



ZONING BOARD of ADJUSTMENT
Town of Hollis
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Minutes of September 22, 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 7:00 pm.

MEMBERS OF ZONING BOARD OF ADJUSTMENT PRESENT: Brian Major, Chairman; Jim Belanger, Vice Chairman; Regular Members – Drew Mason; Alternate Members – Kat McGhee, Bill Moseley, Meredith West, Stan Swerchesky.

MEMBERS ABSENT: Cindy Robbins-Tsao and Rick MacMillan; Regular Members.

STAFF PRESENT: Bill Condra, Inspector/Code Enforcement; Donna Setaro, Building and Land Use Coordinator.

B. Major stated the ZBA has received a request to table case ZBA2022-019. D. Setaro read the email received this afternoon;

“Our family came down with COVID and so won’t be able to attend the meeting today Sept. 22nd regarding ZBA2022-019. We are requesting that our review be postponed until the next ZBA meeting on October 27th so that we’re able to be present.”

ZBA2022-019

Application of William Keller, property owners, for a Special Exception to Section IX; General Provisions, paragraph K; Accessory Dwelling Unit, of the Zoning Ordinance, to approve a pre-existing 772 square foot Accessory Dwelling Unit, located at 105+105A Nartoff Rd., (Map 032, Lot 057) in the Residential/Agricultural District.

D. Mason moved to table case ZBA2022-019 to the October 27, 2022 ZBA meeting.

Seconded by J. Belanger.

Motion unanimously approved.

B. Major stated that the voting members on the case this evening would be J. Belanger, D. Mason, K. McGhee, B. Moseley and S. Swerchesky.

B. Major 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 case ZBA2022-018.

ZBA2022-018

The application of Casie Runksmeier, property owner, for a Special Exception to Section XII: Nonconforming Uses, Lots & Structures, paragraph C; Nonconforming Structure of the Zoning Ordinance, the construction of a

534 square foot second floor addition, located at 9 Hanson Way, (Map 060, Lot 015) in the Recreational District.

Applicant: Casie Runksmeier, 9 Hanson Way. Stated that on August 5, during the microburst that hit Hollis, 12 of her neighbors' trees fell down. One struck her home, and has done enough damage that the estimate will probably be in the six figures. Following that misfortune, she is looking for ways to improve the property. Currently, the dwelling has one story on a concrete foundation, and a second story on pillars. An engineer has suggested that the second story be put on the main, poured foundation, as well, rather than on pillars. She clarified that the addition would actually be about 354 square feet, as the current second floor will be removed. She noted that construction would not go outside of the current footprint of the home. Applicant also pointed out that the house is on a septic holding tank; the new second floor would be adding a bathroom, but all that would entail would be pumping the septic holding tank more often. The number of bedrooms will remain the same. The house currently has two bedrooms, and will continue to have two bedrooms after the proposed construction. The current, existing second floor is completely unfinished, and is not a bedroom. Both current, small bedrooms are on the back of the first floor of the house, and one will need to be converted into a staircase. The new second floor will have one bedroom, a closet, and a bathroom.

B. Major asked why the Applicant was choosing a flat roof. C. Runksmeier responded that it was an engineer suggestion; there has been enough research and experimentation that there is no problem these days with flat roofs. Environmentally, the flat roof is more sound – there will be less loss of heat.

Per a question from D. Mason, C. Runksmeier clarified that the current second floor of 180 square feet will be removed, and a new second floor of 534 square feet will be constructed – for a total of 354 new square feet. The total square footage of the house would then be just over 1100 sq. ft.

Per a question from S. Swerchesky, C. Runksmeier stated that the lot size is 0.11 acre.

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

DELIBERATIONS AND DECISION

ZBA2022-018

Discussion of the application of Casie Runksmeier, property owner, for a Special Exception to Section XII: Nonconforming Uses, Lots & Structures, paragraph C; Nonconforming Structure of the Zoning Ordinance, the construction of a 534 square foot second floor addition, located at 9 Hanson Way, (Map 060, Lot 015) in the Recreational District.

