

Town of Hill
Hill Planning Board
Minutes
16 August 2018

In attendance: Bob Helmers, Mike Brady, Marshall Bennett, Tom Whitman, Charles Estes
Public: Steve Lamb, Bob Berti (Green Acre Woodlands), Alan Barnard (surveyor)

Meeting opened at 7:04 p.m.

Reviewed and approved minutes June 21, 2018 planning board meeting.

Mr. Berti and Mr. Barnard presented plans for a preliminary subdivision consultation. The parcel is about 471 acres, located in a remote area in the western portion of the town and is managed principally for silviculture by Green Acre Woodlands (GAC). There is a moderate sized pond on the property with a cabin located near its shore. The Society for the Protection of New Hampshire Forests (SPNHF) has a conservation easement for the property. The easement allows for the creation of two or three 5-acre lots, depending on ownership. Mr. Barnard proposed creating two lots, each with less than 300 feet frontage on the pond, the cabin located on one of the lots.

The plan presented to the board was boundary survey conducted in 1982 and showed a March Pond Road entering the property from the north, leading to the pond. On the plan, March Pond Road was labelled as a Class VI road and a reference to a recording with Merrimack County Registry of Deeds was provided. Board members were not aware of a road there. The master plan was consulted and did not show a class VI road in that location. There followed a lengthy discussion that was somewhat confused as Mr. Helmers considered the parcel landlocked, having overlooked a known class VI road (March Pasture road) entering the property from the east. There was some discussion about subdivision of landlocked parcels and the selectmen's policy on building on Class VI.

Mr. Helmers had no objection to subdivision of the 5-acre lot with the cabin but inquired about the second undeveloped lot, at which point Mr. Berti said he would drop the second lot. Mr. Brady questioned the need for subdivision. The cabin has been used by the owners and also by Mr. Lamb under agreements with the owners and later Green Acre Woodlands. Mr. Lamb has had use of the cabin for a long time and he would like to improve the cabin. He is not willing to improve the cabin if he does not own it however. Mr. Brady suggested GAC simply sell the cabin to Mr. Lamb. Mr. Barnard noted that they could not sell the house only and that by state RSAs, sale of the cabin would be considered a subdivision. Mr. Brady doubted this and suggested they investigate other options. Mr. Helmers noted he did not think an individual dwelling could be sold separately, although he had heard of such practices with condominiums.

Mr. Brady suggested that the property could not be subdivided because it would violate the selectmen's policy for building on Class VI roads. Mr. Helmers noted that a building already existed. Mr. Brady along with Mr. Whitman expressed concerns that approval of a subdivision accessed by a class VI road could create more problems for the town as other landowners in similar circumstances would then similarly seek subdivision. Mr. Helmers said he thought the lot is unique because it is already developed and that there are not likely many other similar properties in the town. Mr. Brady stated that the selectmen would have a difficulty enforcing activities on the property and that the future owners could come in year after year and request the small expansion

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allowed by the policy and greatly expand the cabin to a house which could then be occupied year round. Mr. Barnard noted that the SPNHF easement does not allow permanent occupancy.

Mr. Helmers noted that the policy on Class VI roads refers to building and is administered by the selectmen, the planning board jurisdiction was subdivision. Subdivision regulations were consulted and found to not allow subdivision on Class VI roads. Subdivision regulations also allow for a waiver of requirements in the case of “hardship or injustice”.

There was a short discussion of excessive ATV use on March Pasture Road which is maintained by GAC on the other end of the road near the intersection with Poverty Pond road and if the town could do anything about it. Mr. Brady noting that ATV use is not allowed on town roads except by permit. Enforcement is either by state police or Fish and Game, neither of which seem to be doing much.

Mr. Helmers noted that the subdivision could proceed, but that the applicants would need to request a waiver. Mr. Berti, Mr. Barnard and Mr. Lamb departed.

Mr. Whitman brought up the need to inspect the two gravel pits in town. Mr. Helmers agreed, noting that it is long overdue. He will locate files, review permits and contact the owners, hoping to get inspections done before winter. Mr. Brady noted that the assessor had told him the Hill Pit on Bootjack had opened up 20 some acres.

Mr. Brady informed the planning board that the selectmen were planning on increasing town fees for building permits and presented the ideas to the board. Planning board membes found the increases to be reasonable.

Discussion of the subdivision was renewed. Mr. Helmers did not think there was any harm in approving this subdivision. Mr. Brady did not think it in the town’s interest as monitoring and enforcement of building and use activities would be difficult. He also did not think there was any hardship. A brief discussion of hardship followed with Mr. Helmers and Mr. Estes suggesting that hardship refers to uniqueness of property and if application of regulations made any sense in this case, not a personal or financial burden of the applicants. Mr. Estes also understood the difficulties for the selectmen and the ability of the both planning and selectmen boards to apply the waiver or the class VI road policy equitably. Mr. Helmers noted that the planning board’s jurisdiction was the subdivision regulations and the board should focus on that. The selectmen board administers the building policy.

Meeting adjourned at 9:00 p.m.

Robert Helmers
Planning Board Chair
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