



ZONING BOARD of ADJUSTMENT
Town of Hollis
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Minutes of August 25, 2022

The Zoning Board of Adjustment meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Brian Major at 7:14 pm.

MEMBERS OF ZONING BOARD OF ADJUSTMENT PRESENT: Brian Major, Chairman; Regular Members – Cindy Robbins-Tsao, Rick MacMillan; Alternate Members – Kat McGhee, Bill Moseley.

MEMBERS ABSENT: Jim Belanger, Vice Chairman; Regular Members – Drew Mason; Alternate Members – Meredith West, Stan Swerchesky.

STAFF PRESENT: Bill Condra, Inspector/Code Enforcement; Kevin Anderson, Town Planner & Environmental Coordinator; Lori Radke, Town Administrator.

B. Major stated that the voting members on the cases tonight will be all five present members of the Board.

B. Moseley led the Pledge of Allegiance.

B. Major explained the policies and procedures.

Determination of Regional Impact

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for cases ZBA2022-015 and ZBA2022-016.

ZBA2022-015

The application of Ryan Bell, property owner, for a Variance to Section XII, Nonconforming Uses, Structures and Lots, Paragraph C, Nonconforming Structure of the Zoning Ordinance to construct a screened porch with a balcony above located 12.4 feet at its closest point from the side yard setback (required 35ft) located at 11 Southgate Rd., (Map 004, Lot 022) in the Residential Agricultural District.

Applicant: Ryan Bell and Candice Bell, Owners. Stated that they have two children, ages 6 and 4, who will be at the Hollis Primary School this year. They would like to build a screened porch to keep out bugs, and want to request a variance because the area in which the porch would be built is quite close to the property line. Indeed, a third of their house is already nonconforming to the setback requirement of 35 feet. Per a question from B. Major, R. Bell stated that the property is in a standard subdivision, not a planned development. The house was built in 1978, and was the first to be built in the subdivision. Their neighbor Nancy Bell (no relation) has helped them understand the history of the easements in the area. There is a 20 foot easement off the property line that they are looking to build against. The question is, what is that easement for? Nancy Bell told the Applicants that when the builder purchased the property, the property was L-shaped, wrapping around Nancy Bell's property and coming back out to Blood Road. The first action that the builder took was to subdivide the property. He wanted to subdivide it into three lots, but ended up only subdividing into two lots. The idea with the easement was to create driveway access to the eastern lot, the back lot.

K. Anderson mentioned that, in looking over the deeds and plans in association with these properties, he was unable to connect the dots in regard to what this easement is for – which is what the Applicant is trying to convey. He could not find what this easement is connected to. It's a recorded easement, someone has the rights to this easement, but neither the Applicants nor K. Anderson have been able to determine to whom the easement was granted.

R. Bell further stated that the surveyor was also unable to determine use of the easement, but told the Applicants that it is extinguished, now, due to impossibility of use. Their property is the combination of two lots initially proposed. Their house was built non-conformant to the setback, so the easement could not in fact be realized.

In answer to a question from R. MacMillan, R. Bell clarified that they do own the easement; the easement benefits their own property.

B. Major and R. MacMillan pointed out that the Applicants are six feet into a legal easement, an indicated easement on the plan.

K. Anderson read the language from the 2018 deed: "Rights in easement to a 20-foot easement as shown on the record plan." The record plan depicts the easement in a number of different scenarios where it is on one side or the other side. The house itself was built in 1978.

B. Moseley pointed out that there is an LP tank on the other side of the property line; the Applicants stated that it is theirs. Now that they are aware of the issue, they can correct it and pull the tank onto their property.

B. Moseley further pointed out that their well sits in the setback. The Applicants confirmed that yes, that is their well, and they are drawing water from it. B. Moseley stated that the well has none of the 100 foot required setback, either.

B. Major suggested that the Board go through the requirements for the variance, paying particular attention to the hardship.