B. Moseley mentioned as a point in favor of the application that the home would be staying within the same footprint, with the same number of bedrooms.

K. McGhee pointed out that while the construction would lead to more square footage, there would not be any greater use of the septic.

M. West stated that there are two ways that Boards typically look at cases such as this: by the volume change, and by the footprint change. Often, those that consider volume do not take footprint into account, and those that consider footprint do not take volume into account. The ZBA has looked at both volume and footprint. This case is one of volume.

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

- 1. The Board finds the proposed construction does not exceed the existing footprint of the residence, and the number of bedrooms in the proposed construction remains at 2.*

Seconded by J. Belanger.

Motion unanimously approved.

M. West moves for the following finding-of-fact;

- 2. The Board finds the additional square footage of the proposed construction does not further affect the existing non-conformity.*

Seconded by J. Belanger.

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
J. Belanger	Yes	Yes	Yes	3	0
D. Mason	Yes	Yes	Yes	3	0
K. McGhee	Yes	Yes	Yes	3	0
B. Moseley	Yes	Yes	Yes	3	0
M. West	Yes	Yes	Yes	3	0

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

- 1. The Board finds the proposed construction does not exceed the existing footprint of the residence, and the number of bedrooms in the proposed construction remains at 2.**
- 2. The Board finds the additional square footage of the proposed construction does not further affect the existing non-conformity.**

Other Business

ZBA interview for the Alternate position.

B. Major stated that the ZBA has been back and forth with the Town on this issue. The Board has been instructed to interview every applicant. He does not think that this is the best way to do it, as candidate interviews in a public meeting.

Joe Garruba, 28 Winchester Dr.

B. Major asked J. Garruba why he would be interested in an Alternate Member position on the Zoning Board of Adjustment. J. Garruba stated that, specifically, he thinks that the Town's Zoning Ordinance, voted on by all residents, is one of the most important things that we have insofar as protecting the Town, its resources, and its rural character. The work that the ZBA does is very important in terms of maintaining the Town and maintaining what we have, going forward.

B. Major asked if J. Garruba has a good understanding of what the Board does; J. Garruba answered that he does believe he has a good understanding of what the Board does. He has argued three cases in front of the Board, in the past. He has studied land-use boards and New Hampshire law, particularly volumes published by NHMA, including books by Bernie Waugh. J. Garruba stated that he has an excellent background in land use. He has attended the NHMA/OPD Planning Board and Zoning Board land-use trainings. He has attended almost every Hollis Planning Board meeting for the last five years. In addition, he has been working with our legislators

regarding the power of this Board, and local boards in general, at the State House. In terms of whether he has the knowledge that is needed to sit on this Board, J. Garruba stated that he has been building that knowledge for the past six years.

B. Major stated, and asked if J. Garruba understood, that when Board members come to ZBA meetings, to some extent they don't lose their right to free speech – but that the Board cannot take public positions on things, because if they do they lose their ability to be an impartial jury. The Board cannot take a position, publicly, on issues having to do with zoning. Board members can take public positions on things that don't relate to zoning, but when it comes to the Town, and this institution, they really have to not say what they may think about issues. B. Major asked if J. Garruba understood how important that is, to the ZBA.

J. Garruba responded that he has thought about this quite a bit. The implication of what B. Major is saying is that if we have a member of the Board with outspoken positions in the past, on a particular subject, and that Board member could influence a decision made by this Board, then that could be grounds for an applicant to challenge the Board's decision. He believes that B. Major has a very good point, and because of that point the Board should avoid selecting as a member anyone who has run for Town office, or even, potentially, anyone who has spoken out about housing issues.

B. Major stated that it's a different thing. When you're commenting publicly on the Ordinance, or things that you want, it is a completely different issue. Running for public office is fine, and there are a few people on this Board who have run for public office previously.

