



**Town of Hill
Planning Board
Minutes**

Meeting Date: 5/19/2022

Members Present: Marshall Bennett, Tom Whitman, Christopher Seufert, Frank Razzaboni

Members Absent: Mike Munson

Public in Attendance: Jeff & Jane Beach, Travis Albee, August & Maria Merker, Robert Soave (came at 7:30)

Meeting Called to order by chairman at 7:00 pm

First before the board was August & Maria Merker owners of property on Bunker Hill Road:

- Reference R12-50
- Evidence supporting an approved subdivision was created in 1983 was presented
- The Merkers have the property on the market and seek clarification of potential land use
- Documents examined by board seem to support Merkers' claim for a subdivision
- Discussion amongst the board comes to consensus the lot is buildable if in fact we can establish the claim to the approved 1983 subdivision.
- The Selectman ex-officio will check the office records for the supporting paperwork/deed.
- Board states that although the lot may be buildable the use must conform to the 1983 subdivision and that any change or modified plan for the land use and or further subdivision would render the 1983 subdivision void and at that time current rules and zoning ordinances would be enforced.
- Ultimately no decision was arrived at until further discovery can be made.
- Upon further investigation and with advice of counsel the correct answer is, 'the town isn't in the business of determining the 'potential suitability of a parcel of land'. If we offer advice the buyer can argue he/she bought the parcel because the town warranted that use. If the buyer is then turned down, they then have an avenue to sue the town. Furthermore, a potential buyer doesn't have standing to come before the board/s and anything they or we say would be speculative. Unfortunately, the best we can say is maybe!
- I spoke to one of the land owners of R12-50 and relayed the information. Understandably he was upset. I offered what our town counsel said, the buyer needs to do their own research. Ultimately if denied by the selectmen and planning board the ZBA is the next step for appeal.



Next Before the board was Jeff & Jane Beach and Travis Albee

- Jeff, Jane and Travis are currently and considering purchasing two adjoining lots R1 Lots 7-1 and 8. They are seeking advice on how best to create 2 buildable lots.
- Lot 8 is landlocked without access to Rt 3 without some sort of driveway, private road or deeded right of way.
- Potentially they proposed a land swap with the state and had discussions with a state official however the procedure will take a year with no guarantee of whether the state will approve the swap/ lot line adjustment
- Various proposals were made by the Beach party however either the proposals were impracticable or would involve the ZBA to grant a waiver and or special exception
- The Beach party was hoping for a clear path since they needed to give there offer to the sellers by 5/20/2022
- They only workable solution was what is allowed by Zoning Ordinance, two house on the buildable lot which isn't what the potential buyers were/ are seeking.
- They were referred to the ZBA however the next meeting isn't until there current option /offer to purchase expires

Next before the board was Robert Soave

- Robert is interested in purchasing the land being offered for sale by the Merkers on Bunker Hill Road.
- Unfortunately, Robert arrived after the Merkers' had left.
- The board informed that perhaps a subdivision was approved in 1983 however if evidence is found any use would have to conform to the zoning decision of 1983 and no changes could be made or current zoning ordinance would be in effect.
- The ex-officio will as stated before research the records and with the land owners written permission will inform the buyer if the 1983 deed was verified.

Board business:

- No meeting minutes were presented for the 3/31/2022 special meeting for the Moses subdivision.
- The ex-officio will locate the draft minutes on the town website. Minutes will be presented for approval at the next planning board meeting.

A motion to adjourn was made at 7:45 Pm by Tom and seconded by CJ it was unanimously approved.

Respectfully Submitted

Frank Razzaboni Secretary


T Whitman


CJ Seufert


M Bennett


F Razzaboni