



**** DRAFT ****

Approved 10-14-2021
C. Ester

Hill ZBA

Meeting Minutes

September 09, 2021

In-Person regularly scheduled meeting of the ZBA

Meeting was brought to order by Stephen Thomson, Chairman, at 7:00 p.m.
The meeting re-convened from recess.

Attendance: Stephen Thomson, Charlie Estes, Frank Marsh and Frank Razzaboni (recused from GAW)

Public Audience – Christopher Seufert, Steve and Debbie Taylor, Tom and Cathie Angeley, Kevin Lemire, Maria Dolder PA, Lucy Natkiel, Mike and Michele Munson, Shaun Bresnahan, David Thomson, Carol Asher, David and Rea Bouley, Carl and Nancy Passaro and Joanne Irving. Please excuse anyone that was missed, it was unintentional.

The Chairman motioned to table all ZBA new and “Other” old business to resume deliberations of the Appeal(s) of Administrative Decision. The motion was seconded by Frank Marshall and passed unanimously.

The Secretary took several minutes to advise the public in attendance of the procedures related to the Stage the boards is current at and to explain the non-public session(s) that had occurred since the Board entered recess on August 12th, 2021. Several correspondences between the board members, Advising Counsel for the Town of Hill and Counsel representing Parties to this matter were provided to the board members for review during deliberations.

The board engaged in deliberation of the matter of Steve Taylor’s appeal. The appeal was fundamentally sound with the fatal exception that it was prefaced on the belief that the Public Hearing of July 15th, 2021, the Planning Board had performed site plan review of the site in question to reach its determination that the site was suitable for its intended use. No site plan review was performed and therefore Mr. Taylor’s appeal was deemed premature. Charles Estes made a motion that Mr. Taylor’s Appeal be denied on the grounds that it fundamentally assumed that the planning board performed site plan review which the PB did not perform. Mr. Taylor’s appeal is therefore premature and **is denied**. Steve Thomson seconded the Motion which passed unanimously.

A second Appeal of Administrative Decision was also pending which was submitted by a coalition of residence being referred to as the Munson Coalition, Et al. The board was provided several documents by the secretary to review and consider as deliberation continued. After review, and a brief explanation to the public of the Board’s considerations, the public was provided copies of (3) Motions drafted by the Secretary for proposal to the members of the Board. The Motions are/were as follows:

#1) - Motion that #1 be **denied** where NH RSA 155 E supplants Town of Hill Zoning Regulations with regard to Earth Excavation allowed by Special Exception. Denial of #1 allows the matter to proceed to the ZBA for a Hearing on Special Exception. **Proposed by Charles Estes, 2nd by Stephen Thomson, PASSED Unanimously by the board.**

Continued-

#2) - Motion that #2 be denied on the grounds that the Planning Board restricted its approval of the site to the context of Article VIII, D. 2. Of Hill Zoning Ordinance. The Planning Board although accepting evidence and hearing testimony related to the NH RSA 155 E, nevertheless restricted its finding to the suitability of the site for its intended use. Denial of #2 allows the matter to proceed to the ZBA for a Hearing on Special Exception. The board recognizes counsel's preservation of finding the site suitable as a "NON-Residential Area" as determined by the Planning Board. **Proposed by Charles Estes, 2nd by Stephen Thomson, PASSED Unanimously by the board.**

#3) - Motion that the Appeal of Administrative Decision pursuant to Pages 7 through 10 ending with "Error 5, paragraph 4, be Granted without remand to the Planning Board, allowing the matter to proceed to the ZBA for a Hearing on Special Exception pursuant to NH RSA 155 E. **Proposed by Charles Estes, 2nd by Stephen Thomson, PASSED Unanimously by the board.**

Charles Estes made a motion the board the Board accept Green Acre Woodlands application for Special Exception complete and move the matter forward. 2nd by Frank Marsh. The motion Passed unanimously. The Board recognizes in the past several months the assertion that the Planning Board's role in matters such as these is "Advisory" which does not carry with it a mandatory distinction with regard to Town of Hill Zoning Ordinance Article VIII Section D, Subsection 2. The board seeks to have Article VIII D 2 removed from the town of Hill ordinance.

The Hearing for special exception pursuant to NH RSA 155 E is scheduled for October 14th, at 7PM in the Amsden Auditorium (school gym). The Board expects parties to prepare for consideration of Town of Hill Zoning Ordinance and Regulation, Review of NH RSA 155 E and especially will be considering Section E. 4, 3, iii. (a), (b), (c), and (d).

Old Business –

Minutes of Previous Sessions: A motion was made by Stephen Thomson and seconded by Frank Marsh to accept the minutes of the August 12th Meeting / Hearing as presented. Motion passed unanimously.

New Business -

An application for Special Exception was submitted and then withdraw by the wood carver. No action is required by the Board.

Having no other business - the meeting adjourned at 8:35 PM.

Respectfully Submitted,
Charlie Estes, Secretary ZBA