J. Garruba responded that his point is Town office, not public office. The process of running for Town office requires that you're going to put out a position on Town issues. The concern is valid, and he himself has certainly had outspoken positions.

B. Major stated that we have a Board that has to function; the members are all good friends. Politically, they don't have much in common; they're very different people. K. McGhee concurred, and added that members understand that they don't politicize the work that they do here.

B. Major stated that Board members do influence each other. He often comes to meetings having read the cases and thinking that he knows how he is going to vote, but then someone else at the meeting says something that he hadn't thought of. Board members have to work together. They cannot take positions outside of the Board.

J. Garruba stated that he believes they are in agreement; that is a strong point against someone's candidacy.

K. McGhee pointed out that J. Garruba is a member of Hollis Watch, and it seems as if a lot of the information that has come out to the public, in the Town, from Hollis Watch, has been opposed to development in one way or another, and that is what makes it difficult. Everyone on the Board has opinions, but we don't come to the work saying that particular project would be ill-advised, or that we would not be interested in granting a special exception or a variance to someone on a particular project because of our personal biases – decisions are to be based on the rules as they are: and then changing rules if they need to be changed. One of the things of concern to her is that it seems as if J. Garruba feels as if the Boards in Town are not watching out for the Town, which she believes they are.

J. Garruba responded that the Planning Board decision at their meeting this past Tuesday was a great example of the Boards looking out for the Town's interest, which he likes to see.

B. Major stated that he and members of other Town Boards had a meeting with J. Garruba about a year ago, following which J. Garruba wrote a letter to the Select Board that was primarily directed at the Planning Board and also at the Zoning Board, in which he basically made assertions affecting their integrity. B. Major asked J. Garruba to explain to the ZBA why he did that.

J. Garruba responded that he is not certain what that particular letter was about – he has written many letters to the Select Board.

B. Major stated that the letter accused this Board, and the Planning Board, of acting unethically.

J. Garruba responded that he wasn't sure if this was the same instance, but he remembers an example in which the Planning Board sent out information to influence a vote on a zoning amendment. He certainly has taken a strong position against that, and is supported by language in the Secretary of State's guidance.

J. Belanger stated that he has known J. Garruba for a couple of years and finds his research abilities amazing – he can't imagine the amount of work that must go into it. J. Belanger has heard some of the issues that J. Garruba has argued for or against, and he doesn't believe that, sitting on this Board, J. Garruba could be unbiased when it comes to upholding the Zoning Ordinance. It is very difficult for Board members to uphold the Ordinance when they don't agree with it. As a result, J. Belanger could not recommend J. Garruba to be on this Board.

J. Garruba replied that any of his comments, made before the Zoning Board or the Planning Board, are always laser-focused on the letter of the law. He has a very strong understanding of the importance of the Ordinance, and certainly could follow it.

K. McGhee stated that J. Garruba came before the Zoning Board some time ago looking for redress on an issue that he had with the Planning Board, and he cited a statute up to a comma – after the comma, in the same sentence being cited, it refuted J. Garruba's argument.

J. Garruba responded that he disagreed. He thinks the instance to which K. McGhee is referring is a time at which he had an appeal for wetland violations on a project on Old Runnells Bridge Road, and the language in the Ordinance allowed for an appeal of administrative decision. In that case, he was appealing a decision made by the Planning Board. The language of the Ordinance was somewhat drawn out, in that it referred to the Planning Board indirectly – which was the grounds he was using to challenge the decision. Ultimately, the ZBA heard the case and decided that J. Garruba did not have standing.

K. McGhee stated what happened was that when they looked up the statute that J. Garruba had been citing, after the comma it said 'except in this circumstance' and the circumstance that it was defining was the circumstance that J. Garruba had been using.

J. Garruba responded that he did not bring anything before the Board that was not legally well-supported, and invited revisiting the above issue.

K. McGhee explained that, per the language of the statute, J. Garruba had not had redress, had not had a right to bring his case before the Board under those circumstances.

