



Town of Hebron
Zoning Board of Adjustment
PO Box 188
Hebron, NH 03241-0188
Phone: (603) 744-2631
adminassist@hebron.org

NOTICE OF DECISION

Date: September 18, 2019
Case No. (277)

You are hereby notified that, following a hearing on September 17, 2019, the application of Shawn and Amy Moynihan for a VARIANCE under the driveway side setback requirements of Article IV, Section H.1 of the Hebron Zoning Ordinance has been APPROVED by at least three members of the Zoning Board of Adjustment. The applicant proposes to change the location of the driveway associated with the new house construction at 127 West Share Road (Tax Map 18, Lot HS, Sub #3) from that shown in the original submitted plan to a location further toward the southern sideline boundary in order to comply with the NH DOT driveway slope restrictions on West Shore Road as well as to provide better sight lines onto the road when exiting the driveway. Relocation of the driveway would otherwise infringe on the 25' minimum sideline setback requirement.

The Board's approval of the variance in this case is based on its unanimous decision that all five criteria for granting a variance as stipulated in The Board of Adjustment in New Hampshire: A Handbook for Local Officials were satisfied. Most importantly, the Board found that the applicants' plans call for a driveway which better conforms to NH DOT regulations and provides a higher level of safety when exiting on to a well-travelled road, both in keeping with the spirit of the Zoning Ordinance. The applicants satisfy the hardship and substantial justice criteria to the extent that they have demonstrated to the Board's satisfaction that the unique size and configuration of their lot leave no reasonable construction alternative. Finally, the Board concluded that, based on sketches presented at the hearing, the proposed driveway relocation will not be contrary to the public interest nor will it diminish property values. The Board's approval of the variance is subject to the following conditions:

1. That no driveway construction be undertaken until all necessary approvals from NH DOT are obtained and copies provided to the Town of Hebron
2. That the resulting side setback of the driveway at its nearest point, including at the street entrance, shall be no less than 5 feet
3. That conformity to all other Town of Hebron regulations is maintained

Signed this day,

Douglas S. McQuilkin

Chairman, Zoning Board of Adjustment

Any person affected by the Board's decision has the right to appeal the decision but must do so within thirty (30) days of the date of this notice. The necessary first step, before any appeal may be taken to courts, is to apply to the Zoning Board of Adjustment for a rehearing. The motion for a rehearing must set forth all the grounds on which the appeal is based. See New Hampshire Revised Statutes Annotated (NH RSA), Chapter 677, for details.