

**TOWN OF MILLS RIVER
BOARD OF ADJUSTMENT
FEBRUARY 10, 2026
AGENDA**

Call to Order

Organizational Meeting

- A. Election of Chair and Vice Chair
- B. Adopt the [2026 Town of Mills River Meeting Schedule](#)

Approval of Agenda

Approval of Minutes – [October 14, 2025](#)

Public Comment

New Business

- A. Board Training Videos: Quasi-Judicial Process and Deciding Quasi-Judicial Cases
- B. Review of the [Charter and Rules of Procedure](#)

Announcement: Next regularly scheduled meeting is April 14, 2026

Adjournment

Town of Mills River
2026 Regularly Scheduled Meetings

Town Council				Planning Board	Agricultural Advisory Committee	Board of Adjustment	Parks, Trails & Recreation Advisory Committee	Land Preservation Committee
2nd and 4th Thursday of each month at 6:30 PM				1st Tuesday of each month at 6:30 PM	3rd Friday of each month at 9 AM	2nd Tuesday of even months at 7 PM	4th Tuesday of each month at 7 PM	1st Tuesday in each quarter at 4 PM
January 8	January 8 Business Meeting	January 22	January 22 Business Meeting	January 6	January 16		January 27	
February 12	February 12 Business Meeting	February 26	February 26 Business Meeting	February 3	February 20	February 10	February 24	
March 12	March 12 Business Meeting	March 26	March 26 Business Meeting	March 3	March 20		March 24	March 3
April 9	April 9 Business Meeting	April 23	April 23 Business Meeting	April 7	April 17	April 14	April 28	
May 14	May 14 Business Meeting	May 28	May 28 Business Meeting	May 5	May 15		May 26	
June 11	June 11 Business Meeting	June 25	June 25 Business Meeting	June 2	June 19	June 9	June 23	June 2
July 9	No July 9 Business Meeting	No Meeting	No Meeting	No Meeting	No Meeting		No Meeting	
August 13	August 13 Business Meeting	August 27	August 27 Business Meeting	August 4	August 21	August 11	August 25	
September 10	September 10 Business Meeting	September 24	September 24 Business Meeting	September 1	September 18		September 22	September 1
October 8	October 8 Business Meeting	October 22	October 22 Business Meeting	October 6	October 16	October 13	October 27	
November 12	November 12 Business Meeting	Holiday	Holiday	November 17*	November 20		November 24	
*December 3	December 3 Organizational Meeting			December 1	December 18	December 8	Holiday	December 1
December 10	December 10 Business Meeting	Holiday	Holiday					

* represents a day/time different than regularly scheduled

**TOWN OF MILLS RIVER
BOARD OF ADJUSTMENT
OCTOBER 14, 2025
AGENDA**

Call to Order

Adjustments/Additions to Agenda

Approval of Agenda

Approval of Minutes – February 11, 2025

Public Comment

New Business

- A. Minor Special Use Permit, SUP-25-02, Blue Ridge Humane Society, 0 address assigned, PIN 9631823883 and McMil Investments, LLC, 353 Banner Farm Road, PIN 9631834334, request to establish a new use on both properties for the new headquarters and animal shelter of the Blue Ridge Humane Society, which is not a listed permitted use in the MR-LI, Mills River Light Industrial zoning district**

Announcement: Next regularly scheduled meeting is December 9, 2025

Adjournment

Town of Mills River
Minutes of the Board of Adjustment
Tuesday, October 14, 2025

The Mills River Board of Adjustment met October 14, 2025 at 7:00 PM in the Mills River Town Hall. Those present were:

Board members: Chairman Bert Lemkes, Linda Bregartner, Brandon McGaha, Brad Burton, Heidi Cole, Jim Foster (1st Alternate), and Bryan Ross (2nd Alternate) were present.

Staff: Planning Director Michael Malecek, Town Clerk Patty Brown, and Planning Technician Kevin Webb were present.

Chairman Lemkes called the meeting to order at 7 p.m. There were no additions or amendments to the agenda. The agenda was approved on the motion of Brandon McGaha and second of Linda Bregartner and passed unanimously by verbal assent. In addition, the minutes from February 11, 2025, were approved on the motion of Heidi Cole and seconded by Brandon McGaha. The motion carried and passed unanimously.

