

The ZBA Meeting was brought to order by Stephen Thomson Chairman, at 7:00pm.

Attendance: S. Thomson, M. Labonte, D. Stevenson, and C. Estes, Absent - Ian Gardner

Visitor - State Representative David Testerman

Order of Business –

To address the administrative appeal by Kathe Higgins under RSA 674:33, I(a) and RSA 674:41 from the decision of the Board of Selectmen to deny her building permit application with respect to Map R8, Lot 15.

After careful consideration, the Board determined the grounds for its decision must be confined to the basis of the denial stated in the letter of administrative decision. Specifically, the building permit was denied for lack of adequate frontage. The Zoning Board wrestled with the ambiguous language of both the ordinance and state statutes, but concluded, by majority vote, that the “common drive” shown on several maps presented to the Board accompanied by supporting deeds, does satisfy the requisite standard under the Town of Hill Zoning Ordinance and RSA 674:41, I(b)(2). In this case the portion of the common drive shown on the plan meets the standard to be considered a street shown on an acceptable plat that was approved by the Planning Board.

Consequently, the Board, being presented with additional documentation, concludes that the approval of a building permit is warranted and remands this case back to the Board of Selectmen to issue a building permit based on the findings of Zoning Board of Adjustment.

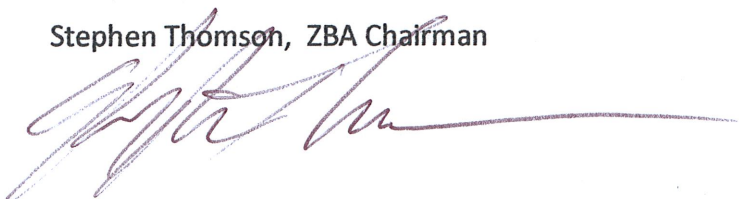
The Board notes that this decision is limited to that portion of the common drive shown on the plans presented to the Board. The common drive is not suitable for development beyond the existing dwelling and the single building permit sought by the applicant, without significant upgrade. Therefore, this decision is restricted to the approval of a single building permit on the applicant’s property. Further, prior to the issuance of a permit, the Board requires that a notice be recorded in the Registry of Deeds that the Town of Hill neither assumes responsibility for maintenance, nor liability for any damages resulting from the use of the common drive.

The Board, acting in the affirmative on the foregoing, voted to adjourn at approximately 8:30.

Respectfully submitted

Charles Estes, ZBA Secretary

Stephen Thomson, ZBA Chairman

A handwritten signature in dark ink, appearing to be 'Stephen Thomson', written over a horizontal line.