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**Hill ZBA**

**Meeting Minutes**

**February 11, 2021**

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In-Person regularly scheduled meeting of the ZBA

Meeting was brought to order by Stephen Thomson, Chairman, at 7:05 p.m.

Attendance: Stephen Thomson, Niki Mahoney and Charlie Estes. - Frank Marsh was Absent

Public Audience – None

Old Business.

- Minutes of the previous meeting(s) January 14<sup>th</sup>, 2021 were approved as presented.

New Business –

- The Chairman presented the Board with a Copy of the Non-Public Minutes of the Selectmen's Meeting from January 5<sup>th</sup>, 2021. (These minutes precede the ZBA's Formal Complaint of PB Chairman Helmers.) The minutes represent a meeting between the Select Board and Chairman Helmers subsequent to resident's complaints of Helmers misconduct as Chairman of the PB. Helmers blamed his issues of misconduct on others. The Selectmen appear satisfied with Helmer's explanation where the Board tasked Helmer's to propose a new ZBA/PB procedure to address Joint Hearings/Meetings between the Boards. The Selectmen's minutes inform that they discussed the \*Special Exception application(s) of Brittany Mason and Bon Walsh. The ZBA noted the matter of Brittany Mason is a resolved issue handles by the State of NH Dept of Agriculture and the Board has never received any application for Special Exception (referred to numerous times by Helmers) from Mr. Walsh. Having no application for Special Exception, discussion was discontinued.
- Charles Estes, Secretary - presented the Board with copies of the ZBA Processes and Procedures adopted in 1990. (currently in effect) The Board reviewed specifically Page 6. Section IX which states – The Board of Adjustment shall have the discretion as to whether or not to hold a Joint Meeting/(hearing) requested by an applicant or another land use board. "Requests for Joint Meeting shall be addressed to the Board of Adjustment within twenty (20) days at a special meeting.
- Additionally, Chairman Thomson directed the Board's attention to Page -9- Section XII Amendments and Revisions – These rules may be amended by a Majority Vote of the Members of the Board of Adjustment provided that at least one duly announced public hearing citing the nature of the proposed changes has been held. In an instance where a substantial modification of a proposed change results from such public hearing, a second duly announced hearing shall be conducted. The vote on adoption shall occur immediately following such hearings. The members present, upon reviewing the Selectmen's Non-Public Minutes from January 5<sup>th</sup>, 2021 determine that the Selectmen's actions to task Robert Helmers with drafting a significant procedural change to the ZBA processes is inconsistent with the provisions of the current adopted Rules of Procedure. The Board finds the Selectmen do not possess the authority to engage the Planning Board Chairman, (independent from the Planning Board as a whole or otherwise,) to draft a procedural change of the ZBA without due process.

The board discussed the conduct of Bob Helmers, as it continues, as apparent from the PB January Minutes of a meeting held without the presence of a quorum. The Board reserves the right to re-dress the issue after reviewing the January Minutes of the Selectmen's Meeting held on January 19<sup>th</sup>, 2021 AND February 2<sup>nd</sup>, which are not yet available.

The ZBA, awaiting the pending minutes seeks to set a Joint Meeting with the Planning Board to make the Planning Board members aware that may not otherwise be informed of current issues.

Having no other business - the meeting adjourned at 8:10PM.

Respectfully Submitted,

Charlie Estes,  
Secretary ZBA