Public Comment (non-agenda items)

There was no public comment on non-agenda items.

New Business

- A. Evidentiary Hearing, SUP-25-02: Blue Ridge Humane Society, 0 address assigned, PIN 9631823883 and McMil Investments, LLC, 353 Banner Farm Road, PIN 9631834334, request to establish a new use on both properties for the new headquarters and animal shelter of the Blue Ridge Humane Society, which is not a listed permitted use in the MR-LI, Mills River Light Industrial zoning district**

No Board members notified the Chair of any conflict of interest with the subject property, property owner, or applicant.

Chairman Lemkes read the Quasi-judicial procedure statement.

“This is a quasi-judicial evidentiary hearing. That means it is like a court hearing. North Carolina State law sets specific procedures and rules concerning how this Board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The Board's discretion is limited. The Board must base its decision only upon competent, material, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest where opinions are considered. It is a decision constrained by the standards in the Mills River Code of Ordinances and based on the facts presented. If you will be speaking, please focus on the facts and ordinance standards, not personal preference, or opinion.

Participation in this hearing is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have the right to participate fully in the hearing. Parties may

present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the Town of Mills River, and individuals who can prove they will suffer special damages as a result of this decision. Other individuals may serve as witnesses when called on by the Board. Witness testimony should be limited to facts, not opinions. General public comment is not permitted during the hearing. All witnesses must swear or affirm their testimony. In one moment, the Clerk will administer oaths for all individuals who intend to act as a witness or provide testimony."

Heidi Cole made a motion to open the evidentiary hearing. The motion was seconded by Linda Bregartner and passed unanimously.

Chairman Lemkes announced the evidentiary hearing, SUP-25-02, a minor special use permit application.

Brad Buton notified the board that he had driven by the property and reached out via email to the Metropolitan Sewage District to inquire about what would be required of the applicant in that aspect should the minor special use permit be granted. After discussion, the board did not feel Mr. Burton's email which was passed out to the board and the applicant should be considered evidence in this case.

A call was issued for any person wishing to petition the Board to act as a party with standing. Angela Prodrick, executive director of the Blue Ridge Humane Society, petitioned the Board to be considered a party with standing.

Town Clerk Patty Brown swore in those wishing to present evidence: Planning Technician Kevin Webb and Planning Director Michael Malecek for the Town of Mills River; and Angela Prodrick, Executive Director for the Blue Ridge Humane Society.

Planning Technician Kevin Webb read his Staff Report for Minor Special Use Permit (SUP-25-02), going over each attachment. The staff report also notes that the evidentiary hearing was properly noticed, and legal advertisements were published. Mr. Webb formally entered his staff report and accompanying attachments into the record as evidence. The Staff Report [Minor Special Use Permit \(SUP-25-02\)](#) is found in these minutes. Chairman Lemkes recognized the applicant, Ms. Prodrick, who agreed to the submission of Mr. Webb's staff report and attachments.

The board queried if any response was received from the public notice of the hearing. There were none. Mr. McGaha asked about the minor special use requirements.

The applicant was recognized. Ms. Prodrick addressed concerns over noise and smell associated with an animal care facility. She explained how both issues would be mitigated if they were to arise. She also clarified that animal care facilities are inspected by the state twice a year.

Mr. Burton asked how many animals would be housed in the facility. Ms. Prodrick stated as this time, none. The building on the parcel will be upfitted for office space to house community programming work and storage. The intent is to keep the acreage as green space. Mr. Malecek clarified the minor special use permit is to allow for the additional use of animal care facility on the both parcels in the Light Industrial district. Other concerns would be addressed if the special use permit was granted under a change of use zoning permit.

Heidi Cole made a motion close the evidence portion of the hearing, which was seconded by Linda Bregartner and the motion carried unanimously.

The Board deliberated. Mr. Burton had concerns with zoning entitlement. He wants to ensure proper allocation of sewer before construction. Discussion ensued over those requirements that will be addressed in the ordinance if the minor special use permit is granted and when a change of use zoning permit is sought.

Brandon McGaha made a motion of finding of fact. The proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use based on the testimony and what the applicant stated below in attachment A of the staff report.

*The facility will operate under established humane society protocols for animal care, sanitation, and disease prevention.

*The property is currently designed with safe ingress/egress, clear separation of animal areas from public zones, and ADA-compliant access for shelter visitors.