R. Bell stated that the easement, as best that they can understand, is their own, and may be a non-factor if that is the case.

Regarding the requested variance to the 35 foot setback, R. Bell stated that they want to add an enclosed structure, to have a screened porch, useful in the rain. R. Bell stated that the structural additions to the rear of the house as they currently exist have a strange compound roof. The Applicants would like to have a double-decker solarium-type porch addition, with a balcony on top, so that the new structure will have almost zero roof pitch. They would have a rubber roof layer under the regular decking so that water may go through the decking and roll off. R. Bell stated that that this speaks to the hardship issue in that anywhere else on the property where an enclosed porch may be constructed has very similar constraints with respect to the roofline, or the landscaping. This is really the only place where a porch can go.

Per a question from B. Moseley, R. Bell showed that the septic system is on the other side of the property, near a barn, and not near the proposed construction.

C. Tsao pointed out that the proposed two-story porch is over the bulkhead. The Applicants confirmed that that is the case; they are trying to squeeze it in. Their carpenter has proposed that they could remove the metal bulkhead and replace it with a lower-profile bulkhead. The porch will retain access to the basement, via a hidden door.

B. Major asked why the Applicants couldn't limit the size of the screened porch to an area that would follow the line of the existing intrusion to the setback. R. Bell answered that there is no configuration of the porch that wouldn't also violate the existing setback. B. Major clarified that if they limited the size of the proposed porch, to

equal the existing intrusion but to go no further into the setback, they would only need a special exception, and not a variance. The Board has to apply the ordinance even-handedly. R. Bell stated that the rationale supporting their proposition is that even if they did keep the proposed porch to the line following the current intrusion of the setback, they would still need a flat roof – so they'd still envision having a double-decker porch. The question then would become how they would make use of the top deck. Access to that top deck would have to be through the tiny existing window, and they'd worry about the safety of their children.

B. Major stated that there is not going to be any hardship, though, for a two-level structure. The argument is not that there is no place to put a second level – he is asking about the screened porch itself. They could put a flat roof on a screened porch. R. Bell replied that then they'd worry about the roof load, particularly with snow in the winter. B. Major responded that there are lots of people who have flat roofs over screened porches. R. Bell stated that the solution to that would be to take the porch around the side, to the gable end, so that access would be through that gable end, and they would put a standard door at that end. B. Major pointed out again that that would put the Applicants into the position of asking for a special exception, rather than a variance. A special exception is relatively easy. A variance is more difficult, as the hardship issue must be satisfied.

B. Major also suggested making the screened porch bigger within the existing intrusion into the setback, and connecting it with the existing deck. R. Bell pointed out again that that would leave access to the upper level of the proposed structure only through the tiny window; B. Major responded that that's presuming they need access to a deck on top. The Applicants' plans make it hard on the Board, as the ZBA has to apply the rules equally.

Regarding the hardship issue, R. MacMillan suggested that R. Bell look at the criteria for other applications.

B. Major stated that it is a reach to say that they need to have a second story on this addition to have a fair and reasonable use of their property.

K. McGhee stated that she thinks what R. Bell was trying to point out is that the hardship is the configuration of the rooflines; R. MacMillan said that that is not a hardship.

B. Major asked how, back in 1978, we ended up with a house built within the setback, and stated that he did not think the side yard setbacks had changed. It was agreed that since the institution of the ordinance they have always been the same. So, how did we get a building constructed 18 feet from the property line? R. Bell stated that the story they heard from their neighbor, Nancy Bell, is that the builder at the time was not the most honest builder. He got the plans approved for the house to be positioned so that it would be compliant, but when he cut ground and made the building, he put it where it is to maximize distance from the other side of the property. According to their surveyor, that action is what would make the easement null and void because of impossibility of use.

