



**** DRAFT ****

Hill ZBA

Meeting Minutes

December 02, 2021

In-Person Special* Meeting RE: Final Deliberations - Application for Special Exception Meeting was brought to order by Stephen Thomson, Chairman promptly at 7:00 p.m

Attendance: Stephen Thomson, Charlie Estes, Frank Marsh, Frank Razzaboni {recused from GAW} Stephen Arruda - Newly appointed member of the Board.

Due to illness, the previous meeting scheduled for November was unexpectedly cancelled. The board remained in recess. The parties affected were immediately contacted and a *Special meeting was rescheduled and sufficiently posted. The agenda is to engage in deliberations on the matter of GAW's application for Special Exception for the proposed excavation permit.

Public Audience - On behalf of Green Acres Woodlands appears Maria Dolder, Attorney at Law, and Kevin Brown of Brown Engineering, Approx. 15 town of Hill residents were in attendance, whose names were not captured as this meeting was for the purpose of deliberations after the public hearing.

Before the board engaged in deliberations; The board welcomes a new Member - Stephen Arruda was appointed to the ZBA by the Selectmen on November 16th. The timeliness of Mr. Arruda's recent appointment was discussed. The members of the board considered Mr. Arruda's ability to engage in meaningful deliberations on the application for special exception. The board discussed his ability to opine in a meaningful way without a significant recap of the history of activities. Mr. Arruda interjected that he felt he did not have enough participation in the process or exposure to the process to reach an informed decision on this application. He was asked by Charles Estes, Secretary, if he would consider abstaining from any vote if a motion was presented? Mr. Arruda stated that he had no bias in one way or the other and would abstain from any vote on the merits of the special exception. The board did not feel there has been any representation of predisposition or bias that would lead to disqualification of Mr. Arruda. Mr. Arruda and the board reached the mutual decision that he would sit out deliberations on this matter, however he is very welcome to remain with the board. His participation in all future matters is welcomed.

The board formally reconvened from recess after the conclusion of the public hearing from October 14th, 2021. The first point for discussion was raised by Chairman Thomson relating to NH RSA 155 E 4 section III and the requirement that the proposed site be "Non-Residential" pursuant to the RSA.

Discussion ensued about the finding by the Planning Board of the site being Non-Residential. Discussion turned to include other elements of section III as well. The board notes that the Town of Hill does provide for excavation at other sites within the Town boundaries. These excavations in areas closer

to highway(s) that are accessible within a short distance. The viability of the argument over suitability of the site proposed by GAW hinges on the definition of "SITE" opposed to "DISTRICT" or "ZONING."

The board was reminded of the decisions rendered relating to the two appeals of administrative decision finding in part to grant the Munson's appeal and to deny in part the appeal while preserving the arguments submitted by both parties. The Planning Board's advisory role, finding the site suitable for its intended use was for advisory purposes only. It was inevitably decided that the board is at an impasse over the decision to unanimously rule that the site qualifies as Non Residential. The board decided to set the point aside and look at the remaining requirements of the RSA. The board redirected its attentions to sections II, III a), b), c) and d), and sections IV thru VIII, Charles Estes presented to the board his position on deliberations, by way of reading aloud, a document prepared for this meeting's purpose. Mr. Estes addressed the remaining sections of the RSA. (A copy of the document is incorporated by referenced) While reading and presenting various points members of the board expressed agreement with Mr. Estes' views. After concluding the document, the board collectively shared agreement with the points of deliberations. **A motion was made by Charles Estes that GAWs application for special exception be denied on the grounds that the applicant failed to satisfy the burden to overcome prohibited projects standards of Section 155 E:4 III a), b), c) and d),** The Motion was seconded by Frank Marsh. The board voted unanimously to deny the application for special exception. Deliberations were concluded and the matter was closed. The public audience was advised of the board's decision.

The board took a ten minute recess.

The Board reconvened to review an application submitted for a Variance in order to build on a Class VI Road (King Road). The applicant and the board had a preliminary consultation about the application. The applicant presented documents of approval by former Town of Hill Selectman who issued a building permit in conjunction with a Notice of Liability pursuant to Article 4 of the Town's Class VI Road Policy. Under the conditions of "Grand Fathered" approval, the applicant was advised that a Variance was unwarranted. They were instructed to update the Article 4 requirement with the Merrimack County Registry of Deeds and then reschedule with the Selectmen's office to obtain a building permit on the same lot.

Having no other business - the meeting adjourned at 7:50 PM.

Respectfully Submitted,
Charlie Estes, Secretary ZBA