

These minutes may be amended at a future hearing. Any changes will be included in the minutes of that meeting.



**Town of Hebron**  
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**Hebron Planning Board and Zoning Board of Adjustment**  
Minutes of Joint Meeting – July 5, 2017

**Planning Board (PB) Members Present:** Roger Larochelle (Chair), Karl Braconier (Member), Chuck Beno (Member), John Dunklee (Select Board Representative), and Dennis Dodge (Alternate)

**PB Members Absent:** Mitch Manseau (Member), Arthur Cummings (Alternate), Ivan Quinchia (Alternate), and Carol Bears (Secretary)

**Zoning Board of Adjustment (ZBA) Members Present:** Peter Carey (Chair), Derry Riddle (Member), Phil Kriss (Alternate), and Alison York (Member)

**ZBA Members Absent:** Ileana Saros (Member), William Lucarelli (Member), and Carol Bears (Clerk)

**Others Present:**

Jim Gickas (Compliance Officer)

**Time Convened:** 7:00 p.m.      **Time Adjourned:** 8:30 p.m.

**Next Joint PB-ZBA Meeting:** TBD

**Agenda:**

1. Approval of June 7, 2017 PB-ZBA joint meeting minutes
2. Approval of June 20, 2017 ZBA meeting minutes
3. Code enforcement issues

The joint meeting was called to order by PB Chair Roger Larochelle and ZBA Chair Peter Carey at 7:00 PM

The PB and ZBA members introduced themselves. The chairs appointed Dennis Dodge and Phil Kriss regular voting members for their respective boards and for purposes of this meeting.

**Minutes:**

Members of their respective boards made and seconded motions to approve the minutes of the June 7, 2017 joint PB-ZBA meeting with no changes. Each board voted on and unanimously approved the minutes as written.

Alison York further moved to approve the minutes of the June 20, 2017 ZBA meeting-hearing with no changes, seconded by Phil Kriss. The ZBA members voted on and passed the motion unanimously.

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### **Ordinance Enforcement Issues:**

Chair Pete Carey began the discussion of ordinance compliance issues with a reminder of the importance of paying attention to and timely dealing with compliance issues. While town officials' ignorance or inaction in connection with compliance issues does not legally constitute acquiescence or constructive approval, it looks bad and can often lead to embarrassment. Chair Carey added that ignoring and failing to deal with compliance issues also come at a cost to all of us. He cited the recent example of the Delisle case that came before the ZBA in January 2017. For nearly thirty years, the Delisles have lived next to another North Shore Road property owner, Roger Burnham, who stores considerable junk and large timbers around his property as well as on a strip of Green Acre Woodlands property separating his and the Delisles' properties. To make matters worse, Burnham is in the trapping business and routinely skins his prey in his driveway area and discards unused, foul smelling portions of the carcasses in Cockermonth River wetlands behind his house, drawing in other wildlife that feed on the animal remains. The Delisles' many complaints to their neighbor and certain Selectmen went ignored for years. Finally, the opportunity arose for the Delisles to buy the Green Acre Woodlands land. After acquiring the property, they retained counsel, had Burnham remove his timber and junk from their newly acquired land, and sought ZBA permission to erect a boundary fence, slightly higher than allowed under the Zoning Ordinance, to block their view of Burnham's junkyard. The Delisles spent countless years and thousands of dollars just to get to this point. Yet, the nuisances remain—the junkyard is still there and the trapping business continues—all at the expense of the Delisles' and other neighbors' quality of life and property values.

At the last joint PB-ZBA meeting, Karl Braconier suggested that the boards categorize and prioritize enforcement issues. Chair Carey described two cases that require immediate attention:

**Bralely Trust property at intersection of Groton and Veasey Roads:** This is a case involving repeated violations of town officials' orders. After a tenant came forward in 2013 with serious health and safety complaints against the owner-landlord, Hebron's Fire Chief, Compliance/Health Officer, and Selectmen conducted thorough inspections of living conditions on the property. Without town permission, the owner-landlord had turned three structures on the single lot into separate rental units. The illegal units consisted of a cellar apartment in the main house, a garden shack, and a small barn/workshop. The town officials observed and reported numerous serious health and safety violations in all three units, prompting the Selectmen to order the owner/landlord to immediately cease renting the units and evict the tenants from the three units. The ZBA subsequently denied the owner-landlord's appeal to reoccupy the garden shack and cellar units, but granted an equitable waiver of dimensional requirements to allow occupancy of the small barn/workshop on the condition that the structure passed further health and safety inspections and only as long as the main beneficiary of the Bralely Trust, Marie Jaques, continued to live on the property. Earlier this summer, the Hebron Fire Department responded to an opioids overdose situation involving a person residing in the garden shack. Neighbors have since reported that all of the rental units, including the garden shack and main house cellar, have been occupied at various times by tenants in violation of town officials' orders.