B. Major stated that he assumes the foundation would have been inspected, at the time, and the house inspected for a certificate of occupancy, in accordance with normal 1978 Town procedures, and asked if the discrepancy regarding the setback simply wasn't caught. R. Bell stated that that is his understanding. B. Major asked if it was discovered relatively recently that the house was built this close to the line; R. Bell replied that he thinks their neighbor Nancy Bell had an inkling, but he didn't know if she ever had it quantified. She knew that wasn't the only thing that the builder had done that was out of plan, and he didn't build much in Town afterward. The Applicants themselves had no idea that their house was that far into the setback until they got the recent survey.

Per a question from K. McGhee, the Applicants stated that just the small, gable side of their house faces Nancy Bell's property. The back of their house faces Dow Road. As the part of the Applicants' property that is over the easement is the part that faces Nancy Bell's property, K. McGhee asked about the distance of Nancy Bell's house from the Applicants' property. R. Bell answered that Nancy Bell's house is another 400/450 feet away, through a very densely wooded area, and through a drain. They cannot even see Nancy Bell's house in the summer. They showed Nancy Bell their plan for the addition, and she stated that if the Zoning Board is ok with it she is ok with it.

K. McGhee restated, then, that the abutter on the side of the infringed easement is ok with the plan, and her house is no where near there. They can't see each other's houses.

B. Major pointed out that the Board is looking at this not only in terms of whether it is going to have an effect on anyone, or whether we are following what the zoning is for, to make a decision on the case. The issue is with finding a hardship – the Board has to consistently apply the ordinance.

K. McGhee stated that the hardship is that the house was allowed to be sited over the setback line. The Applicants are working with an existing building, and if the house wasn't placed where it is, they wouldn't have a hardship.

R. Bell asked if there is any precedent of a similar condition to their case; B. Major answered that one was a property that was built very close to conservation land – but that was a five foot intrusion into a 35 foot setback. In that instance, the Board thought that it was de minimis, and what was backing up to that property was conservation land. Another instance was a house on Broad Street, facing away from the road, with the back set down. It was requested to do some construction on the property, but in that case, there was an extremely wide State right of way that was never going to be used. That was a five or eight foot intrusion. B. Major pointed out that the problem here, however, is that the Applicants already have an intrusion, and they're compounding the intrusion with a proposed addition to the property. R. Bell asked, though, if they're being penalized because their property was previously non-compliant. They are just trying to do what they'd do if it was in compliance.

It was explained that they want the two-story solarium addition to extend as it does so that they may install a door from the second floor room that would access the balcony; it is not possible to put a door in, in place of the existing tiny window. B. Major stated, however, that they could have a perfectly good solarium/screened porch accessed by the existing deck on the back of the house, as well as by the first floor interior, and not have to use the second story of the addition. If there isn't a second story on this deck, then there is no need for the door, and then no need for the addition to extend so far further into the setback.

B. Major recalled a case in which a subdivision on Howe Lane required three-car garages; an Applicant came before the Board seeking a variance as they could not fit a three-car garage onto their property with the existing setbacks, and the Board said no because the zoning ordinance supersedes the subdivision regulations – and that would have been a subtle intrusion.

R. Bell stated that a possible way to look at their case would be if they came in specifically to construct a second-story porch, which would necessarily have the bonus space beneath it. Because of the constraints of their property, the hardship would be that they could not construct a second-story porch in any other way.

B. Moseley asked how much finished living space their house has, currently; C. Bell answered that it is about 3100 square feet. They have a half-finished basement.

B. Major asked the Applicants whether, in the event that the Board determines that there is not a hardship in this case, they would like the Board to consider the special exception criteria. The Applicants answered yes.

No further questions from the Board and none from the floor. The hearing portion of the case was closed.

ZBA2022-016

The application of Gimak Properties, property owner, for a Special Exception to Section IX, General Provisions, Paragraph K, Accessory Dwelling Units (ADU) of the Zoning Ordinance to construct a 788 square foot ADU, located at 37 Dow Rd., (Map 013, Lot 068-011) in the Residential Agricultural District.

