



Meeting was brought to order by Steven Thomson, Chairman, at 6:30 p.m.

Attendance: Steve Thomson, Ian Gardner, and Charlie Estes

Public Audience – Melanie Thomson and David Thomson

The Chairman opened the meeting to Old Business prior to the scheduled public Hearing.

Review of Previous Minutes – Minutes for the February 13th meeting were not printed. The Board approved the Draft as presented that were distributed via email.

Old Business –

The Secretary of the Board recognized an error in the prepared Notice of Decision mailed to Carl Rider relating to approval of his application for a Variance. The decision by the board was to approve a “Conditional Use Permit” however the Notice of Decision mistakenly referred to the board’s decision as a conditional variance opposed to conditional use permit. Carl Rider understood the board’s decision to be that of a conditional use that has conditions of termination upon transfer of title. Carl confirmed to the Board that he accepted these conditions. An amended draft was prepared for review prior to tonight’s meeting. The Board unanimously agreed to the amended version and executed a revised Notice of Decision to me sent to Carl Rider.

New Business – The Board has received an application for Equitable Waiver of Dimension for Map # R10 Lot # 5 - 2A submitted by Melanie Thomson who is located at 249 North Rt 3A Town of Hill, NH 03243. The applicant’s lending institution seeks an Equitable Waiver for a dimensional set back that the banks surveyor determined infringes upon the ROW set back.

Before opening the Public Hearing – The Meeting was turned over to the Vice Chairman, Ian Gardner. A motion was made and seconded to accept the application for Equitable Waiver. The motion carried. The Secretary reported that the procedure for a public hearing had been adhered to pursuant to the NH RSA and the Town’s processes of procedure. Notices to abutters were mailed via verified mail; Public notice was posted in the local news paper and public notice was posted, at least 10 days prior to the hearing, in (4) different public locations.

Ian Gardner Opened the public hearing and recognized Melanie Thomson who appeared before the board to present her application. Mrs. Thomson advised that her General Contractor, David Thomson would be presenting on her behalf.

Mr. Thomson addressed the application and outlined for the board how the request by the bank was the result of the surveyor, through the use of digital measurement, filing a report with the bank that suggested the structure's foundation falls within the existing setback of ROW by a matter of less than 48 inches. The Thomson's profess that they did not intentionally overlook the set back to the right of way. The Thomson's assert that the infringement was brought to their attention by the lender's surveyor and that they were completely unaware until then. The contractor states that the relocation of the foundation was the result of the presence of rock ledge that changed the angle of placement. The placement was measured by using tape measure from existing boundary markers of tape and iron pipe. The Surveyor's use of digital equipment and lines on surveyor's maps may or may not be as accurate as suggested. However, for the sake of the lender's request, the best way forward is to accept the surveyor's report and seek the equitable waiver. The foundation is already in place. The structure is nearly completely framed. The Thomson's assert, the minimal angle and change of location does not in any way impact abutters or have any impact on the property's value or any impact on the neighboring properties. The ROW located on the Thomson's properties grants access from one lot to another lot of the same owner. The impact of the dimensional waiver would be minimal compared to the cost to relocate the home and foundation. The Thomson's concluded their presentation.

Abutters – There were no abutters that appeared in opposition.

The Board had only a few questions that were answered satisfactorily. Vice Chairman Gardner called the public meeting to a close.

Deliberation – The Board deliberated briefly. A motion was made and seconded that the Equitable Waiver of Dimension be approved as the criteria for approval had been met. The Motion was made and seconded which carried by a unanimous Vote. Prior to concluding, the board discussed the NH RSA addressing the issue of any perceived appearance of conflict of interest where Stephen Thomson is the ZBA Chairman.

The board notes in the minutes that any perception of conflict of interest is negate by the fact that the board's decision, as outlined by law, must be unanimous. The Motion, seconded and voted for in favor approval was by majority vote first by the remaining board members, prior to the 3<sup>rd</sup> and final vote by the Chairman. If either of the two remaining board members were not in favor of approval, based on the merits, then the unanimous vote threshold would not have been satisfied. The application would have been denied. The board, by majority first, finding in favor of approval, needed only to have the 3<sup>rd</sup> Vote as a matter of formality. Therefore, the board finds no conflict of interest exists in the ZBA's approval of Melanie Thomson's application.

Respectfully Submitted,

Charlie Estes,

