

A regularly scheduled meeting of the ZBA was opened by the Chairman at 7 p.m.

Attending Board – Stephen Thomson, Chairman, Ian Gardner, Vice Chairman & Charles Estes, Secretary

Public Attendees: Carl Rider 58 Patten Rd. Hill NH 03234 and Pastor Dan Boyce and Sandy Boyce on behalf of the Hill Village Bible Church.

In follow up to the previous meeting regarding Mr. Rider's application for a Variance of Article V. (B)(7) The Board finished deliberation and review of everything presented for consideration. The Board also reviewed the Planning Board Minutes from November 21st, 2019 and read allowed the excerpt related to the Planning Board discussion of Carl Rider's appearance before that board. The Planning Board noted several times that this matter was a ZBA matter, noting only that the Planning Board may reconsider the ZBA's decision of a special exception.

ZBA DECISION – The Board rules to approve Mr. Rider's application for a Variance of Article V. (b) (7) *WITH CONDITIONS specific to his application and situation. The Board sets the follow conditions for approval to include an Additional Dwelling Unit above the "garage:"

- Approval of the application is based on a *Variance and is not considered a special exception as there was no application for special exception submitted. {The email containing an excerpt noting the opinion of the Town's legal adviser suggested the process was to seek a variance from the ZBA opposed to the proper process of submission to the Town's Planning Board for site plan review as a special exception.} The ZBA ruled upon the application for variance only after presenting the Planning Board the opportunity to consider the matter. The Planning Board sent it back to the ZBA for final disposition. The ZBA's decision is therefore final.
- The Building Permit issued by the Selectmen's Office on September 17th, 2019 must be updated to include the 896 sq. ft living space. The livable space shall not exceed 896 Sq. ft and is considered a temporary living unit with the structure's primary use being a "garage."
- Upon transfer of title of the property, the living space above the garage shall be vacated with the living unit being dismantled. The space above the garage shall be considered storage space.
- Upon transfer of title of the property, the new owner shall appear before the ZBA to show the ADU has been dismantled <or> REAPPLY for a Special Exception of the Town Ordinance to continue use of the Additional Dwelling Unit (ADU) currently under conditional approval.
- No further development of the property shall occur without prior approval of the proper board after submission of the correct application.

The vote by the board was unanimous meeting the threshold of the (3) vote requirement pursuant to NH RSA 674:33.

The Board was approached by Pastor Dan Boyce and Mrs. Boyce to appeal the Board's previous decision to deny the application for a Variance that would allow for a significant renovation of the Hill Village Bible Church's front entrance. The Board reviewed a letter submitted by Pastor Boyce received via email representing the Church's appeal of the ZBA's Notice of Decision dated November 18th, 2019.

It was explained to the pastor and Mrs. Boyce that the proper procedure was to submit a Motion for Rehearing requesting the Board to reconsider its previous decision. After a good amount of discussion, the Board accepted the Church's letter of appeal as a Motion for Rehearing which would include and "addendum," to be timely filed, outlining all the reasons why the Church feels a second hearing is warranted. The board reiterated that the addendum must include only those arguments of NEW criteria not previously submitted at the time of a public hearing and that to carry the burden of requesting a rehearing was specific. The Board suggested the Church review the ZBA Handbook of 2018 which could be obtained from the State of NH Initiatives website, specifically pages 28-37. Section II related to NH RSA 674:33.

Next regularly scheduled meeting is January 9th, 2020.

The Meeting was adjourned at 8:40 PM.

Respectfully Submitted,

Charles Estes, Secretary