



TOWN OF HILL

Notice of Decision – Zoning Board of Adjustment

July 28th, 2020

For the reasons stated here in, it is the decision of the Town of Hill Zoning Board of Adjustment that the Appeal of Administrative Decision be denied. The ZBA upholds the finding of the Selectman for Insufficient Frontage as grounds for denial of a building permit application for Map R08 / Lot 08 located on or around the area of Poverty Pond Road on the Danbury side of the Town of Hill. Further, the notation of a second restriction, suggested to be imposed by the ZBA, was propounded in error by the Selectmen's office administrator who added the notation to the Selectmen's Notice of Decision and in an email stating the same.

The implication of a second restriction imposed by the ZBA pertains to an unrelated property located at Map R08 / Lot 15. There is no valid restriction for Map R08 / Lot 08. The ZBA does not possess the authority to immediately rectify a restriction imposed on Lot 15 without further actions by the property owner(s) and adequate approvals.

Background - In October, 2017 the ZBA imposed a restriction on Map R08 / Lot 15 against issuing a building permit for more than one single family dwelling without the property owner(s) first performing significant upgrade to the existing right-of-way known as a "Common Drive" shared by abutters of Lot 15. The ZBA found that the Common Drive, sufficiently depicted on a plan approved by the Town of Hill Planning Board {concisely map #11177} provided adequate frontage for Lot 15. The ZBA stated in its decision that the applicant must submit with the County Registry of Deeds a Release of Liability - releasing the Town of Hill of any maintenance obligations for the Common Drive which was considered a private road, under the town ordinance when considering "Other Accesses" which satisfied the definition of a "Street" pursuant to NH RSA 674:41 I (b) (2). It was then, and remains still, the intention of the ZBA, that any significant upgrade to the common drive shown on map #11177 must meet with the Planning Board's approval prior to issuance of additional permits for development on lot 15. The Lot being sufficient to satisfy the zoning ordinance of minimum 6 acres requirement for an Additional Dwelling Unit (ADU,) the board strived to limit development without further approvals. {*Note - while the 2017/2018 ZBA received numerous documents for consideration, document # 11177 was the only document that met the requirement of obtainig Planning Board approval of a ROW on a Plat. Other documents provided to the ZBA lacked the PB approvals of A ROW continuing beyond the property boundary of Lots 15.}

Subsequent to the Zoning board's decision, the applicant seeking approval of a building permit for lot 15 chose to abandon pursuit of the permit before permits were issued and the property was then sold. Between December 2018 to present – Various correspondences and meeting minutes reflect that the former owner of lot 15 and the new owner of lot 08 have communicated a desire to obtain a single-family dwelling building permit.

However, it is the Abutter's and the Town's belief that permits are being sought with the intent to advertise the properties for sale as suitable "Development Properties" without first performing the required upgrade to the ROW giving access and proper frontage to the lots. The Secretary of the ZBA performed a site review of the ROW and states there has been significant logging performed on lot 08 exposing a considerable "VIEW" overlooking Ragged Mountain Ski Area without performing adequate upgrade to the ROW giving access and required frontage to the lot 08 for the purpose of building. The property is without proper access on a plat having Planning Board approval and lacks frontage on a ROW/Private Road/Street.

The Appeal for approval is denied.

Respectfully,
Charles R. Estes, Sec.
Town of Hill ZBA

Cc/ Chris Swiniarski, Town of Hill Selectmen's Office, Stephen Thomson, Frank Marsh