



**\*\* DRAFT \*\***

**Hill ZBA**

**Meeting Minutes**

**December 10, 2020**

Due to Covid19 restrictions and potential positive exposure to the virus, the ZBA met virtually via ZOOM. Public notice was posted and the link was added to the Town of Hill website calendar prior to the meeting.

Topic: Town of Hill ZBA ' Zoom Meeting  
Time: Dec 10, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://zoom.us/j/94790632861?pwd=OFFXZ0R5NjY2ME9LSUU4ZG5tUEtwQT09>

Meeting ID: 947 9063 2861

Meeting was brought to order by Stephen Thomson, Chairman, at 7:00 p.m.

Attendance: Stephen Thomson, Frank Marsh, Niki Mahoney and Charlie Estes

Public Audience – None

The Chairman called to consider old business.

- Minutes of the previous meeting(s) September 10<sup>th</sup>, were distributed and approved previously. The ZBA did not meet in November resulting in no draft of minutes.
- The ZBA consider meeting with the Selectman to discuss the missing Zoning Map in the possession of the PB Chairman Bob Helmers.

New Business -

- The Board received an application for approval of a Special Exception for a Commercial (15+) Dog Kennel submitted by the land owner/resident Brittany Stone located at 9 Borough Rd, Hill NH Tax Map R15 Lot 02 (Rural Residential District).

**History** – Application for a special exception was submitted to the office administrator on or around October 27, 2020. The application was forwarded to the ZBA Chairman on October 29<sup>th</sup> via email. The Planning Board (PB) Chairman was copied with the application for disposition by the PB at the next regular PB meeting pursuant to Article VIII. D. 2. of the Zoning Ordinance.

Charles Estes, on behalf of the ZBA attended the PB meeting on 11-19-2020 and informed the ZBA of the PB's review of the application. The ZBA was informed that the PB Chairman raised discussion related to the application (Refer to PB Minutes) however Chairman Helmers raise the need to submit a procedural question to legal counsel before moving on the application.

Chairman Helmers raised the concern that the PB is requirement to hold a Public Hearing opposed to being able to review or consider the application at the next regular scheduled meeting of the PB as stated in the rules of procedure from 2008. As a result of the submission to legal counsel, no action was taken on behalf of the Planning Board to move the application forward pending a reply.

Notwithstanding, Chairman Helmers still brought forward a motion for the Planning Board to approve holding a public hearing. After some discussion about the cost impact to the applicant if the determination was that a public "Hearing" was not required; followed by further discussion that the ZBA wishes to independently adjudicate matters within the scope of the ZBA's purview, the motion was not seconded. Facing opposition to approval, Mr. Helmers withdrew his Motion.

The ZBA discussed the time lapsation since submission of the application and the lack of response from legal counsel. Also discussed was non response by the PB Chairman. The Board considered the requirements of review of an application submitted by s resident in the rural residential district opposed to the commercial district and the requirement for a formal site plan review. Finding no requirement for site plan in the rural residential district, Chairman Thompson made a motion that the Board accept the application complete, (finding the PB was provided opportunity to perform a review of the application/site.) Further the Motion moved to accept the application finding the PB \*waived it's right to a review under the provision of the PB Rule of Procedure, and that the ZBA votes to accept the application and schedule the Public Hearing. After discussion, the Motion passed unanimously. The ZBA Public Hearing was scheduled for December 29<sup>th</sup>. 2020 and the Secretary will attend to the notices.

Discussion ensued related to other procedural issues. The Secretary will present a draft of the Town of Hill ZBA Rules and Procedures for review before the Meeting to be held in Febraury 2021.

Having no other business - the meeting adjourned at 8:40PM.

Respectfully Submitted,

Charlie Estes,  
Secretary ZBA