Applicant: Marcelo Borges, Owner of Gimak Properties. Stated that he moved to Hollis about a year and a half ago. He originally built a house in Town that abutted an orchard right behind it – however, his two young children had allergies related to the spraying of the orchard, so he moved to 37 Dow Road. His mother- and father-in-law

have been having a difficult time with Covid and with the economy, and he would like to build the ADU above the garage for them. It would have two bedrooms, would meet all the regulations, and doesn't change the design of the house that is currently under construction.

R. MacMillan pointed out that there is a mechanical room in the ADU that would have no access from anywhere else in the building. M. Borges stated that is because the mechanical room is for the ADU alone. All the other mechanicals, for the rest of the house, will be in the basement of the main house.

K. Anderson asked for clarification from B. Condra regarding the requirements that an ADU have no less than 300 square feet and no greater than 800 square feet. It was shown that this ADU is designed to have 788 square feet.

Spoke neither in favor nor against the application:

Abutter: Tom Perry, 5 Eastman Lane, Hollis, NH. Stated that he has not reviewed the application, but decided to come to this meeting after receiving a notice recently. He does not have an issue with the ADU, and realizes that this may not be the correct venue for him to raise his issue; he has not spoken with the Applicant about it. T. Perry stated that he had discussed an issue with the previous property owner regarding drainage from that property onto his. This has nothing to do with the current application.

B. Major stated that the ADU is the issue for the Board at this meeting. An ADU is allowed by a special exception in Town; if you meet certain criteria, you're entitled to it as a matter of right. If you don't meet the criteria, you're not entitled to it.

K. Anderson offered for T. Perry to reach out to him, as the Planner, regarding any questions on the topic that he did bring up.

No further questions from the Board and none from the floor. The hearing portion of the case was closed.

DELIBERATIONS AND DECISION

ZBA2022-015

The application of Ryan Bell, property owner, for a Variance to Section XII, Nonconforming Uses, Structures and Lots, Paragraph C, Nonconforming Structure of the Zoning Ordinance to construct a screened porch with a balcony above located 12.4 feet at its closest point from the side yard setback (required 35ft) located at 11 Southgate Rd., (Map 004, Lot 022) in the Residential Agricultural District.

B. Moseley stated that his concern is the setback, but it seems that the Applicants bought the house with it already violating that criteria. Even though he doesn't necessarily like the idea, he would have a level of comfort if they were to top off the intrusion, and not continue into that setback any further, by building off to the side instead of continuing into the setback per their current plan. B. Major asked in clarification if, they get to that point, B. Moseley would be more comfortable with a special exception rather than a variance. B. Moseley said yes. He wouldn't be totally happy with it anyway, but he would be more comfortable with that option.

B. Major stated that the Board should probably decide about the variance first, and then go into the case for a special exception.

R. MacMillan stated that there are criteria for granting a variance that need to be met; there is no hardship here. It's just further incursion into the setback, and he is not going to vote for that.

C. Tsao stated that her thought is that the Applicants don't have to have a second level on the addition. It's not a hardship not to have a second level on the porch. It should be kept as much within the setback as possible.

B. Major stated that the Board always likes to do what people want, if it can, but that logically he's not convinced that the Applicants couldn't have the same benefit by staying within the existing incursion to the setback and constructing a screen porch within that footprint, and tying it into the rest of the house, would be beautiful. The fact is that there is already an incursion into the setback – although it was not the homeowners' fault; it was done by someone else. It was a screw-up years ago.

The Board generally concurred with B. Major's last point in particular, stating that it was the fault of whoever did the title search.

K. Anderson stated that he was just doing some additional research now, and he still could not trace the easement back. It appears on a plan, and it appears to be an access easement for a future subdivision of the Applicants' lot.

R. MacMillan stated that he wonders how far back that easement goes. K. Anderson replied that all deeds reference it, but nothing explains it.