*Noise control measure, such as indoor housing for animals during nighttime hours and acoustic treatment that will mitigate potential disturbances.

*Anticipated noise levels are expected to be at or lower than the existing machine noise levels associated with the current use of the property, ensuring no increase in environmental noise exposure for nearby residents or workers.

*All activities are supervised by trained staff and volunteers, ensuring interaction between animals, visitors, and the public.

The motion was seconded by Heidi Cole and passed unanimously by verbal assent.

Brandon McGaha made a motion of finding of fact. The proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood for the same reasons stated in the previous motion. The motion was seconded by Heidi Cole and passed unanimously by verbal assent. Mr. McGaha then amended his motion to include the following reasons that are also stated in Attachment A of the staff report.

*The Blue Ridge Humane Society is a longstanding nonprofit organization providing community benefits such as pet adoption, veterinary services, and education.

*The site will continue to be maintained and consistent with the character of the surrounding neighborhood.

*The Minor Special Use Permit request includes both the primary parcel and the adjoining parcel under Blue Ridge Humane Society ownership. This combined use area provides an additional buffer between operations and other properties, further reducing potential impacts and enhancing compatibility with surrounding land uses.

*Public infrastructure (roads and utilities) will be unaffected, with no anticipated strain on services.

The amended motion was seconded by Heidi Cole and passed unanimously by verbal assent.

Brandon McGaha made a motion of finding of fact. The proposed use would not involve the manufacture, use in manufacturing, storage on, in, or above ground on the premises of any type of chemical in any form which due to its nature is known to be hazardous to human health due to radiation or toxicity or known to be a carcinogen as there has not been any testimony to dispute that. Heidi Cole seconded the motion and it passed unanimously by verbal assent.

Brandon McGaha made a motion of finding of fact. The proposed use would meet all dimensional, signage, buffer, and parking requirements of Town Zoning Code in Light Industrial because Town Code of Ordinances dictates that. Heidi Cole seconded the motion and it passed unanimously by verbal assent.

Brandon McGaha made an additional motion of findings of fact supported by the applicant's description in Attachment A of the staff report. The motion was seconded by Heidi Cole and passed unanimously by verbal assent.

Brad Burton made a motion to make a condition of ensuring proper sewer allocation is in place prior to a change of use permit being issued. Brandon McGaha seconded the motion and it passed with a 3/2 vote with Mr. Burton, Mr. McGaha, and Ms. Cole voting in favor of the condition. Ms. Bregartner and Mr. Lemkes voted against. The motion of the condition passed.

Brandon McGaha made a motion to approve the minor special use permit, SUP-25-02 with the above condition imposed. Heidi Cole seconded the motion and it passed unanimously by verbal assent.

An [Order Granting the Special Use Permit, SUP-25-02](#) is attached to these minutes.

The next scheduled meeting of the Board is December 9, 2025.

Heidi Cole made a motion to adjourn the Board of Adjustment meeting. Linda Bregartner seconded the motion and it passed unanimously at 7:53 p.m. by verbal assent.

Patty J Brown

**TOWN OF MILLS RIVER
BOARD OF ADJUSTMENT**

CHARTER AND RULES OF PROCEDURE

The Board of Adjustment shall hear and decide quasi-judicial zoning decisions including appeals, special use permits, and variances.

ARTICLE I. NAME. Board of Adjustment hereinafter referred to as Board.

ARTICLE II. PURPOSE AND POWERS. The purpose of the Board is to serve as a quasi-judicial body to hear and determine matters under the development regulations of the Town of Mills River. The Board is established for the following purposes:

- Hear and decide all appeals from final, binding written decisions or determinations made by the Zoning Administrator as provided by Town Code 154.178 & 154.179 (A).
- Hear and decide petitions for variances from the zoning ordinance and other such ordinances as provided by 154.179 (B).
- Hear and decide special use permits as outlined in 154.179 (C), 154.179 (F) and 154.137.
- Make interpretations of the Zoning Map, including disputed questions of zoning district boundary lines and similar questions that may arise from the administration of the development regulations of the Town.
- Act as the Watershed Review Board, per 154.179 (E), 156.025, and 156.027.

ARTICLE III. JURISDICTION. The Board shall exercise its purpose with regard to matters and issues involving the purposes outlined within the Town of Mills River's corporate limits.

