



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

**Hill ZBA**

**Meeting Minutes**

**June 10, 2021**

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In-Person regularly scheduled meeting of the ZBA

Meeting was brought to order by Stephen Thomson, Chairman, at 7:05 p.m.

Attendance: Stephen Thomson, Charlie Estes, Frank Marsh  
Niki Mahoney resigned due to a scheduling conflict.

Public Audience – There was a significant turn out in anticipation of the publicly noticed hearing related to an application for Special Exception submitted by Green Acres Woodlands. (Sand/Gravel Pit)

In attendance – Don Reese, Frank Razzaboni, Peggy Razzaboni, Michele Munson, Mike Munson, Carol Snow-Asher, David Riley, Lee Herterich, Jerry Desrochers, Kent Brown, Danielle Seufert, Chris Seufert, Kathy Wythe, Chris Vlitas, Bob Helmers, Kevin Lemire, Jeremy Hiltz, Kim Lemire, Lucy Natkiel, Joanne Irving,

\*\*\*Please excuse any misspelled entries – It is not intentional\*\*\*

### **Old Business** –

A motion was made and seconded to table old business to address the application.

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 15<sup>th</sup>, 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 26<sup>th</sup>, 2021.

The Board took up the matter of acceptance of the application for Special Exception submitted by Green Acres Woodlands (GAW). The Board reviewed the application for completeness and reviewed minutes of the Planning Board's {Special Meeting} held on May 5<sup>th</sup>, 2021. The May 5<sup>th</sup> minutes were not previously available when the ZBA initially received the application at its May 13<sup>th</sup> meeting. The minutes reflect that the driveway application of a driveway on a class VI road shall remain OPEN until such time as applicant has public hearing for special exception and excavation permits. This statement is procedurally inconsistent with the Town of Hill Zoning Ordinance and Driveway Regulation. The April 15<sup>th</sup>, 2021 PB Minutes state the following:

*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 Driveway application process remains incomplete.

ASIDE: The ZBA no longer recognizes Robert Helmers is a Designee of the Selectmen to handle driveway applications independent of the Planning Board. Mr. Helmers made this claim in a Planning Board meeting over a year ago, however as of May 25<sup>th</sup>, 2021 the Selectmen have no knowledge of any such designation.

The ZBA's 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. Further the applicant must meet the guideline of the Town of Hill Site Plan Regulation and the State of NH RSA related to a commercial excavation in a rural residential district. This matter must first be reviewed by the Planning Board, **as a whole**, performing Site Plan Review **and** finding the site "Suitable" pursuant to Town of Hill Zoning Ordinance VIII, D – 2 prior to the ZBA's acceptance of an application for Special Exception.

A motion was made and seconded to remand the matter to the Planning Board for procedural processing before a Public Hearing could be held. The Motion carried. The ZBA dated the application for processing and returned the file to the Planning Board.

The public was apprised of the procedure and after questions and discussion, the public was advised they were welcome to remain for the ZBA business at hand or they were free to go.

\*Intermission\*

Upon returning - The Board moved to accept the minutes of the previous meeting as presented.

The Board discussed other procedural matters yet to be finalized.

Having no other business - the meeting adjourned at 8:25PM.

Respectfully Submitted,  
Charlie Estes, Secretary ZBA