B. Major stated that he doesn't think the Board could consider an existing easement in granting relief under the zoning ordinance – they wouldn't be giving people the right to do anything they couldn't do anyway, as they'd still have to deal with the easement issue – so he'd be solid on ignoring the easement issue. What it comes down to for him is that he's looking at it as a balancing test, and we've got the ordinance, and we've got all of our developing case law, our administrative gloss on how we approach these cases, which follows the Board along as precedent – and he's balancing that against the utility of what is requested, and it doesn't balance.

K. Anderson stated that his only argument to what B. Major has stated is that if this was an access easement, granting the application would be further blocking the access. To say that we disregard the easement is a little too broad. However, given the criteria, we can move forward saying that the easement is either non-defined or defunct, to be determined, and if the Applicant's surveyor cannot come up with a solution, and if he himself can't even come up with some guidance, then there's obviously an error in the title.

B. Major stated that if the intention was to create a back lot on the property, and those back lots were absorbed into the existing lots, then the easement is shared by both owners.

B. Major moves for a finding-of-fact;

1. The Board finds no demonstrated hardship supporting further encroachment into the side setback.

Seconded by R. MacMillan.

Motion unanimously approved.

Questions – Variance

Question 1.	The variance will not be contrary to the public interest.
Question 2.	The spirit of the ordinance is observed.
Question 3.	Substantial justice is done.
Question 4.	The values of surrounding properties are not diminished.
Question 5a(1).	No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.
Question 5a(2).	The proposed use is a reasonable one.
Question 5b.	The property cannot be reasonably used in strict conformance with the ordinance, and a variance is, therefore, necessary to enable a reasonable use of it.

Board Member	Question #1	Question #2	Question #3	Question #4	Question #5a(1)	Question # 5a(2)	Total Yes	Total No
Major	No	No	No	Yes	No	Yes	2	4

Tsao	No	No	No	Yes	No	No	1	5
MacMillan	No	No	No	Yes	No	No	1	5
McGhee	No	No	No	Yes	No	Yes	2	4
Moseley	No	No	No	Yes	No	No	1	5

THEREFORE, THE VARIANCE WAS DENIED WITH THE FOLLOWING FINDING-OF-FACT;

- 1. The Board finds no demonstrated hardship supporting further encroachment into the side setback.**

K. McGhee stated that the proposal as submitted would be a further encroachment. Just because the house was built in the wrong place doesn't mean that we can make it worse. B. Moseley concurred.

The Board discussed during the public hearing with the Applicants, and both agreed, if the variance application failed. The proposed screened porch would be relocated and constructed in a way that no further encroachment to the side setback would occur.

R. MacMillan moved to act on the application as a Special Exception.

Seconded by B. Moseley.

Motion unanimously approved.

The Board discussed that as long as there was no further intrusion to the side yard setback the application would meet the requirements of the Special Exception. K. Anderson brought up a concern that the current LP tank noted on the plan is not located on the Applicant's property and the Board may want to consider a finding-of-fact noting the LP tank location.

Note: a new case number was assigned for the Special Exception (**ZBA2022-017**)

B. Major moves for the following condition;

- 1. The construction of the screened porch shall be no closer than the existing configuration of the structure and shall be no closer than the existing side yard setback. (18.5')*

B. Moseley seconded.

Motion unanimously approved.

Questions/Special Exception

Question #1 Is the Exception specified in the Ordinance?

Question #2 Are the specified conditions under which the Exception may be granted present?

Question #3 Should the Exception be granted with the specified conditions and restrictions?

