said the attorney said it would be a non-meeting because the Board would be getting advice from counsel.

John Segedy said he disagreed with that.

There being no other business John Segedy made a motion to adjourn the meeting. Roger Racette seconded the motion.

The meeting was adjourned at 7:55 pm

Respectfully Submitted,
Robyn Payson, Planning Director