J. Garruba replied that the details of his standing were not related to language in the RSA at that time. The standing was based on a strong, personal, negative effect, and he presented several of the negative effects.

S. Swerchesky asked if J. Garruba would have any suggestions that he would want to bring to the position on the Board – any zoning changes, for instance.

J. Garruba answered affirmatively that he would have suggested zoning changes. He stated that the ZBA recommends zoning changes to the Planning Board, and that the Select Board also has the authority to put zoning changes on the ballot. He intends to continue presenting zoning changes, whether he is on the Board or not. If he is on the Board, it would be another avenue for presenting suggested zoning changes.

D. Mason stated that he has a problem with that above situation. He does not have a problem with the Board putting together a recommendation for a zoning change and presenting it to the Planning Board; he has a problem with a member of the ZBA as a private citizen recommending zoning changes. He thinks that that really puts J. Garruba outside of the impartiality that a Board member needs to have.

J. Garruba responded that the right to put forth zoning changes is codified in State RSA. Putting forth a zoning petition is a right that all residents have.

B. Major stated that he thinks D. Mason's point is that this goes back to rights that ZBA members can't or shouldn't exercise, things that ZBA members shouldn't do, because there has to be the perception in Town that this Board is above all of that, and that when we come to Board meetings we are going to give a fair hearing no matter what. Board members must maintain absolute objectivity.

J. Garruba stated that he does not disagree with what B. Major has stated – those points are very important.

B. Major reiterated that fairness is the one thing that the ZBA has – fairness and objectivity.

J. Garruba stated that the logic being put forth is that if someone were to propose a zoning ordinance, they would lose their objectivity – and yet, every year this Board proposes zoning ordinances.

B. Major replied that the Board proposes zoning ordinances as a body – as a body of ten people in this Town. And sometimes the ZBA has gone to the Planning Board and had the Planning Board reject their proposals, have gone to the voters and had the voters reject their proposals.

M. West stated that Board members don't propose zoning changes privately – that is a right that they have given up because the perception and the obligation of neutrality is more important than their ability to act privately.

J. Garruba replied that he would argue that the Board has lost its neutrality almost to the same degree that he as a private citizen has, when they propose a zoning amendment. If the Board proposes a zoning amendment, for example, increasing the lot size of housing for older persons, then this Board is seen as supporting increasing the lot size of housing for older persons: so, the Board has lost its neutrality just as much as he has. What would be the difference?

B. Major responded that 99% of all recommendations ever made by the ZBA for amendments to the Zoning Ordinance have consisted of things where the Ordinance procedurally is awkward, where things are coming to us that we don't need to hear. For instance, the Board might propose a zoning amendment for ADUs in which if the building inspector is happy with a plan, and the plan meets the conditions, it would not have to come before the Board. We don't make policy arguments with suggested changes. Sometimes things become unworkable in the context of the hearing and we feel that we need to make suggestions, but that is one or two examples a year.

J. Garruba responded that is no more than he proposes – and the example that he gave above happened in 2017. That was a policy decision that the ZBA promoted.

B. Major asked if J. Garruba has taken a position on workforce housing; J. Garruba responded affirmatively, very much so.

B. Moseley added to B. Major's question, asking for J. Garruba's opinion on the expansion of housing opportunities in general, as allowed by current law – including workforce housing, ADUs, senior housing, micro housing.

J. Garruba responded that he has studied workforce housing in detail. Our Town Planner wrote the guidebook, and that is what was used to implement what we did in Town. The workforce housing law specifically says that we have to offer the opportunity to have workforce housing, it has to be zoned, and greater than 50% of the residential area in our Town. In fact, J. Garruba stated, he submitted a zoning ordinance that was passed, and he stayed very much within the letter of the law, the State RSA, regarding the legality, and there wouldn't be any benefit not to do so. So, when it comes to workforce housing, he would very much say that at the State level they are preempting some of the authority that we used to have in Town. What he has done in relation to that is spend some time in Concord, for a few years, to try to stop that from happening. That's the only legal path, and the only effective path that we have, and he would hope that this Board would assist him – there was a very bad RSA that passed last year, pieces of which went into effect this August: HB1661. It has taken away the ability for extensions, and has imposed very strict deadlines on the operation of this Board. What he would like to see is a reorganization to compensate for those losses.