Board Member	Question #1	Question #2	Question #3	Total-Yes	Total-No
Major	Yes	Yes	Yes	3	0
Tsao	Yes	Yes	Yes	3	0
MacMillan	Yes	Yes	Yes	3	0
McGhee	Yes	Yes	Yes	3	0
Moseley	Yes	Yes	Yes	3	0

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED WITH THE CONDITION;

- 1. The construction of the screened porch shall be no closer than the existing configuration of the structure and shall be no closer than the existing side yard setback. (18.5')**

ZBA2022-016

The application of Gimak Properties, property owner, for a Special Exception to Section IX, General Provisions, Paragraph K, Accessory Dwelling Units (ADU) of the Zoning Ordinance to construct a 788 square foot ADU, located at 37 Dow Rd., (Map 013, Lot 068-011) in the Residential Agricultural District.

B. Moseley stated that the Applicant did a very good job of putting the proposal together, and he does not have a concern. The Board all concurred, and determined that they should go directly to the questions.

B. Major moves for the following finding-of-fact;

1. The Board finds the application meets all requirements of the Hollis Accessory Dwelling Unit ordinance.

B. Moseley seconded.

Motion unanimously approved.

Questions/Special Exception

Question #1 Is the Exception specified in the Ordinance?

Question #2 Are the specified conditions under which the Exception may be granted present?

Question #3 Should the Exception be granted with the specified conditions and restrictions?

Board Member	Question #1	Question #2	Question #3	Total-Yes	Total-No
Major	Yes	Yes	Yes	3	0
Tsao	Yes	Yes	Yes	3	0
MacMillan	Yes	Yes	Yes	3	0
McGhee	Yes	Yes	Yes	3	0
Moseley	Yes	Yes	Yes	3	0

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED WITH THE FOLLOWING FINDING-OF-FACT;

- 1. The Board finds the application meets all requirements of the Hollis Accessory Dwelling Unit ordinance.**

Other Business

Discussion: ZBA appointment procedures.

B. Major stated that the Board has had a lot of discussion on this matter. He stated that he has reluctantly been informed of the procedure that they are going to be employing for selection of new members. He has the greatest respect for the Select Board. He had a long talk with David Petry, and things have changed a lot in the past couple of years. The Board is going to have to interview, in a public session, the candidates that they have for the vacancy on the ZBA.

R. MacMillan asked if the Board may ask personal questions of the candidates. B. Major answered that the Board is entitled to ask any questions that they like. B. Major further stated that he doesn't like doing this, and believes that there are a lot of reasons for not doing it, but he cannot say that legally he is right.

B. Major proposed that, for the September meeting of the ZBA, they invite back the candidates they have for the open position.

R. MacMillan asked if this process is trying to get at the candidates' ideology. Do we want to try to balance the Board, between conservative and liberal points of view?

K. McGhee stated that everyone takes the cases on their own merits, and that is what you want: somebody who is not going to have a particular disposition.

R. MacMillan stated that he has not found the Board to be unfair. B. Major concurred; each member may have individual quirks and tics, but in the end, they try to get the job done – and he does not think that the Select Board is trying to steer the ZBA away from that way of doing things.

The Select Board is going to give B. Major a list of questions to ask the candidates, and the ZBA also has their own questions.

B. Major stated that he does not know how there can be a fair and frank conversation about selecting an applicant in a public forum.

R. MacMillan questioned whether the Board can ask candidates if they feel they are representing members of the Town, or are representing the Applicant on any given case. Whose interest do they represent? The Board generally concurred that that would be an appropriate question.

B. Major stated that when he has screened people for the Board in the past, he has emphasized to them that a lot of times he comes to a meeting thinking how he is going to vote on a particular case – but once he gets to the meeting, and talks with people, he changes his mind. He asks candidates how they feel about working with a deliberative Board, where they may be wrong about something, and may be called out about it. How you work with others is a big, important thing. The ZBA may also ask candidates what they would bring to the Board. What do they have for work experience that might assist in their work on the Board? B. Major stated that he doesn't want to sit on a Board of ten lawyers – but we also don't want to have ten real estate people, or ten legislators. He pointed out that they need to think about the future, and to get younger in some ways. We've got to get younger people involved in Town government. It takes someone three or four years to be good at being a Board member.

