



**Town of Hebron**

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## **ZONING BOARD OF ADJUSTMENT**

### **Minutes of Public Hearing**

**Tuesday, June 20, 2017**

**Members Present:** Pete Carey (Chair), Alison York (Member), Phil Kriss (Alternate), and Carol Bears (Clerk)

**Members Absent:** Bill Lucarelli (Member), Derry Riddle (Member), and Ileana Saros (Member)

**Others Attending:** Les Mills and Elizabeth Wertz

**Time Convened:** 7:00 p.m. **Time Adjourned:** 7:22 p.m.

**Next Meeting:** July 5, 2017

#### **Agenda:**

1. Minutes and other administrative matters
2. Hearing of the Newfound Lake Region Association's application for special exception under Article IX, Section F, of the Hebron Zoning Ordinance to permit the construction of an observation platform on a nature trail situated within wetlands and shoreland buffer areas on its land known as the Grey Rocks Conservation Area on North Shore Road (Tax Map 17A, Lot 5-1) (Case #271)
3. Any other business that may come before the Board

#### **Call to Order:**

Pete Carey, Chair, called the meeting to order at 7:00 p.m. He appointed alternate member Phil Kriss a regular voting member of the board for purposes of this meeting-hearing.

#### **Minutes and other Administrative Matters:**

The minutes of the last Zoning Board of Adjustment (ZBA) meeting-hearing were approved at the joint meeting of the ZBA and Planning Board on June 7, 2017. The minutes of that meeting will be taken up at the next joint meeting on July 5, 2017.

#### **Hearing:**

Chair Pete Carey called the public hearing to order at 7:05 p.m. to consider the Newfound Lake Region Association's (NLRA) application for special exception under Article IX, Section F of the Hebron Zoning Ordinance to permit construction of an observation platform on a nature trail situated within wetlands and shoreland buffer areas on its land known as the Gray Rocks Conservation Area on North Shore Road (Tax Map 17A lot 5-1). The Chair read the provisions of Article IX, Section F, Table 1, Item o that apply to this matter.

Les Mills, representing the NLRA, described the proposed construction of the observation deck on the Sandy Point Trail. The deck will be 12' x 12' with a 5' ramp, and it will be handicapped accessible. There will be bench seating around the platform. The deck will be 18" off the ground, and it will have an 8' to 10' dry buffer around it. This will be the third of three observation decks in the NLRA sanctuary. The Hebron Conservation Commission indorses the project, and the New Hampshire Department of Environmental Services has issued the required permit for shoreland construction.

Elizabeth Wertz, who owns a home at 192 North Shore Road, wanted to make sure the proposed observation deck would not block the views that the surrounding neighbors enjoy at this time. Since the deck is so low, this will not be a problem. Ms. Wertz expressed several other concerns about potential building and activities on the Grey Rocks land, none of which were relevant to the proceeding. She added she had made the rushed trip from her home in Lynnfield, Massachusetts, to appear at this hearing at the urging of her neighbor, Ms. Loretta Potter. Chair Carey explained that Ms. Porter had communicated several times with him via email and telephone and had withdrawn the concerns she had raised in the two emails she sent to the Board. Evidently, Ms. Porter communicated none of this to Ms. Wertz. The email communications will be included in the case file.

The Chair closed the public portion of the hearing, and the Board began its deliberations. Following discussion, the Board unanimously concluded that all of the criteria listed in Article IX, Section G, Paragraph 1, were satisfied in this case. More specifically, the Board found that (1) the NLRA's proposal is consistent with Section C (Purpose and Intent) of Article IX; (2) alternative proposals have been considered, and the submitted proposal represents the minimum amount of reasonable, unavoidable environmental impact to wetlands, streams and/or associated buffer areas; (3) environmental impacts to abutting or downstream properties and natural resources have been considered and minimized; (4) the proposed construction is essential to the productive use of land not within the Wetlands Protection Overlay District; (5) design and construction methods will be such as to minimize impact upon the wetland resource and will include restoration of the site consistent with the permitted use; (6) drainage work shall be in accordance with the most current Best Management Practices for Stormwater Management, Erosion and Sedimentation Control recommended by the New Hampshire Department of Environmental Services (NHDES); and (7) economic advantage is not the sole reason for the proposed location of the construction. The Board also found, consistent with Article X of the Hebron Zoning Ordinance, that (1) the granting of such special exception is not contrary to promoting the public interest and convenience of the citizens of Hebron; (2) the granting of such special exception will not result in diminution of the values of surrounding properties; and (3) the granting of such special exception will not be contrary to the spirit of this Ordinance. Finally, the Hebron Conservation Commission supports NLRA's proposal, and NHDES has approved the NLRA's application for shoreland permit.

Phil Kriss moved to approve the NLRA's application for special exception. The motion was seconded by Alison York. The motion passed unanimously. Pete Carey reminded Les Mills that any interested party may appeal the decision of the Board within 30 days of the decision, and that any work done before the appeal deadline is done at their own risk.

**Adjournment:** There being no further business to come before the Board, Phil Kriss made a motion, seconded by Alison York, to adjourn the meeting. The motion carried, and the meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Carol Bears, Clerk