ARTICLE IV. MEMBERSHIP AND DUTIES

Section 1. Membership and Appointment. Appointments shall be made by the Town Council. The Board shall consist of five regular members, who shall be citizens of the Town of Mills River and shall be appointed by the Mills River Town Council for overlapping terms of three years.

The Board shall also consist of two alternate members who shall be citizens of the Town of Mills River and who shall also serve overlapping three-year terms. Alternate members shall serve in the absence of any regular member and, while serving, shall have and exercise all the powers and duties of a regular member of the Zoning Board of Adjustment.

Section 2. Terms of Service. All members shall serve without pay but may be reimbursed for any direct and reasonable expenses, following the Town's

established procedures concerning reimbursement, incurred while representing the Board.

Section 3. Attendance. Regular attendance at all Board meetings is a requirement for membership on the Board, and a member may be replaced by the Town Council, within its sole discretion, if the member is absent for two consecutive Board meetings. The Chairperson of the Board, or his or her delegate, may give a member an exception to the attendance requirement for good cause.

ARTICLE V. RULES OF CONDUCT FOR MEMBERS

Section 1. Members of the Board may be removed by the Town Council for cause, including violation of the Rules and Regulations stated herein. The Board of Adjustment may, by a majority vote of the remaining regular and alternate members, request that a position be vacated for cause and a replacement be made by the Town Council.

Section 2. Conduct Outside of Hearings. Due to the quasi-judicial nature of Board hearings, members must abide by the following:

- Board members shall not discuss any case with, or receive any information from, any parties or other interested persons outside the public hearing on a case. This does not include information received or solicited from the Chairman, the Town Attorney, or the staff or Clerk to the Board. In addition, it does not include site visits to the properties for which applications have been made, as long as Board members do not discuss the merits of the case or matter with persons at the site.
- Board members shall not express opinions concerning a case before that case is heard, except for opinions regarding procedural or scheduling issues.
- Board members shall keep in mind that they serve as impartial, quasi-judicial decision-makers, and shall avoid the appearance of impropriety.

Section 3. Conflict of Interest / Bias. No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board in which such member has a separate, private or monetary interest, or in any matter in which the member has a fixed opinion that cannot be altered by the presentation of evidence, either direct or indirect. In applying this rule the following procedure shall govern:

Any Board member who determines that a conflict of interest exists shall declare the existence and nature of such conflict. The remaining regular members of the Board present, by majority vote, may then excuse said member from participating in deliberations on said matter. If such member is excused by a majority vote of the remaining members, an alternate shall be called by the Chair to replace him/her. If no alternate is available, the seat

shall be declared vacant for the purposes of the vote of the particular matter at issue.

No Board member shall discuss any case which will be heard by that Board member with any parties thereto prior to the public hearing on that case; provided however, that members may receive and, or, seek information pertaining to the case from the Clerk to the Board or Zoning Administrator. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto prior to the determination of that case. If a Board member discusses a case with any party thereto prior to the public hearing on that case, such member is to fully identify and disclose the content of such discussions to the Board prior to the public hearing on that case.

Section 5. Testifying. If a member is personally or financially involved in the subject property or property within the notification area, and wishes to testify or be heard in the matter, he or she should consult with the Chair, recuse him/her self before the hearing and not take part in the hearing of any case being heard on the same date. Members are discouraged from testifying even in cases in which they are financially involved. (A member with such an interest would, of course, have to recuse him/herself whether or not the member testifies.)

ARTICLE VI. MEETINGS

Section 1. Meetings Open to the Public. All meetings of the Board shall be open to the public, and any person may attend its meetings.

Section 2. Public Input. Prior to the beginning of each regular meeting a sign-up sheet shall be placed in a conspicuous location. The sheet shall state the name of the speaker and the subject which the speaker wishes to address. Public comment may be offered for non-agenda items. The sheet shall be brought to the Chairperson at the time the meeting is called to order. The BOA shall, in the interest of time, have the right to limit any speaker who has signed up under public comment to less than three minutes. Groups may appoint one spokesperson and will limit comments to 10 minutes. Any citizen arriving after the meeting begins may request to speak during the public comment time by contacting the Clerk to the Board.