B. Major asked if J. Garruba understood that one of the duties of this Board, above and beyond impartiality and fairness, is to keep the Town out of court.

J. Garruba replied that he has thought about that quite a bit – very often he has heard that statement.

B. Major added that every time a Superior Court judge comes back and says that the Board messed up, it's a slap in the face.

J. Garruba responded that he has thought about that point a great deal. He believes that the ordinances we have in Town, and the resources we have in Town, justify the use of money to defend them, sometimes. He would say that the Board sometimes tries to avoid going to court in cases where our resources and our ordinances should be defended. He has heard it stated that the overall goal of this Board is to avoid being in court, and he would submit that that is absolutely incorrect.

K. McGhee stated that is not the overall goal of the Board; that is a mischaracterization. Obviously, if a Board is attempting to conduct itself in a professional way, with objectivity and cooperation, in the best interpretations, members bounce ideas off one another to make sure that they make a good decision. Part of that is to make sure that it doesn't cost the Town any more money. That is part of what we're volunteering for – to provide that service. That's why we have attorneys on the Board.

J. Garruba stated that he would submit that sometimes spending money to defend the ordinance is the right decision, not never to spend money defending the ordinance. That is his point; it's just a nuance.

B. Major stated that he is not gun-shy of getting involved in something and putting his foot down, but the objective

is to avoid making mistakes. If the Superior Court judge comes back and remands something, then we have made a mistake.

J. Garruba stated that it's almost as if a fear of failure is holding back success. You've got to look at the ordinance and how it's applied, and whether that results in a developer that sues the Town or not, if you read the ordinance and interpret it the way our voters intended, he thinks it's worth spending the money.

J. Belanger stated that this is not an interview any more, and asked if the Board could move on.

B. Major asked if there were any further questions of the candidate. B. Moseley said that he would like J. Garruba to continue his answer to B. Moseley's question regarding the expansion of housing opportunities in general, as allowed by current law. J. Garruba mentioned workforce housing; what about ADUs, senior housing, etc.?

J. Garruba stated that we have a problem with several of the senior housing projects that have been developed recently. Water is the most important thing in this Town, as far as agriculture and the private wells that many people have. There are two senior housing developments that he knows about that presently have water issues. It's very important that we manage the resources of this Town, and he thinks that the density we have on housing for older persons is jeopardizing those resources.

Regarding ADUs, J. Garruba stated that he hasn't taken much of a position; he believes that they are required by a State RSA that goes back a few years. He does not see them as being a big factor in this Town.

As there were not any more questions for J. Garruba, B. Major stated that there are three candidates to be heard tonight for the one open position on the ZBA. He asked if J. Garruba would be willing to be considered in the future, if not chosen tonight to be recommended to the Select Board for the current open position. J. Garruba said that yes, he definitely would be willing to be considered for a position on the ZBA in the future. He added that he agrees with B. Major in that the Select Board should be doing these interviews, because ultimately when someone makes a decision, the Select Board has to face the voters every three years while people on land-use boards such as the ZBA are appointed – so these interviews, and these decisions, ultimately, should be done by the Select Board. He has researched the issue, and finds it kind of strange as we have a lot of latitude as a Town. It comes down to Section VI of our Zoning Ordinance, which identifies how this process is supposed to play out; it's not strongly worded, but he believes that we would be better off having it sent to the Select Board.

B. Major responded that the ZBA may have some suggestions on the process after this meeting.

Mike Bishop, 107 Wright Rd.

