



**** DRAFT ****

Hill ZBA

Meeting Minutes

February 10th, 2022

In-Person Regularly Scheduled Meeting

Attendance:

Stephen Thomson, Charlie Estes, Frank Razzaboni, and Stephen Arruda. Frank Marsh was absent.

Meeting was brought to order by Steve Thomson at 7:00 p.m.

Public Audience: There were approximately 3 public attendees.

Old Business:

A motion was made by Steve Thomson to accept the *Amended minutes of January 13th, 2022 meeting. The motion was seconded by Frank Razzaboni. The motion passed and the amended minutes were accepted as presented.

New Business:

Steve Thomson presented the board with a folder of a property located on Route 3A that is currently being considered for purchase. There are two separate Lots. One lot has adequate Frontage for building where the secondary lot is currently landlocked. The question was posed to the board, in the form of a procedural matter, regarding how questions should be brought to the town executive assistant and how these questions should be presented to the land-use boards. Considerable discussion ensued. The matter at hand was a question of whether or not a purchase being considered poses a question the ZBA or Planning Board is able to answer definitively. The proper answer is no. Until or unless a party appears before the board or seeks a preliminary consultation, neither the board's, nor the executive assistant, can answer hypothetical questions in order to satisfy considerations to purchase property in Hill based on potential future activities. The Town of Hill is not in a position to advise prospective buyers on what they can and cannot do or whether to purchase property or not. The proper course of action is to seek legal counsel. Any answer provided by the town would be speculative or subjective at best and purely based on hypothetical circumstances. Therefore it was the decision of the board collectively that the folder be returned to the executive assistant with instructions to have the prospective buyer approach the planning board for a preliminary consultation or seek the advice of legal counsel.

The Secretary brought forth to the Board an email notification and overnight delivery package containing an Appeal of Decision submitted by Green Acres Woodlands, Inc. by and through counsel Maria Dolder, appealing the ZBA's January 13th decision to deny a rehearing AND more pointedly, the Board's denial of a Special Exception for permitting of an Excavation Operation on Poverty Pond Rd., a Class VI Road, located in Hill's Rural Residential District. The appeal has been submitted to the State of NH HAB ("Housing Appeals Board") pursuant to NH RSA 679:5.

The Zoning Board shall meet with the Executive Board at the Selectmen's next meeting to advise the Selectmen of the filing and discuss the procedural path forward. Shaun Bresnahan was present to say the Selectmen shall put this matter on the agenda for February 15th.

Stephen Arruda made a motion to adjourn. Frank Razzaboni seconded. Motion carried.
The board having no other business, adjourned at 8:20 pm.

Respectfully Submitted,
Charlie Estes, Secretary