



**** DRAFT ****

Hill ZBA

Meeting Minutes

May 13, 2021

In-Person regularly scheduled meeting of the ZBA

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

Attendance: Stephen Thomson, Charlie Estes. Frank Marsh – Niki Mahoney was Absent

Public Audience – None

Old Business -

- Minutes of the previous meeting(s) March 11th, 2021 was approved as presented.
- The Board discussed the Formal Complaint filed with the Selectmen's Office. The 3 members of the board present remain undeterred by the prior Select Board's lack of actions regarding the formal complaint. However, the board members agreed the matter is not an issue for the ZBA as a Board and decided to proceed individually at this time. It is undeniable the actions of the Planning Board Chairman affect the procedures that have a potential to alter the outcome of application before the ZBA but for the time being, the Chairman seems to have the favor of the current majority of the Select Board.
- The question remains about the status of an application for special exception referred to by Bob Helmers in more than one set of Planning Board minutes. (July 2020, Sept. 2020 and December 2020 Selectmen's minutes) Selectmen's minutes state that the applicant Bob Walsh feels bounced back and forth between two boards however, as noted in previous minutes, the Zoning Board has never received an application for Special Exception from this person which has been confirmed via email from the Executive Assistant (Lisa) stating there has been no SE application for an ADU submitted by Bob Walsh.

New Business -

Selectman – (Newly Elect) Shaun Bresnahan sent an email to Chairman Thomson requesting the Board discuss amending the current Application for Building Permit to include a request of any Information related to intended use for Commercial enterprise, especially in the Rural Residential District.

- The current application does not sufficiently request any information related to "intended use." The question arose about infringement upon taxpayer's rights to request what may or may not be their use of the property in the future so any amendment must include a disclaimer/non-waiver related to "intended" use.
- The board would like to see the current procedure followed as written. Logging the submission of an application and issuing a log # is currently not followed upon submission to the Town Office. Applications turned over to the Planning Board Chairman seldom follow a consistent procedure with most applications being processed by the Chairman independent of the Board's involvement.
- The Zoning Board recommends an application Checklist be processed with each application. The secretary will begin drafting a checklist for review at the next meeting.

Application(s) –

- The ZBA received an application for Special Exception submitted by ForeCo LLC's Kevin Lemire. ForeCo submits application to develop and operate an Excavation (Sand and Gravel Pit) of +/- 55 acre in the Rural Residential District located at Map # 135 Lot 28. The application was submitted to the Town on April 15th, 2021.
- Submitted with the application is a NH alteration of terrain permit # Aot-1921 per NH RSA 485-A:17 and proposed excavation plans with as letter from the State of NH Department of Environmental Service dated March 26th, 2021.

Pursuant to the preliminary review of the application, the Board looked up the posted minutes of the Planning Board to ascertain what actions the Planning Board has taken in this matter. The April 15th, Minutes include the following notation:

Driveway permit on class VI road briefly discussed. Applicant wishes to operate gravel pit at site. Chair (designate for driveway permits) informed applicant that they will need to obtain special exception and excavation permit for a gravel pit. Driveway application will remain open until such time as applicant has public hearing for special exception and excavation permits.

The minutes do not identify the applicant of a driveway permit, the location or any contact information related to the notation. The Board can only assume the minutes relate to the submission of this application for S.E. submitted by ForeCo LLC. Also submitted with the S.E. application is a letter by the Planning Board Chairman written on April 8th, 2021. (A week prior to the PB meeting and subsequent minutes) The letter states that Chairman Helmers (independent of the Planning Board) finds no physical objection to the proposed driveway on a class VI road. It then states, "Please provide additional information for reasons why a driveway is currently desirable or necessary. The two statements appear in conflict with each other.

Seeing no other minutes posted by the Planning Board - the ZBA's initial determination is that the operation of a Sand and Gravel Pit, located in the Rural Residential District, requires Site Plan review by the Planning Board as a "commercial" operation. This matter must first be reviewed by the Planning Board, **as a whole**, performing Site Plan Review prior to submission to the ZBA for approval of a Special Exception. The ZBA shall hold the application on file until such time as the Planning Board has reviewed the site for appropriateness pursuant to the Zoning Ordinance VIII, D – 2.

Having no other business - the meeting adjourned at 8:20PM.

Respectfully Submitted,
Charlie Estes, Secretary ZBA