Section 3. Regularly Scheduled Meetings. The BOA will meet as often as applications and permit requests require on the second Tuesday of every even-numbered month at 7:00 PM in Town Hall at 124 Town Center Drive. If the Board has not met by the month of October in any calendar year, it will meet on the second Tuesday at 7:00 PM. The BOA shall annually adopt a meeting schedule showing the dates, times, and places of its regular meetings for the year.

- a) **Notice of Regular Meeting Schedule.** The Clerk to the Board shall ensure that a copy of its current regular meeting schedule, complete with

the date, time, and place of each regular meeting, is filed with the Town Clerk and posted on the Town's website.

- b) **Change to Regular Meeting Schedule.** The Board may revise its regular meeting schedule to change the date, time, or place of a particular regular meeting or all regular meetings within a specified period. The Clerk to the Board shall ensure that the revised regular meeting schedule is filed with the Town Clerk at least seven consecutive calendar days before the first meeting held pursuant to the revised schedule.

Section 4. Special Meetings. The Chair of the Board may at any time call a special meeting of the Board by signing a notice stating the date, time, and place of the special meeting and the subjects to be considered. Alternatively, a special meeting may be scheduled by a majority vote of the Board during open session of a regular meeting.

- a) **Notice of Special Meeting.** At least 48 hours before a special meeting, the board shall cause written notice of the meeting's date, time, place, and purpose(s) to be:
 - i. Posted on the Board's principle bulletin board and at the door of the Board's usual meeting room.
 - ii. Mailed or delivered to each newspaper and person who has filed a written request for such notice with the Town Clerk.
- b) **Notice to Board Members.** For all meetings called by the Chair, or a majority of the members, notice of the meeting date, time, place, and purpose(s) shall be mailed, emailed, or delivered to all members of the Board at least 48 hours before the meeting. If the special meeting was called at another duly held meeting of the Board, and one or more members were absent, the Clerk to the Board shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of 48 hours in advance of the special meeting.
- c) **Business Conducted at a Special Meeting.** Only the business that is specified in the notice of the meeting may be transacted during the special meeting.

Section 5. Organizational Meeting. On the date and at the time of the regular meeting in February or as soon thereafter as possible, the Board shall elect a Chair and Vice Chair as it's first order of business. The second order of business shall be to adopt an annual schedule of meetings for the upcoming calendar year.

Section 6. Cancellation of Meetings. Whenever there is no business for the Board the Chair may cancel a meeting by giving reasonable notice to all members before

the time set for the meeting. However, in the case of a special meeting called by a majority of the Board, the Chair may cancel the meeting only upon the concurrence of a majority of the Board. The majority concurring in the cancellation need not be the same majority that called the special meeting.

Section 7. Order of Business. Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- a) Agenda approval
- b) Approval of the minutes of the previous meeting
- c) Public Comment
- d) Old business
- e) New business
- f) Important Dates
- g) Adjournment

Section 8. Scheduled Agenda Items. To have an item placed on the Board agenda as new business, it must be one of the following:

- a) A result of an application under provisions of the Zoning Ordinance.
- b) An administrative matter affecting the Board.
- c) Agendas and materials for consideration will be provided to the Board from Staff no less than seven days prior to a scheduled meeting.

Section 9. Hearings. All hearings shall be conducted in accordance with Robert's Rules of Order. All witnesses shall be sworn and testimony shall be that which is relevant to the matter.

Cross examination and rebuttal, both in an informal manner, shall be allowed. Should an appellant fail to appear for the hearing of his appeal at the time and place specified in the notice for such hearing and should such appellant fail to notify the office of the Zoning Administrator or in some other manner request a continuance of the hearing of his appeal, such appeal shall be dismissed unless the Board votes to continue the matter until the next meeting.

Section 10. Inclement Weather. Board meetings for the Town of Mills River are cancelled on any day Henderson County Public Schools cancels classes at any time during the day of the meeting due to inclement weather, or when it is deemed unsafe to travel.

ARTICLE VII. VOTING

Section 1. Duty to Vote. It is the duty of each member, including the Chair, to vote unless otherwise excused. The Board may excuse members from voting on any

matter involving their own financial interest, official conduct, or when a member has indicated an inability to be impartial in any matter before the Board.

Section 2. Abstentions. Should a member of the Board fail to vote on any matter before the Board, without having been excused from such vote, such abstention shall count as an affirmative vote.

