



**** DRAFT ****

Hill ZBA

Meeting Minutes

July 26, 2021

In-Person SPECIAL scheduled meeting of the ZBA

Meeting was brought to order by Stephen Thomson, Chairman, at 7:02 p.m.

Attendance: Stephen Thomson, Charlie Estes. Frank Marsh

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) Approx. 49 residents were in attendance, whose names were obtained, are on file with the ZBA With the ZBA Secretary.

Old Business –

Minutes of Previous Sessions: A motion was made by Stephen Thomson and seconded by Frank Marsh to accept the June minutes as presented. Motion passed unanimously.

There was a suggestion – in general – that the Town should use the Marquis sign board at the entrance of Crescent St, by the Hill Store, to make residence aware of meetings and happenings of the Land Use Boards, as is done for the Selectmen's/Town Clerks upcoming activities.

The meeting proceeded with a brief overview by the members of the Board of Adjustment explaining the key elements of a "Special Meeting" and the need for posting opposed to a regularly scheduled ZBA meeting that occurs every 2nd Thursday of each month. The overview included the key differences between a Public Meeting and a Public Hearing including posting requirements for a public hearing.

The Board received an application for Special Exception submitted by Jason Avery for the purpose of operating a Small Engine Repair Shop in the Residential/Commercial District. In accordance with Hill Zoning Ordinance Article V, Zone C, Section A, 7. a special exception by the ZBA is required. The board reviewed the application with consideration given to Article VIII D, 2. The board discussed and concluded that since Mr. Avery has previously been approved by the Planning Board for operation of the same entity, at the same location, as a Home Occupancy, it's reasonable to conclude the Planning Board shall find the site appropriate for its intended use. Additionally, recent citation of NH Supreme Court rulings reversed a previously held view that the Planning Board's "advisory role," specific to matters such as Hill's Article VIII, D 2, was required. The Supreme court's recent ruling is that Zoning Board's may use discretion with regard to the advisory role of the Planning Board in these matters. The Town of Hill ZBA members opined this should be considered on a case by case basis. The Board moved to accept the application complete noting that approval is subject to the Planning Board's finding during Site Plan Review that the site is suitable, without waiver of suitability, for its intended use, to fulfill Article VIII D 2. Stephen Thomson made the motion to accept. The Motion was seconded by Frank Marsh and passed unanimously. The hearing for Jason Avery's application for special exception is scheduled for August 16th, at 7PM in the Hill Town Library. Secretary will perform public notice and postings.

The Board received an application for Appeal of Administrative Decision submitted by Steven Taylor of 282 Currier Rd, Hill NH 03243. Mr. Taylor is appealing the decision of the planning board's July 15th public hearing regarding the approval of the site as appropriate or suitable for the proposed Sand and Gravel Pit on Poverty Pond Rd. Map 13 Lot 28. Mr. Taylor's application was reviewed for completeness. Charles Estes Made a motion to accept the application as complete. The motion was seconded by Stephen Thomson. The motion passed unanimously. The public hearing is scheduled for Thursday August 12th at 7:00 P.M. in the Amsden Auditorium. (School) The secretary will perform public notice and postings.

A second application was submitted by a group of residents, hereafter referred to as the Munson Coalition Et, al., consist of Mike and Michele Munson, Lucy Natkiel, Mary Eckert, Michael Brown and Carol Asher by and through Counsel Orr and Reno, PA Jeremy D. Eggleton. The application for Appeal of Administrative Decision is appealing the decision of the planning board's July 15th public hearing regarding the approval of the site as appropriate or suitable for the proposed Sand and Gravel Pit on Poverty Pond Rd. Map 13 Lot 28. The Munson Coalition Et, al. application was reviewed for completeness. Stephen Thomson made a motion to accept the application as complete. The motion was seconded by Frank Marsh. The motion passed unanimously. The public hearing is scheduled for Thursday August 12th at 7:45 P.M. in the Amsden Auditorium. (School) The secretary will perform public notice and postings. The hearing dates and times were acceptable to GAW representative Kevin Lemire.

The meeting ensued with further explanation by members of the board on how the board would conduct (2) public hearings for (2) independent appeals of the same night. The plan was found suitable.

Eric Herr suggested having Town legal counsel present for the Public Hearings on August 12th. Gerry Desrochers made a suggestion to ????????? (someone pls fill in)

The board received a copy of the petition submitted to the Planning Board during the public hearing on July 15th, and additional letters were received by the board secretary that will be reviewed and taken into consideration on August 12th,.

Having no other business - the meeting adjourned at 8:10PM.

Respectfully Submitted,
Charlie Estes, Secretary ZBA