M. Bishop stated that he grew up in and around Detroit, joined the Air Force and originally enlisted for six years; he went to school and got his degree in Engineering – and retired from the Air Force, for which he had been working at the Hanscom Air Force Base in Massachusetts, in 2016. He moved to New Hampshire, and took a job at BAE where he currently works as an engineer. When he first enlisted in the Air Force he did heavy construction; when he was commissioned, it was as an aerospace engineer. They bought their house in Hollis just over five years ago, in 2017. He wanted to get involved in Town, and looked at where he could best help with his background and experience, and looked at the Zoning Board. He isn't a lawyer, and is not here to make change. B. Major asked if M. Bishop has taken any public positions on any issues relating to the Town, or land use in the Town. M. Bishop responded no; the Air Force had him for 30 years, so when it came to public positions toward something they were to stay apolitical. In the military, that was understood; as a commander, he felt that if the

folks he worked with, and the folks who worked for him, thought that he was fair, then he believed he had done his job well. You're never going to have everybody like you, you're never going to have everybody hate you.

B. Moseley asked M. Bishop to state his opinion of current expansion of housing opportunities, as allowed by law, such as workforce housing, ADUs, and senior housing. M. Bishop responded that he has no issues with it, if it's what is allowed by law. That's not a topic he has been especially concerned with.

D. Mason asked M. Bishop how familiar he is with the Ordinance. M. Bishop answered that right now he's not very familiar. He was probably more familiar with it in 2018 – he had come before the ZBA to try to build a garage, ended up having to go through the process for a variance, and at that time was reading up on the Ordinance. That was really the point at which he got interested in being involved; a year or so later he first started asking about how he might volunteer.

B. Major asked M. Bishop to confirm that he understands how this is a collaborative process, with all the Board members working together to try to get the right result on something. M. Bishop agreed.

K. McGhee referenced the Town's Master Plan, stating that there is a way that all of this fits together in terms of how the Town is managed. The Select Board does the lion's share of that management, including producing a Master Plan that talks about how we're using our land. Fully a third of the land is already in conservation, has been conserved by the Town, so most of what the ZBA is dealing with is private land, private development.

M. Bishop stated that he looks at the Master Plan as analogous to the military's Five-Year Defense Plan – that was his 'Master Plan' for programs and budgeting. It was about how money would be spent, but it was also about planning ahead for the future: what we are trying to build, and prepare for, and expand, and insure for a long existence.

B. Major asked if M. Bishop thinks that the ZBA should be representative of the community; M. Bishop answered yes, and that he thinks that it should be made up from the community. He has lived around the U.S., has lived in Europe, he has spent time in the desert, in the Middle East, and he has seen places with similar Boards made up of members from a whole other area. He does not believe in that. The people of the town or the city should be the ones to oversee it.

B. Major asked if M. Bishop would be comfortable applying the Ordinance even if, in his mind, he didn't agree with a decision. M. Bishop answered yes; he has done it lots of times in the military. B. Major stated that if they can't make something logically fit, they do what they have to do rather than what they want to do. M. Bishop confirmed that – you have to be fair and impartial. The Board wouldn't exist if it wasn't.

B. Moseley asked what M. Bishop would consider in making a decision as to whether or not to recuse himself from a given case. M. Bishop responded that he would consider, for example, if the applicant were a friend or relative of his. Even if they knew that he would be unbiased, it's about perception. Anything that would be a conflict of interest – whether it's personal affections, whether it's financial, whatever. If he owns stock in a company, and the company is coming in to Town, wanting to build something, even though he believes he could be unbiased to that decision, he would recuse himself in the event that the facts would come out – it's about perception.

D. Mason stated that the Town has a lot of committees related to land use: the ZBA, the Planning Board, the Historic District Commission, the Conservation Commission, the Forest Committee, and so on, and asked what M. Bishop sees as the biggest challenge relative to land use in Town. M. Bishop responded, finding an equal balance

between development and maintaining views such as when you drive into Town and see a farming community. He stated that that's one of the hardest things, trying to maintain a balance. You cannot stop everything. If you do – he has been to some of those areas of the world, and you don't want to live there; you don't want to be there. There has to be some progress, but it's like the Master Plan: what do you want to do for the next five years? Where do you want the Town to be in 50 years?

