

**** DRAFT ****

A Planning Board meeting was brought to order by Bob Helmers at 7:02pm on July 18th, 2019.

Attendance: Bob Helmers, Marshall Bennett, Tom Whitman, Mike Brady, and Charles Estes

In the Public Audience – Tom Hahn of Green Acres Woodlands, Alan Barnard surveyor for Green Acres Woodlands, Inc. and Steve Lamb.

On Behalf of Green Acres Woodlands, Inc. hereinafter referred to as “GAW,” pursuant to an application for Land Subdivision, Mr. Barnard approached the board to discuss a previously submitted Municipal “Waiver” of Town of Hill Subdivision Regulations 6.1.A and 8.3. Mr. Barnard began with first raising an issue of specific members of the board having a potential conflict of interest. As noted for the record, Mr. Barnard suggested that Mr. Brady and Mr. Whitman may be conflicted having been involved in the process of an applications brought before the Town boards in the past. Mr. Barnard directed his question of conflict to Mr. Whitman relating to his *Summons v. Town of Hill RE: Kathy Higgins* and questioned his “opinion” of applications submitted within the surrounding area, being located on class VI roads. Mr. Brady commented “that wasn’t on a Class VI road” and “...had nothing to do with Class VI.” Discussion ensued as to where exactly the class V and class VI roads end/begin or intersect with regard to the GAW subdivision. The end result was that Tom Whitman defended his many years on the Planning Board, reviewing many applications, without bias. Mr. Whitman upholds that he is not conflicted and that he found no reason to recuse. Mike Brady further pointed out that Tom Whitman was an abutter in that case. He is not an abutter to this matter. Mr. Barnard voluntarily proceeded with submission of an amended “written” Municipal Waiver of Liability.

Bob Helmers asserted that he submitted the request to Town Counsel if the Waiver can be accepted or imposed by the Planning Board or must be by Selectmen...Tom Whitman asked if the Town of Hill requested the Waiver. Mike responded that GAW doesn’t request a Waiver and that it was not requested. Bob Helmers asserted that “They can ask..” Bob said they can “recommend.”

Tom Hahn began reading from the GAW letter dated July 17th, 2019 (request for waiver of subdivision regulations 6.1.A and 8.3.) a copy of the letter is incorporated in its entirety for context. Mr. Hahn also stated that waiver of municipal liability is being offered where it is not required because no building permit is being requested. GAW points out they are not in the business of property management. GAW suggests that at some point there is a likelihood the seasonal cabin and possibly the land will be sold to Steve Lamb. GAW suggest it would have liability if it retained the cabin.

Mr. Lamb spoke of his relationship with Mr. Boyer stemming from the connection they had to the Pond and the surrounding area. He expressed they shared a common bond of preservation of the pond and land surrounding the cabin. Mr. Lamb asserts that hardship would result from denial being that it would distressful to the spirit of preservation of the land.

GAW states that Class VI road is not at issue where use of the property remains unchanged from its current use.

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Bob Helmers stands behind the substance of the waiver and notes that Town Counsel didn't have any real issues with the Waiver as written. Tom Whitman interjected that he didn't agree with Bobs interpretation of Town Counsel's message and stated he basically said just the opposite of what Bob said. Mike Brady asserted there is no injustice related to the cabin. Mike asserts that no change in usage means no injustice if they were to just keep it.

Marshall Bennett interjected that if we {planning board} make an exception, then it sets a precedent.

Bob Helmers Objects...Bob reiterated again, as before, that he is in favor of approval of the waiver. Mike reiterated again there is no injustice. Tom Whitman again reiterated that the Town's Lawyer made his comments and feelings about this clear. Mike commented again that the policy of the selectmen is well known related to the issuance of building permits on Class VI roads. Bob points out that the master plan shows the Class VI roads in rural residential districts.

Mike asserted to make a motion - - Bob wanted the motion to be drafted in writing - - Mike requested a recess to properly draft a motion - - Bob said "no" he was not going to recess to draft a motion. The board was not consulted. The meeting continued. Bob drafted a motion while Mike drafted an alternate version. A copy of the motion is also included in its draft form for completeness. The motion was made to deny the application, was seconded and the motion carried 3-1-1 (Charlie abstained - as the board was advised in a prior email.)

The board finding was that no waiver would be approved or accepted...Denial of a subdivision on a class VI road is consistent with the Town of Hill Subdivision Regulations. There is no finding that Injustice or Hardship exists. Advised of the Board's decision - GAW departed at 8:00 p.m.

The board reviewed previous minutes of 06-20 drafted by Bob Helmers in the Secretary's absence at the GAW public hearing. Bob Helmers made a motion to accept the Hearing Minutes and Planning Board meeting minutes as presented. Motion Passed. Bob Helmers also reviewed the minutes of May 23, having tabled the discussion at the June 20th meeting. Bob made extensive modifications to the Secretary's previous minutes. Charles Estes made a motion to accept the Minutes as amended. The Motion was seconded and the motion carried. Minutes were approved as amended.

The Board received a driveway application (being handled by Bob Helmers) from D.O.T. requesting access on Rt 3. Discussion was tabled. Bob Helmers wants to discuss processes and the manner submission is going to be handled but determined to table the discussion until the next meeting.

Tom Whitman made a motion to Adjourn....The motion was seconded and the Motion carried.

The Meeting adjourned at 8:28 pm.

Respectfully Submitted,

Charlie Estes.