



Town of Hebron

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ZONING BOARD OF ADJUSTMENT

Minutes of Public Hearing

Tuesday, March 27, 2018

Members Present: Pete Carey (Vice Chair), Ileana Saros (Member), Phil Kriss (Alternate), Alison York (Member), Derry Riddle (Member), and Carol Bears (Clerk)

Members Absent: Douglas McQuilkin (Chair)

Others Attending: Jim Gickas (Compliance Officer), John Dunklee (Selectman), Christopher Williams (project architect), and Peter Davies (homeowner)

Time Convened: 7:00 p.m. **Time Adjourned:** 7:45 p.m.

Next Meeting: April 10, 2018

Agenda:

1. Election of ZBA Chair, Vice Chair, and Board Clerk
2. Minutes and other administrative matters
3. Hearing of the application of Peter E. Davies for variances with respect to Article IV, Sections H.1 and P of the Hebron Zoning Ordinance to permit the construction of a modest addition to a one-bedroom cabin, which is situated entirely within lake setback area and partially with boundary setback area, on his property at 264 South Mayhew Turnpike (Route 3A) (Tax Map 6, Lot 5) (Case #274)
4. Any other business that may come before the Board

Call to Order:

Selectman John Dunklee opened the meeting at 7:00 p.m. for the purpose of electing the Chair and the Vice Chair. Peter Carey moved to elect Douglas McQuilkin as Chair, seconded by Derry Riddle. There being no other nominees or discussion, the motion passed unanimously. Ileana Saros moved to elect Peter Carey as Vice Chair, seconded by Alison York. There being no other nominees or discussion, the motion passed unanimously. At this point in the meeting, John Dunklee turned the chair over to Pete Carey. Alison York moved to elect Carol Bears as Board Clerk. Phil Kriss seconded the motion. There being no other nominees or discussion, the motion passed unanimously.

Minutes and Other Administrative Matters:

The minutes of the November 28, 2017 meeting-hearing were put on hold until Doug McQuilkin returns from Florida in late April and has a chance to review them. The Board took up the minutes of the July 5, 2017 joint meeting with the Hebron Planning Board. Phil Kriss moved to accept the minutes as submitted, and Alison York seconded the motion. The motion passed.

Pete Carey polled the members to see who would be available on April 10, 2018 to hear the variance application from the Collins Camp Corporation to build a summer cottage within a boundary setback area on the Corporation's land at 47 Lillard Lane (Tax Map 19A, Lot #2). There will be more than enough members to constitute a quorum on April 10, 2018.

Hearing:

Pete Carey noted for the record that the Davies application was complete, and the required fee was paid. Hearing notices had been posted on the town's official bulletin boards as well as in the *Plymouth Record Enterprise*, *The Newfound Landing*, and on the Town of Hebron website. All abutters to the Davies property had been notified of the hearing by certified mail.

Peter Davies began his presentation with a short history of his family's ownership of their shorefront land and two cabins. The main cabin is heated, insulated, and capable of year-round use. The much smaller two-room, one-bedroom guest cabin is very rustic and suitable only for use during the warmer months. It lacks insulation and is heated only by a small propane heater. Peter Davies would like to add a shower to the cabin's existing bathroom as well as a small office. He assured the Board that there would be no change of use of the cabin.

Architect Chris Williams explained that the planned addition would be 7'6" by 16'9". He observed that the existing cabin lies entirely within the 50' lake shore setback and partially in the 25' northern boundary setback area. The proposed addition will be on the eastern or uphill side of the cabin, the side farthest from the shoreline. The addition will be no closer to the boundary than the existing cabin. Chris Williams referred the Board members to the discussion of variance criteria attached to the variance application.

Pete Carey thanked Messrs. Davies and Williams for their well-prepared application and presentation. There being no other public comment, Pete Carey closed the hearing and called for deliberations.

The Board next considered the five variance criteria and unanimously concluded that all five criteria for granting a variance were satisfied in this case. More specifically, the Board found that the applicant's plans call for a building addition that intrudes no more into the boundary and shore setback areas than the current structure and is, therefore, not any more nonconforming under state and local shoreland protection regulations. The applicant's current proposal is in keeping with the spirit of the Zoning Ordinance and public interest in preserving the shore setback areas. The applicant satisfied the hardship criterion to the extent that he demonstrated to the Board's satisfaction that the unique size and layout of his lot leaves him no other reasonably feasible building alternative. Finally, the Board concluded that the proposed cabin addition will not diminish the value of neighboring properties.

Ileana Saros moved, and Derry Riddle seconded the motion, to approve the application of Peter E. Davies for variances under the boundary and shore setback requirements of Article IV, Sections H.1 and P, respectively, of the Hebron Zoning Ordinance. The applicant proposes to construct a modest (7'6" x 16'9") addition to a three season only, one-bedroom cabin that is situated entirely within the 50-foot lake setback area and partially within the 25-foot boundary setback area, on his property at 264 South Mayhew Turnpike (Route 3-A)(Tax Map 6, Lot 5). Current and proposed structures are depicted in two Christopher P. Williams Architects, PLLC plans, dated January 3 and 4, 2018, as revised, and submitted to the Board for the record on March 27, 2018.

The Board's approval of the variances is subject to the following conditions: (1) The applicant will secure any DES or other state permits required; (2) Construction will meet all requirements of the Water Supply and Pollution Control and Zoning Ordinance of the Town of Hebron; (3) Any variance approving a use that has not commenced within one year from the granting of said variance will lapse;

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

and (4) A copy of an approved building permit obtained from the Board of Selectmen will be submitted.

The motion passed unanimously.

Pete Carey reminded the applicants that any person affected by the Board's decision has a right to appeal the decision within thirty days of the date of the notice.

Other Business:

Compliance officer Jim Gickas updated the Board on several enforcement issues. The steel yard on Route 3A will be moving to Route 25 in Rumney soon. A trailer located next to the main house on the same lot will also be moved. Gordon Matthews and Trip Swartz will be coming to the Planning Board to address their small businesses. The owner of the boat repair shop at Rolling Meadows Farm on Groton Road completed a successful site plan review.

The Braley Trust property problems continue. There are reports that the main house is still being used as a multi-family dwelling. The cellar deemed uninhabitable by town officials in 2014 continues to be occupied. Jim will reinspect the property soon and consult NH DES regarding possible septic system violations. Selectman John Dunklee suggested that Fire Chief John Fischer and perhaps others accompany Jim on the next inspection.

Jim Gickas will be going after more junkyards when the snow melts. An enforcement letter to Roger Burnham has produced no results so far.

Adjournment:

There being no other business, Derry Riddle made a motion, seconded by Alison York, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Carol Bears, Clerk