J. Belanger stated that the appeals the Board hears are often the same, insofar as special exceptions, variances, dealing with setbacks, and so on, and M. Bishop has stated that he is not that familiar with the Ordinance. Is there any portion of the Ordinance from which, if it came up, M. Bishop feels that he would recuse himself? M. Bishop replied not at this moment. J. Belanger further asked if a case came up in which the applicant was a friend of his, or a neighbor, would he recuse himself? M. Bishop answered yes.

B. Major asked if M. Bishop would be willing to be put on a list for future open positions on the ZBA, and M. Bishop answered yes.

Maureen Maisttison, 60 Milton Pl.

B. Major asked why M. Maisttison would want to be on the ZBA. M. Maisttison responded that she has dedicated her entire adult life to civil and public service. She has worked at the Federal level, for the U.S. Government, since she graduated from college. She has worked for the Navy, and now for the FAA. Now, she wants to give back to the local community. She is passionate about our Town, our community, safety, and the issues that come up with regard to overcrowding, and such. She believes that the ZBA is a good fit for her. Her experience in the Federal government, particularly as a program manager dealing day to day with Federal regulations, applying those regulations and policies to aviation products, without bias, with objectivity, whether or not she agrees with the regulations, agrees that they go far enough or go too far, she has to apply them – and that experience, along with her attention to detail, would complement the ZBA in particular.

B. Major stated that she had previously mentioned that she had read through the Zoning Ordinance; M. Maisttison responded that she has not read it in entirety, but has read applicable parts, yes.

B. Major asked if M. Maisttison has taken a position in Town on any issues pertaining to growth or development – any public position. M. Maisttison replied, not that she is aware of. She sees a need for workforce housing, senior housing, but she does not have an in-depth position on it.

B. Major asked if M. Maisttison understands the role of the Board, in terms of members having to remain as impartial as jurors in a case in court; M. Maisttison answered absolutely.

B. Moseley asked what M. Maisttison would consider, in making a decision as to whether to recuse herself on a given case. M. Maisttison responded that she would consider whether there is an actual or a perceived conflict of interest. B. Moseley asked what she would consider a conflict of interest; M. Maisttison said that a conflict of interest would be a personal or familiar relationship with somebody who is coming before the Board, or maybe a perceived conflict of interest – since she is an aerospace engineer, if an application has to do with airports, perhaps she would recuse herself.

B. Major stated that recusing oneself is an individual decision on a lot of levels, and it's not even about what the law requires – again, there are things that you can't do and things that you shouldn't. Because if you do something you shouldn't do, it reflects badly on the Board as a whole.

J. Belanger stated that M. Maisttison's original application was submitted in August of 2021, and asked if she has been watching ZBA meetings since then. M. Maisttison answered yes, when time permits.

D. Mason stated that when the Board is looking at variances, the hardest problem they have to deal with is the concept of hardship – which has a specific legal definition relative to a variance. He asked if M. Maisttison is at all familiar with that. M. Maisttison answered that she is not familiar with the legal definition as it would apply to zoning. D. Mason summarized that a hardship has to relate to the land, not to its economic impact on the applicant, or anything like that. It has to be some issue related to the land, and the Board struggles with that.

B. Major asked if M. Maisttison would put in the work that it takes to get up to speed on zoning law; M. Maisttison answered absolutely. B. Major added that the role of hardship has evolved with court decisions, so it's a rolling concept. M. Maisttison stated that as part of her job, she really gets into digging into the codes, paying attention to particular details. She thinks that that is absolutely important.

B. Major asked if M. Maisttison thinks that the ZBA should be representative of the community as a whole, in terms of composition on the Board, and attitudes, and positions. M. Maisttison answered yes, to the extent that there are applicants.

