



Town of Warner  
Zoning Board of Adjustment

Draft Meeting Minutes

June 9, 2021

7:00PM via Zoom

1. **The Chair opened the ZBA meeting via Zoom on June 9, 2021 at 7:02 pm.**
2. **The Chair invoked the Zoom Meeting Preamble**

A. Chair referred to the preamble: as Chair of the Zoning Board of Adjustment I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town of Warner government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

**B. ROLL CALL**

**Present:** Barbara Marty (Chair), Howard Kirchner (Vice-Chair), Beverley Howe, Sam Bower, Elizabeth Labbe (alternate)

**Also:** Janice Loz, Land Use Secretary

**Absent:** Harry Seidel

**3. Approval of Minutes: May 12, 2021**

Page 2: Barb said under the case # and description it says article V1, it should be VI.

Also on the first line and again later in the paragraph: only the lot number was wrong. The map number was fine.

It should say that the road “has been” maintained by the Town of Warner.

The motion should not say “retail” building, it should just say “building.”

Page 3: It was noted that Harry had sent a few changes in. Chair Marty read through his changes and her changes to the case description, which Janice took down to amend.

Chair Marty asked Janice to review the section about Bagley Hill Road as she may have been misquoted. Chair Marty said she would review the recording to check.

Page 4: Chair Marty said in the 4<sup>th</sup> paragraph from the bottom, last sentence: He doesn't want an entry “from” his land. After some discussion it was noted that even if someone says something incorrectly, it has to be written as such in the minutes and corrected in the next set of minutes.

Page 6: there was a change to the motion (VI instead of 6) and the word “table” should be capitalized. The word “offices” should be added to Sam's motion.

**These minutes would be approved at the next meeting.** Chair Marty needed time to review the recording.

**4. New Business - Applicants for Alternates to the Zoning Board of Appeals**

Jim Zablocki and Lucinda McQueen were present as interested individuals to become alternates to the Zoning Board. Chair Marty said this was an opportunity for the current board members to ask questions of these two individuals.

Jim said he has lived in Warner for 19 years and just got off of the library board, he has been on many boards in the past and recognizes the value of volunteerism. Howard asked Jim what his professional background was. Jim said it was horticulture

and agriculture in North America and in Europe. He consulted in this business for 15 years on his own and with other large corporations.

Lucy McQueen said she has lived in Warner since 1980 and was a self-employed children's book illustrator for many years. She has volunteered for the Town in the Historical Society and Main Street Warner, Inc. She believes that zoning is important and she now has the time to volunteer on the board.

It was thought that the candidates were good.

Janice said that the board has to give the Chair the authority to recommend the applicants, or someone from the board needs to make a motion.

**It was moved by Bev Howe to recommend the applications of Jim Zablocki and Lucinda McQueen as alternates to the Zoning Board of Adjustment to the Board of Selectmen. The motion was seconded by Sam Bower.**

**Roll Call Vote:** Sam Bower – yes, Bev Howe – yes, Howard Kirchner – yes, Barb Marty – Yes. **Motion Passed – 4 to 0.**

## **5. Rules and Procedures**

Chair Marty said that they would go through the document, page by page. Bev wondered why they are un-doing most of what Andy Bodnarik had done in the past with the rules and procedures. Chair Marty said she hoped that they wouldn't be un-doing the work they had done in the past, but making helpful changes.

Chair Marty thought they should add that five alternates are allowed in the section where they talk about how many regular members. It was decided to leave it the way it is, as there is another section that talks about alternates.

Harry had suggested removing the italicized "reappointed" and having it say "each newly appointed, reappointed member and alternate..."

Harry suggested that they should take out the "re" before the RSA number in number 3.

Harry suggested that in number 4, the word "annual" should be removed from the Annual Meeting. Janice thought the word "annual" should remain as other zoning boards have their annual meetings in other months besides April. Assuming that all annual meetings were in April would be a mistake. It was decided to say "...annual meeting in April..."

Harry suggested that in number 4, Janice Loz is crossed out. She took the position out and put it under "staff."

Page 4, under staff, Harry said the "Secretary or Clerk shall keep a record of all meetings, transactions and decisions and shall administer the Land Use office." This was an abbreviation of the original duties of the secretary.

Under meetings, #2, All votes on any matters before the board shall be taken after the matter has been dually moved, seconded and discussed.