ARTICLE VIII. REQUIRED OFFICERS

Section 1. Chair. Annually, at the regular meeting of the Board held in the month of February, a Chair shall be elected by the full membership of the Board of Adjustment from among its regular members. The Chair's term shall be one year (unless earlier terminated as a result of death, resignation or removal) and until a successor is elected. The Chair shall decide on all points of order and procedure, subject to these rules.

Section 2. Vice Chair. A Vice-Chair shall be elected by the Board from among its regular members in the same manner and for the same term as the Chair (unless earlier terminated as a result of death, resignation or removal). The Vice-Chair shall serve as acting Chair in the Chair's absence, and at such times shall have the same powers and duties as the Chair.

Section 3. Other Officers. Should the Chair and Vice Chair be absent at any meeting, the Board shall elect a temporary Chair to serve at the meeting.

Section 4. Powers and Duties of the Chair and Vice Chair. The Chair shall preside at all meetings of the Board and shall also have the right to engage in discussion and vote on any matter before the Board unless otherwise excused. The Chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The Vice Chair shall have all powers and perform all the duties of the Chair in his or her absence.

Section 5. Duties of the Chair. The Chair (or Vice Chair in the absence of the Chair) shall include:

- a) Presiding Officer. The Chair shall preside at meetings of the Board.
- b) Voting by the Chair. The Chair has the same duty to vote as other members, though in no event may the Chair break a tie on a motion on which he or she has already voted.
- c) Recognition of Members. A member must be recognized by the Chair (or other Presiding Officer) in order to address the Board.
- d) Powers as Presiding Officer. As Presiding Officer, the Chair is to enforce these rules and maintain order and decorum during Board meetings. To that end, the Chair may

- i. Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- ii. Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- iii. Entertain and answer questions of parliamentary procedure;
- iv. Call a brief recess at any time; and
- v. Adjourn in an emergency.

Section 6. Duties of the Clerk to the Board: The Clerk to the Board shall perform the following:

- a) Ensure that all meetings of the Board are properly noticed.
- b) The Clerk to the Board shall maintain the sunshine list for their governing authority that is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Board.
- c) The Clerk to the Board shall take and record the actions of the Board and draft minutes of the meetings accordingly. Minutes shall be sent to Board members prior to their next regularly scheduled meeting. The Clerk to the Board shall also forward a copy of the minutes as they are approved to the Town Clerk and post on the Town's website.
- d) The Clerk to the Board shall be responsible for maintaining an accurate list of members of the Board, submitting to the Town Clerk an annual attendance report for its members and notifying the Clerk of any resignations of any of its members, or any other change in membership of the Board.

Section 7. Schedule for Elections. Election of the Chair, and Vice-Chair shall take place annually at the organizational meeting of the Board.

ARTICLE IX. REFERENCE TO ROBERT'S RULES OF ORDER. The Board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law.

ARTICLE X. ACTION BY THE BOARD.

Section 1. Quorum. For administrative purposes, a quorum constitutes three members present. No action of the Board may be taken at any meeting where less than the required quorum is present, except to adjourn the meeting.

Section 2. Motions and Voting. Action of the Board may be taken upon a motion made by any member, including the Chair.

Section 2. Motions and Voting. Action of the Board may be taken upon a motion made by any member, including the Chair.

Section 3. Withdrawal of Motion. The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

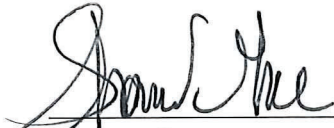
Section 4. Substantive (or Main) Motions. A substantive motion is not in order when any other motion is pending. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting.

Section 5. Adoption by Majority Vote. A majority vote is required for all matters except a variance. The Board shall not vote on an appeal from a decision, order, requirement or determination of the Zoning Administrator, special exception, or application for an interpretation, when there are less than four voting members present. An affirmative vote of four members is required.

A 4/5 vote shall be necessary to grant a variance. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

ARTICLE XI. AMENDMENTS. These rules of procedure may only be amended by a majority vote of the entire membership of the Town of Mills River Board of Adjustment.

ARTICLE XII. ADOPTION. These Rules of Procedure were unanimously adopted by the Town of Mills River Town Council on 2/27/25 and recorded in the minutes of that meeting.



Shanon Gonce
Mayor