B. Moseley asked about M. Maisttison's educational background; she answered that she studied mechanical engineering, graduated in 1999 from RPI (Rensselaer Polytechnic Institute), and while working for the military got her Masters in management, from Florida Tech.

M. West asked if M. Maisttison has an opinion on what the public perception is of the ZBA. M. Maisttison answered that she is sensitive to the perception that the ZBA remains impartial and fair, and she would work to maintain that. She is aware of some of the complaints, but she is not active in that respect.

B. Major stated that some might argue that while the Board is doing its job, 90% of people in Town don't know there is a ZBA. The other 10% wonder what the ZBA does, if anything.

S. Swerchesky asked if M. Maisttison has ideas of any zoning changes or alterations that she might want to use the Board to present to the Town. M. Maisttison answered no; she would have to get experience in applying zoning, seeing what comes before the Board, what are problem areas, what are repeat variances – but she does not come in with any opinions or plans. B. Moseley clarified – she does not have an agenda. M. Maisttison said no. She doesn't have the experience to have those opinions yet.

B. Major stated that generally they can work with someone who has their eyes open, and wants to work in the environment in which the Board operates.

D. Mason stated that as M. Maisttison has watched a number of meetings, she has a sense of what the Board has to do, and how they interact. He asked if she has professional or personal skills or training that she feels would be applicable. M. Maisttison responded that in terms of training, no. Experience from her career, yes. She stated that applying Federal regulations, which are probably less restrictive than Hollis Zoning Ordinances, is really difficult. It's mired in case law, and they are constantly arguing with lawyers about it. For her daily job, she manages all of the airworthiness directives for the FAA, for aircraft engines, propellers, and all general aviation including hot air balloons – just not helicopters or jumbo jets. Those regulations that they write on a daily basis are legal documents, and they have to be legally enforceable. She gets where grammar is important; she gets where we have to be very selective with our words. The regulations have to be prescriptive enough that somebody who owns a

ZBA Minutes, September 22, 2022

Piper at the Nashua airport could apply them – but, then again, she is surrounded by a team that is full of experts and lawyers who do that. But, yes, she thinks that her experience in that regard would be beneficial and complementary to the Board.

J. Belanger asked how long M. Maisttison has lived in Town. M. Maisttison stated that she has lived in Hollis since 2017. She was born in Nashua, NH.

As there were no more questions for M. Maisttison, the Board took a ten-minute recess.

Recess at 8:20 pm

Re-convened at 8:30 pm

B. Major stated that the Board has three fine applicants.

B. Moseley stated that he is torn between M. Maisttison and M. Bishop. J. Belanger stated that so was he.

B. Moseley stated that it's a testament that we do have some fine candidates, and he wants to make sure that the candidates realize that there is support for more than just one of them. B. Major concurred.

B. Major stated that he thinks M. Maisttison will put the work in, and he strongly supports her. He stated that it's important that the Board not be divisive. He thinks that we need people to come in here who are team players, who respect each other, and work together. He further stated that he thinks important for the Board to be representative of the community, and part of that is having a balance of men and women on the Board. The age ratio is also important. We need to responsibly consider, long-term, what happens with the Board. It can take years before a new member is comfortable with how the Board works.

J. Belanger moves to recommend to the Board of Selectmen that Maureen Maisttison be appointed as an alternate member of the ZBA for a 3-year term.

Seconded by M. West

Roll call vote; J. Belanger- Yes, B. Major- Yes, K. McGhee – Yes, D. Mason – Yes, M. West – Yes,

B. Moseley – No, S. Swerchesky – No

Motion passed 5 to 2.

B. Major and J. Belanger requested a meeting with the Board of Selectmen to discuss the procedures on filling future open positions on the ZBA. D. Setaro will request the meeting.

Review of Minutes

K. McGhee moved to approved the minutes of August 25, 2022.

Seconded by B. Moseley.

Motion unanimously approved with J. Belanger, D. Mason and M. West abstaining.

Meeting Adjourned

The ZBA meeting adjourned at 8:38 pm.

Respectfully submitted by:

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