

Town of Hill
Hill Planning Board
Minutes
21 September 2017

In attendance: Bob Helmers, Mike Brady, Tom Whitman, Marshall Bennett
Public: Colin Brown (surveyor), Chris Vlitass, Jennifer People, Christina Barker

Meeting opened at 7:02 pm.

Public hearing for the subdivision of land owned by the estate of Needham III was opened at 7:03 p.m.

The proposed subdivision would create two lots with adequate frontage on Cass Mill Road, one about seven acres and the other about 19 acres. The current property is non-conforming to zoning because two grandfathered dwellings exist on the property. Additionally, there is a derelict cabin that was deemed uninhabitable.

Mr. Vlitass stated he thought this subdivision would set a bad precedent for the town. The two existing homes, which would be located on different lots following subdivision, were too close to each other. [Note: the homes are close but the proposed lot line would provide sufficient distance for the side yard as specified by town zoning] This is a forested region of the town, with large lots and most homes are widely spaced. He felt that noise or other nuisance activities from each dwelling could cause ill-feelings among neighbors in such close proximity. He also speculated that conflict among neighbors could end up as a town matter. He was concerned about gunfire, which has been prevalent in the town in recent months, for homes in such proximity. He requested the board maintain the original purpose of the lot which he stated was akin to a family compound. He briefly spoke of his arrival and activities in town. He did not see any benefit to the town from this subdivision. He doubted if there would be any tax benefit and that subdivision could be detrimental to town if conflict arose between neighbors.

Ms. People stated that there was a rumor that the young men currently renting one of the homes wanted to purchase the property and establish a shooting range. There followed some discussion of the amount of gunfire that has been heard in the town recently, with Ms. People asking if town could do anything about it. Board responded that commercial operations are not allowed by zoning; however, there would be nothing town could do if the range was private, unless there were gross safety problems.

Mr. Helmers began addressing some of Mr. Vlitass concerns. He noted that the subdivision would create two lots and there would likely be a slight increase in the town tax base as a result. Increase would be negligible because the two houses already exist. He began explaining that the board did not regulate the use of the property, other than what is specified in the zoning ordinance. In this case, the use is single family residential which is permitted by zoning. The planning board could not regulate activities of residents on their property.

Ms. Barker arrived and took a quick look at the plans. She wondered why the original lot was being divided into seven and 19 acre lots. She had concerns about the lots qualifying for current

Town of Hill
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Minutes
21 September 2017

use and that the new owners would end up paying more in property taxes than necessary. Mr. Brown suggested that the subdivision plan as presented is what the owner would like.

Ms. Barker, a family member of a previous owner of the lot, then stated that the lien holder of the small triangular parcel that will be annexed to the 7 acre lot had told her that the lot merger performed a few years ago by the planning board was illegal. After a brief questioning as to specifics, Mr. Helmers determined that the board had approved a voluntary merger of lots, which is for taxation purposes. There was no actual transfer of land by deed. Mr. Brown noted that lawyers had found no problems with the deeds in the title search.

There was again some discussion of activities on the property. Mr. Helmers noted that discussion, focusing on use and potential owner behavior was not relevant to the subdivision.

Addressing Mr. Vlitaz's comments from the beginning of the hearing, Mr. Helmers noted that the construction of the two dwellings precede the zoning ordinance and are grandfathered. The current 25 acre lot is non-conforming to the current zoning ordinance. The proposed subdivision will create two conforming lots. Current zoning and review by selectmen should prevent placement of homes in close proximity to cause potential conflict and approval should not create a precedent. Mr. Brady noted that the proposed subdivision conforms to current zoning requirements for front and side yards. He also noted two dwellings can be placed on lots over 6 acres (by special exception).

Ms. Barker noted that the non-conforming status of the property is a hardship for the owner, making financing more difficult to get and making the property more difficult to sell. Subdivision was in the best interest of the owner.

Mr. Vlitaz then reiterated his belief that the property should remain a family compound as originally intended. The close proximity of the dwellings would likely cause conflict among owners and division in the community, for the benefit of the landowner. Mr. Helmers noted that any future buyer would see the proximity of the two dwellings and would be able to make up their own minds as to the risks of having a bad neighbor. Current zoning specifies the rural residential district as an area for single-familing dwellings, not family compounds.

Discussion again began about homeowner activities on the properties and what the town could do to regulate activities. Mr. Helmers again pointed out that discussion should focus on the subdivision, not the non-commercial use of the property. Mr. Brady made a motion to close the public hearing. Motion was seconded and passed unanimously. The public hearing was closed at 7:43 p.m.

Mr. Helmers noted that the hearing is held to hear comments regarding the subdivision as it applies to the town subdivision regulations. This mostly means dimensional requirements, liens, easements and uses as limited by the zoning. He said he would allow any comments regarding these factors, one last time during the meeting. There were none.

Mr. Helmers made a motion to approve the subdivision plans named Subdivision Plan for the Estate of Daniel Needham III dated September 1, 2017. The motion was seconded and passed unanimously.

Town of Hill
Hill Planning Board
Minutes
21 September 2017

Ms. Barker and Ms. People departed.

Town received payment for an unpaid portion of cost to cover the newspaper notice, which was higher than expected. Plans and the mylar were signed.

The board reviewed the lot line adjustment plans for the Thompson properties on Murray Hill Road. All abutters had received notification but a hearing is not required because no new buildable lots were being created. All being in good order, a motion was made to approve the the lot line adjustment plans entitled Lot Line Adjustment for Mary M. Thompson Real Estate Trust Agreement & Peter Thompson dated September 1, 2017. The motion was seconded and approved (three in favor and one abstention). Plans and the mylar were signed.

Mr. Brown will record the mylars at the Registry of Deeds and send a copy of receipt with plan numbers to town. Mr. Brown departed.

There was a brief discussion, with Mr. Vlitas participating, of how zoning amendments are made and to what extent the town can regulate activities by property owners on their land. There was some discussion of re-examining the 2006 amendments which were voted against by the town.

Meeting adjourned at 8:35 p.m.

Robert Helmers
Planning Board Chair
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