

LANCASTER ZONING BOARD OF ADJUSTMENT
March 31, 2021
6:30 PM

CALL TO ORDER:

The meeting was called to order at 6:30 pm by Chairman Rick Bernier.

ROLL CALL:

Regular Members Present: Chairman Rick Bernier, Steve Young, Les Hilton, and Chris McVetty.

Regular Members Absent: Vice Chair Tricia Frenette.

Alternate Members Present: Linda Ogle, Nathan Kenison and Don Freddette.

Others Attending: John Garrison and Planning/Zoning Advisor Ben Oleson

APPROVAL OF MINUTES:

Moved by Steve Young and seconded by Linda Ogle to approve the minutes of the February 24, 2021 meeting. Motion carried.

PUBLIC HEARINGS:

None.

Ben Oleson introduced John Garrison. He explained he is a new resident to the town and has been attending meetings to learn more about the town.

OTHER BUSINESS:

Elect Board Chair and Vice Chair:

Steve Young nominated Rick Bernier as Chair and the nomination was seconded by Les Hilton. Nomination carried.

Les Hilton nominated Tricia Frenette as Vice Chair and the nomination was seconded by Linda Ogle. Nomination carried.

Training Topic(s)/Material(s):

Mr. Oleson passed out the new edition of the "The Zoning Board of Adjustment in New Hampshire Handbook for Local Officials".

Mr. Oleson informed the Board of monthly training opportunities through the State called "NH OSI Lunches at Noon Webinar Series". This is a webinar series occurring once a month from noon to 1 about specific topics. Mr. Oleson will provide the website link by email. Mr. Oleson also informed the Board that there will be a State Planning/Zoning Conference but it will be remote through webinars. It is free and will occur on Saturday 5/15 from 9 to noon. Mr. Oleson will provide that website link by email as well.

Mr. Oleson provided a short training on Conflicts of Interest/Recusals & Right to Know Law for Land Use Boards. A packet of information was provided for the Board to review as Mr. Oleson presented the information (packet included with minutes).

Announcement(s)/Correspondence(s):

None.

Moved by Les Hilton and seconded by Steve Young to adjourn the meeting.
Motion carried. Meeting adjourned at 7:20 pm.

Respectfully submitted,

Jean E Oleson
Clerk

Approved:

Rick Bernier
Chairman

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Approved:

Jean E Oleson
Clerk

Rick Bernier
Chairman

Lancaster ZBA Training

03/31/2021

Right to Know Law & Conflicts of Interest

Right to Know Law-NH RSA 91-A

Public Meetings

- The convening of a quorum of a public body
- Any manner the participating members can communicate contemporaneously (within the same time period)
- A majority of the Board or Committee

Not Public Meeting

- Consultation with legal counsel
- Circulation of draft documents

Public Body?

- All municipal governing bodies and any board, committee, commission, agency or authority to include sub and advisory committees.
- Must have open meetings.
- Not-Staff or Department Head meetings, meetings among individual officials.

Noticing Requirements

- 24 hours prior to meeting-not counting Sundays or holidays.
- Emergency meetings allow less noticing.

Public Meeting vs. Public Hearing

- May be recorded without permission but cannot disrupt meeting
- Public may attend public "meeting" but does not have right to speak or participate
- Public may speak at "hearing" but not necessarily everyone (NH RSA 676:7)
- Comment should be directed to Board-No questioning applicant and vice versa

Minutes of Public Meetings

- Must be available upon request within 5 business days after meeting close
- Minimum Content
 - Names of Members Present
 - Names of others appearing before Board
 - Brief summary of subject matter
 - Final decisions reached or actions taken.

Non-Public Session

- Employee issues-dismissal, promotion, compensation or disciplining
- Hiring of employee
- Matters that would adversely affect reputation of someone
 - Not Board Member
- Consideration of buying, selling or leasing property
- Consideration of lawsuits
- Consideration of legal advice
 - Consultation with legal counsel not considered a meeting

Entering Non-Public Session

- Must be done in Public Session
- Motion and second to enter-State reasons to enter
- Roll Call vote to enter

Minutes of Non-Public

- Must be released within 72 hours
- Can be sealed with $\frac{2}{3}$ vote of of present members
 - Must happen in public session
 - Affect someone's reputation (not Board Member), render action ineffective, information pertains to terrorism.

Remote Participation

- May allow it but not required
- Attendance in person is not reasonably practical-Must be stated in minutes
- Quorum must be in person to allow remote-unless emergency
- Whole meeting must be audible or "discernible" to all at physical location

Communications Outside a Meeting

- May only discuss or deliberate on business in a meeting
- No circumvention of the law

Conflicts of Interest

673:14-Disqualification of Member

- Direct personal interest in outcome
- Direct pecuniary (financial) interest in outcome
- Would be disqualified as juror-NH RSA 500-A:12

Board can vote at request of Board Member to decide

- Vote only advisory/non-binding
- Always best to recuse if there is any question

Recusal vs. Abstention

- Abstain-considered present at meeting for purposes of quorum
 - No vote is recorded
 - NH Law-Abstained member considered to go along with majority
- Recusal
 - Step off Board for duration of matter
 - Not counted for quorum-Chair may designate an alternate to sit
 - Considered member of public for matter-May participate as such