



Town of Hebron

PO Box 188

Hebron, NH 03241

Phone: 603-744-2631

ExecAsst@hebronnh.org

ZONING BOARD OF ADJUSTMENT

Minutes of Public Hearing

Tuesday, November 14, 2017

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

Members Absent: Bill Lucarelli (Alternate)

Others Attending: Jim Gickas (Compliance Officer), Brackley Shaw, John Dunklee, Bruce Barnard, Matt Barnard, and Ellen Setser

Time Convened: 6:00 p.m. **Time Adjourned:** 6:27 p.m.

Next Meeting: November 28, 2017 joint meeting-hearing with Hebron Historic District Commission

Agenda:

1. Minutes and other administrative matters
2. Election of Vice Chairman
3. Hearing of the application of James and Gillian Van Schaick for a variance with respect to Article IV, Section P, of the Hebron Zoning Ordinance to permit the construction of a house, a portion of which to be situated in the shore setback area, on their property at 10 Vista Drive (Tax Map 7, Lot HP-15) (Case #272)
4. Any other business that may come before the Board

Call to Order:

Pete Carey, Chair, called the meeting to order at 6:00 p.m.

Minutes and other Administrative Matters:

The minutes of the July 5, 2017 joint meeting with the Planning Board will be reviewed and approved at the next meeting on November 28, 2017. Pete welcomed Doug McQuilkin back to the Board after a 14-month hiatus. Doug had previously served as Vice Chair.

The first order of business was to vote on the Vice Chair position. Alison York moved to elect Doug McQuilkin as Vice Chair, and Derry Riddle seconded the motion. The motion passed unanimously.

The next order of business was to review the cost associated with certified mailings of abutters notices. The current fee is \$3.00, but the actual cost is \$3.84. Phil Kriss moved to increase this fee to \$4.00 to cover the mailing cost. The motion was seconded by Douglas McQuilkin and passed unanimously.

Hearing:

Chair Pete Carey called the public hearing to order at 6:10 p.m. to consider the application of James and Gillian Van Schaick for a variance with respect to Article IV, Section P, of the Hebron Zoning

Ordinance to permit the construction of a house, a portion of which will be situated in the shore setback area on their property at 10 Vista Drive (Tax Map 7, Lot HP-15) (Case #272).

Chair Carey noted for the record that the Van Schaicks' application had been deemed complete, and the applicants have paid all required fees. Notices of the hearing in this matter have been posted on the town's official bulletin boards and website, as well as in the *Plymouth Record Enterprise* and *The Newfound Landing*. All abutters to the Van Schaicks' property have been properly and timely notified of this hearing by certified mail. One abutter, Ellen Setser, was present at the hearing, and Chair Carey added that he had been contacted by another abutter, Ellie Lonske, who had no objections to the Van Schaicks' project and variance application.

Derry Riddle recused herself from the hearing of this matter, since she and other members of the Riddle family are abutters of the Van Schaicks. Chair Carey appointed Phil Kriss to replace Derry as a regular voting member for purposes of this hearing.

Brackley Shaw, the architect on the project, spoke on behalf of the Van Schaicks and presented a complete set of building plans for the new house. The Compliance Officer had rejected the Van Schaicks' building permit because the new house will not occupy the same footprint as the existing house. A 285.2 square foot portion of the existing house already lies within the shore setback area, 38.8 feet from closest point of the house to the lake shore reference line. The plan is to demolish the existing house and construct a new house, which will be located at the same distance from the lake shore reference line at its closest point, but slightly twisted on the existing house footprint so that there will be only 143.9 square feet—consisting entirely of a part of a wraparound porch—remaining in the setback area.

Matt Barnard and Bruce Barnard, representing B.A. Barnard Enterprises, Inc., submitted both a septic system design as well as a plan showing the precise locations of current and proposed structures. All NH DES shoreland and septic permits have been obtained. A new septic system will be installed on the other side of the driveway from the existing system and outside the 75-foot radius of the drilled well on the Van Schaicks' land that serves the McKays' house (the Lonskes' former guest house). The new septic system design requires that the new house be elevated one and one-half feet above current grade. Chair Carey noted that the existing house already sits on artificially raised land—the driveway has about a two-foot slope, and the east side (the side facing the Lonske house) has retaining walls up to about four feet high. Brackley Shaw assured the Board that even with the foot and a half increase in grade, the new structure will be 28 feet high and actually lower than the current structure. Like the existing structure, it will not have a full foundation and basement, but rather just crawlspace.

After the applicants' thorough presentation, the Chair solicited comments from Jim Gickas, the Compliance Officer, and Ellen Setser, the only abutter in attendance. Neither had anything else to add, and both approved of the project generally and variance application specifically.

Chair Carey closed the public portion of the hearing, and the Board began its deliberations. Following discussion, the Board unanimously concluded that all of the variance criteria listed in NH RSA 674:33 were satisfied in this case. More specifically, the Board found that the plans call for a house that occupies less of the shore setback area than their current house and is, therefore, less nonconforming under state and town shoreland regulations. The Van Schaicks' proposed new house is more in keeping with the spirit of the Hebron Zoning Ordinance and public interest in preserving the shore setback areas. The applicants satisfied the hardship criterion to the extent that they demonstrated to the Board that the unique size and layout of their lot leaves them no other reasonably feasible building alternatives. Based on the current condition of the existing house and the detailed architectural plans presented to the Board, it is readily apparent that the proposed house will be a significant improvement over the existing house and will certainly not diminish the value of the neighboring properties. Quite

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

to the contrary, the proposed new house will significantly and positively affect neighborhood property values.

Douglas McQuilkin made a motion to grant approval of the application of James and Gillian Van Schaick for a variance with respect to Article IV, Section P, of the Hebron Zoning Ordinance to permit the construction of a house, a portion of which to be situated in the shore setback area, on their property at 10 Vista Drive (Tax Map 7, Lot HP.015) (Case #272), subject to the usual conditions and in accordance with the B.A. Barnard Enterprises, Inc., plan submitted to the Board on this date. Phil Kriss seconded the motion, and the motion passed unanimously.

Chair Carey reminded the Van Schaicks' representatives that any person affected by the Board's decision has a right to appeal the decision and must do so within 30 days of the date of the Notice of Decision. He added that if they undertake any work during this 30-day, they do so at their own risk.

Adjournment:

There being no further business to come before the Board, Phil Kriss made a motion, seconded by Doug McQuilkin, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 6:27 p.m.

Respectfully submitted,

Carol Bears, Clerk