The Board supported B. Major in putting candidate interviews on the agenda for the September meeting, where they will be deliberated in a public session.

L. Radke pointed out that according to RSA 91-A, "A public body should never enter non-public session just because its members are uncomfortable holding a discussion in public." There are several reasons why a public body might go into a non-public session. RSA 91-A was established to provide more transparency, while also protecting those reasons. When it comes to interviewing candidates, however, that has to be in public.

B. Major stated that he has offered to the Select Board that the ZBA be removed from the entire selection process; that is how it was in the mid-1980s up until about 1990. He further stated that if the ZBA sits down, and comes up with a candidate that they think they can work with, given the balance of the Board right now, and brings that candidate to a Select Board meeting, if the Select Board is delegating the responsibility of interviewing candidates to the ZBA, then he would respectfully ask that the ZBA's decision be given great weight in terms of whether that candidate is approved. Otherwise, the ZBA is in a terrible situation.

L. Radke added that according to the Committee Appointment Policy which was established in 2020, the Select Board may interview the candidates, as well. She agreed that there are some issues with the Policy that we have at this point. Those issues will need to be addressed, and she will be working with the Board on them. For the time being, we need to be more transparent.

B. Major stated that he doesn't mind being transparent; the Board has never had multiple applicants for a position, in the past. Usually there are no applicants, and they have had difficulty filling open positions. In those situations, current Board members would find candidates via their connections in the community, and suggest to such a connection that they apply to the Board. The Board has always then interviewed each candidate at a Board meeting before deliberating on the candidate, coming to a decision, and making a recommendation to the Select Board.

As there is no screening of candidates allowed, B. Major asked if the Board now has to interview everyone who

submits an application. L. Radke answered essentially that that would be a good idea.

R. MacMillan agreed that they would like to interview everyone who applies, but he would then like for the Board to be able to discuss applicants in private. Is the Board going to discuss their likes and dislikes of a candidate in front of them? It is not in the interest of the Board or of common sense to do that.

L. Radke referred again to RSA 91-A: "A public body should never enter non-public session just because its members are uncomfortable holding a discussion in public. The need to discuss uncomfortable topics in public is an unfortunate reality of holding public office." K. Anderson pointed out that this policy was established in 1967.

L. Radke pointed out that the interviews can be held before the actual meeting, as long as they are posted and open to the public. They do not have to be televised. The Board may also hold off on making a decision on a candidate at the same meeting. However, government needs to be transparent.

B. Major stated that his recommendation going forward would be for the Select Board to interview the candidates, with the participation of members of the ZBA. L. Radke stated that that is not a bad idea, but would be a huge change, which the Select Board would have to approve. As it is now, that is not how it works – but they can look at it for the future, and potentially change the policy in that direction.

B. Major emphasized that if the ZBA comes up with a recommendation, after interviewing the candidates, he would fully expect that the Select Board would respect the ZBA's recommendation entirely. He does not want to be in the position of going to a Select Board meeting with a candidate, to introduce them, after having gone through the interview process, and not have that person be approved. That would put the ZBA in a difficult position.

Per a question from K. Anderson, B. Major clarified that they are not asking for the Select Board to pre-screen candidates. They are asking that the Select Board hold the interviews, themselves, rather than have a two-stage interview process in which one Board recommends something and the other Board says no.

B. Moseley moved that the ZBA put candidate interviews for the open position on the Board on the agenda for the next meeting, September 22, 2022.

Seconded by K. McGhee.

Motion unanimously approved.

Review of Minutes

B. Moseley moved to approve the minutes of June 23, 2022.

Seconded by C. Tsao.

Motion unanimously approved with C. Tsao and K. McGhee abstaining.

Meeting Adjourned

The ZBA meeting adjourned at 9:00 pm.

Respectfully submitted by:

Donna Lee Setaro, Building and Land Use Coordinator,
and Aurelia Perry, Recording Secretary.