Janice said the phrase "unless otherwise stated" may seem wordy but she wasn't sure why it was put in. She was hesitant to take it out. Chair Marty said that whole phrase (#2) is written the same way. No one was sure what the reason was behind using this phrase. Janice said she could ask Ben Frost about this; he is a good resource for this kind of thing.

The word "motion" is capitalized in the end of #2, which should not be.

On #3, Harry said the board doesn't need to give a reason as to why the matter is being continued.

#4 is an addition by Janice. A non-public session may be held in accordance with RSA 91a-3. Janice added that in the next session, Decision on Applications, they should include items on how motions are made in the rules of procedure. She added some things in this section that could either stay or go.

Harry suggests putting a paragraph into a bullet-form. Bev said this is probably helpful to make it easier for people to read.

Janice said the written decision that is issued to the applicant always has the criteria and conditions that have or have not been met.

Janice said she would work on the decision section to accommodate some of Harry's suggestions for layout.

Section 6 is Records. Chair Marty said "inspection within 144 hours" was suggested by Harry.

Page 5:

Chair Marty said she understood that Janice needed to look into whether or not it is in the rules and procedures having to read changes into the record at two consecutive meetings before it can be voted on. Janice said she could find out if this is an RSA.

## UNAPPROVED - JUNE 9, 2021

Chair Marty asked about Joint Meetings and Hearings. #3, the point ends with the word “and” and then it goes onto point #4. She wondered if they could just add point #4 onto the end of point #3. The board members agreed to make this change.

Under disqualifications, the “re” before the RSA can be removed.

Page 6: There were a lot of new additions, represented in italics.

Chair Marty asked to add in “elevated due to absence or disqualification.”

Howard said in his experience, they’ve had meetings where a regular member was not present and an alternate was raised to a voting member for that day. The case was continued to another meeting where the regular member was present. The alternate was continued to be a regular member at the continued meeting. This practice isn’t in any of their regulations. Janice said there is an RSA for that.

Chair Marty said the Planning Board’s rules and procedures says the Planning Board has the right to vary the order of the agenda (sequential order of business). She wondered if they could add this into the Zoning Board’s rules and procedures. With regards to Howard’s point from above, Janice thought this would be under Other Rules of Procedure. Sam suggested adding that it is up to the discretion of the Chair and shouldn’t be a hard and fast rule.

Janice added “review” prior to “minutes of previous meeting.”

Janice added that the Chair opens and closes the public hearings. The chair can do these without making a motion.

Janice said that “public” was added before “hearing.”

Chair Marty identified that XIII should actually be XIV.

Janice thought there should be a reference on how to continue a meeting and why.

F would be “board deliberates.”

G would say that the chair would read the statement into the record.

Chair Marty said under Applications (section 12), there was an addition of when the packets have to be made available to the board members.

Under Public Notice, Howard said the next to last sentence it says “by the board” to have special interest. The notification has to go out before the board meets. So it should say the Land Use Coordinator, or secretary. Janice explained the process and it was found that the current wording was correct.

## **UNAPPROVED - JUNE 9, 2021**

Page 7: Under Public Hearing, Janice said “public hearing closed by the Chair” as well as it being “opened by the Chair.”

Page 8: Motions, Rules of Order #3, “The Board may vote to continue a motion to a stated date in order to draft a more detailed motion to be presented to the board in writing.” She added “at the request of any member the motion shall be put into writing and contain the name of the applicant, map and lot numbers, zone...etc...” She thought anything they could do to indicate what needs to be included in a motion was important.

Page 9: Howard said item #6 regarding voting members. “Unless a greater percent is required.” He wondered what this meant or when it would be enacted. He wasn’t sure when they would require a unanimous decision and not just a majority. Chair Marty said in their rules, they have decided that their quorum was four people. She thinks that this is where this came from, although now that they have a quorum of four, it doesn’t make sense.

There was more discussion on quorums and elevating alternates.

Janice said she would work on this document so the board would have something clean to review at the next meeting.

**It was moved by Howard Kirchner and seconded by Bev Howe to adjourn.**

**Roll Call vote to adjourn the meeting:** Barb Marty – yes, Sam Bower – yes, Bev Howe – yes, Howard Kirchner – yes. **Motion Passed – 4 to 0.**

**The meeting was adjourned at 8:46pm.**

Respectfully submitted,

Kristy Heath, Recording Secretary

Town of Warner