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HILLSBOROUGH ZONING BOARD
Meeting Minutes
November 9, 2015

Date Approved: December 14, 2015

Present:

Members: Chairman Roger Racette, Russell Galpin, John Segedy and Nancy Torres

Alternates: None Present

Planning Director: Robyn Payson

Absent: Larry Baker

Members from the Public: David Rogers

Chairman Racette called the meeting to order at 7:02 pm.

MINUTES:

October 19, 2015:

Mr. Segedy made a motion to approve the minutes of October 19, 2015 as presented. Mrs. Torres seconded the motion. The Board voted all in favor.

CANDIDATE for ZBA MEMBER POSITION:

Mr. Rogers spoke to the Board regarding his interest in becoming a board member. He served on the ZBA for the City of Salem for three years with two as chairman and the Town of Hooksett's Planning Board for four years with two as chairman. He said he doesn't know too much about the Town of Hillsborough but the ZBA deals with site specific cases and the ordinances which apply to each them.

Chairman Racette said there is an opening on the Board for a regular member because of the recent resignation of Michael McEwen. He asked Mr. Rogers if he would be willing to serve as a regular member of the Board especially with his prior experience.

Mr. Rogers answered yes.

Mrs. Torres made a motion to ask the Selectmen to appoint Mr. Rogers as a regular member to the ZBA. Mr. Galpin seconded the motion. The Board voted all in favor.

Chairman Racette asked Mr. Rogers if he could attend the Selectmen's meeting with him the next evening at 6:15 p.m.

Mr. Rogers said he would be available to attend the Selectmen's meeting.

OTHER BUSINESS:

Chairman Racette said he would like to keep the work session meetings to one hour.

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Mrs. Payson reported on the progress being made regarding the ordinance changes being proposed this year. She said the first round of editing has been completed. She added that a change of use would now be a two tier process; first presenting the plan informally to the Planning Board and then moving on to the Site Plan process if the Planning Board deems it necessary. She also mentioned that changes will need to be done to the sign ordinance to make it more content neutral in accordance with a Supreme Court ruling.

Chairman Racette said the ZBA Rules and Procedures can be taken out of the zoning ordinances.

Mrs. Payson said about ninety percent of the ZBA items in the zoning ordinances could be migrated to the Board's rules and procedures and voting next year to remove them from the zoning ordinances.

Chairman Racette would like to see the procedure for reopening a closed public hearing included in the guidelines.

Mr. Segedy suggested the Board could close the public portion of the hearing but not the hearing itself.

Mr. Rogers said in his experience on the Planning Board the applicant would present his case, the Board would ask questions, the public would then be given a chance to speak with little feedback from the Board, the public comment section would be closed and the Board would begin deliberation with the ability to ask questions of the applicant.

Mrs. Payson spoke regarding a Supreme Court case which overruled a ZBA decision because of public comments made by a board member which may or may not have influenced the decision.

Mr. Segedy said the reference Mrs. Payson made in her email in a roundabout way seemed to be talking about the last hearing we had. He said since the thirty day appeal period has not passed, he suggested they save this discussion for the next meeting.

Mrs. Payson said it has nothing to do with the last hearing that we had, this is about the general conduct of board members. She said we all have our points of view and opinions but she found it interesting that decisions were over turned because a ZBA member was prejudiced about a certain thing and they made it known. She said the most important line in the court ruling was that "our state constitution demands that all judges be as impartial as the lot of humanity will admit". She would hate to have a shadow over any of the decisions the Board makes. She added everyone has the right to their opinion but there is a time and a place and at a public hearing is not that place.

Mr. Segedy said he wants to wait the thirty days. He has some definite opinion about what is being said here but the Board needs to wait until after the thirty days. He moved to continue this discussion to the next meeting.

Chairman Racette agreed that this issue applies to all the Board members.

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ADJOURNMENT:

Mr. Segedy made a motion to adjourn. Mrs. Torres seconded the motion. The Board voted all in favor.

Chairman Racette announced the meeting adjourned at 7:45 p.m.

Respectfully Submitted:

Iris Campbell
Land Use Administrator