**The "steelyard" just south of the Route 3-A and North Shore Road intersection:** The owner(s) of this property have turned a former log landing into a collection and distribution point for steel products, mostly steel rebar. They have done so without town permission, including the requisite PB site plan review. Heavy equipment and vehicles, such as large forklifts, operate in

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the area. Trucks, including 18-wheelers, have been observed going in and out of the area. The property owner(s) have not come before the PB for site plan review. The town has no record of a NH DOT-approved driveway permit for the property. Large vehicles entering and leaving the property along this high-speed stretch of Route 3-A make for a serious highway safety hazard.

The PB and ZBA members agreed that Compliance Officer Jim Gickas should investigate both Braley Trust and “steelyard” situations immediately, and Jim concurred.

There are a number of less pressing cases that generally fall into one or more of three categories: (1) cases potentially requiring site plans, (2) cases involving junkyards and/or junk motor vehicles, and (3) cases of businesses or other activities operating in zoning districts where such businesses or activities are prohibited.

#### **Cases potentially requiring PB site plans:**

**Tannery Brook Farm, Gordon Matthews, Groton Road**—the Matthews have been raising pigs, beef cattle, and various fowl on their land across from the Hebron Public Safety Building. They advertise various custom meat processing services.

**Mark Braley’s Greenhouse, Groton Road**—Braley moved his greenhouse operation from his previous leased Braley Road property to property that he now owns across from the Hebron Public Safety Building. To Braley’s credit, he had secured PB, ZBA, and Historic District Commission approvals for the Braley Road operation. He is aware of the PB site plan review requirement for his Groton Road business and will begin the process in the near future.

**Casey Kuplin, Groton Road**—Kuplin owns and routinely uses this residential property in his excavation and hauling business. Selectman John Dunklee has evidently discussed with Kuplin the requirement for a PB site plan review.

**Rolling Meadows, Groton Road**—new owners of this property are running a boat restoration business on the property, judging by a large sign posted on the front of their barn.

**Premier Lawn Care, Groton Road**—new owners of this property are apparently operating a lawn care and landscaping business out of this residential property.

#### **Junkyards and/or Junk Motor Vehicles:**

**Mark Connor, Braley Road and Groton Road properties**—Connor’s properties on Braley Road and Groton Road, near the Hebron-Groton town line, have long concerned town officials. Connor’s unregistered VW Rabbit has not moved from its parking place alongside Groton Road in many years—eight years, according to one Groton complainant. Jim Gickas has contacted both Connor and the NH DOT about the car. NH DOT will remove the car from the state right of way if Connor does not. Various Selectmen over the years have expressed concerns about the enforceability of the Zoning Ordinance’s junkyard provisions. This is an issue that really needs to be settled with town counsel. On the other hand, the junk vehicle provisions of the Ordinance have been routinely enforced.

**Bill Robertie, North Shore Road**—an eyesore for many years, the property seems to be finally getting some attention from the landowner and/or occupants, but it bears watching.

**Roger Burnham, North Shore Road**—ongoing junkyard and trapping business-related nuisances as described above.

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**Robert Yarrick and other property owners/occupants on North Mayhew Turnpike (Route 3-A)**—Yarrick’s property is recognizable by its various solar panel arrays attached to the sides and roof of his house and large antenna dish. Junk cars litter the property.

**Comeau, North Mayhew Turnpike**—Along the same stretch of road, opposite Yarrick’s property and Auto Air Plus, there are a couple more properties littered with junk cars.

**Zoning Prohibited Businesses/Activities**

**Alfred “Trip” Swartz, AWS Building Services, West Shore Road**—Hebron’s former Compliance Officer, Dan Merritt, signed off on Swartz’ building permit for large barn sited north of his residence, all in the Lake District. Following neighbors’ complaints of machinery noise and concerned that Swartz was running his construction business out of the barn (an impermissible use in the Lake District), Merritt repeatedly contacted Swartz, who assured Merritt that he was not using the barn in his construction business. Machinery noise and construction equipment in the parking area indicate otherwise. Swartz’ LinkedIn page shows a business address in Hebron as well as a photograph of his barn.

**Adjournment:**

With no further business to be discussed, members of their respective boards made and seconded motions to adjourn the meeting. Both motions passed unanimously.

Respectfully submitted,

Peter N. Carey, ZBA Chair