



Town of Hebron

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ZONING BOARD OF ADJUSTMENT

Minutes of Public Hearing

Tuesday, April 10, 2018

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

Members Absent: Douglas McQuilkin (Chair) and Derry Riddle (Member)

Others Attending: Jim Gickas (Compliance Officer); Elizabeth Burnette, Brandon Burnette, and Evan Collins (applicant's representatives); and Steve Derochea (abutter)

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

Next Meeting: TBD

Agenda:

1. Minutes and other administrative matters
2. Hearing of the application of the Collins Camp Corporation for a variance with respect to Article IV, Section H.1, of the Hebron Zoning Ordinance to permit the construction of a 38.5 foot x 51 foot seasonal summer cabin partially within a boundary setback area on its property at 47 Lillard Lane (Tax Map 19A, Lot 2) (Case #275)
3. Any other business that may come before the Board

Call to Order:

Acting Chair Peter Carey called the meeting to order at 7:00 p.m., and introduced the Board members to the applicant's representatives and the only abutting landowner in attendance. They, in turn, introduced themselves. In Derry Riddle's absence, Pete appointed Phil Kriss a full voting member of the Board for purposes of this hearing. Pete welcomed Dennis Dodge as the newest member of the Board. Dennis has been serving on the Planning Board as an alternate member, a position from which he just resigned.

Minutes and Other Administrative Matters:

Alison York made a motion to accept the minutes of the March 27, 2018 meeting as written, seconded by Phil Kriss. The motion passed unanimously.

Hearing:

After opening the hearing, Pete Carey noted for the record that the Collins Camp Corporation 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 Collins Camp property had been notified of the hearing by certified mail.

Elizabeth Burnette began her presentation by explaining that her family's property, known as Owl's Head Cove, was purchased by her grandfather over one hundred years ago and has remained in a mostly natural state. The family has always been conservation-minded, and the current state of the property reflects the family's conservation ethic. The Collins Camp Corporation property consists of two parcels: One parcel (Tax Map 19A, Lot 41) comprises .08 acres completely surrounded by the Lillard Camp Corporation's property. The Collins and Lillard families are related. All the members of the Collins Camp Corporation are also shareholders of the Lillard Camp Corporation. There is a small cabin located on this "island" parcel. It is very rustic and in keeping with the surrounding land.

The other Collins Camp Corporation-owned parcel—Tax Map 19A, Lot 2—is the 4.5 acre lot on which the applicants propose to build a two-story cabin. There is no other structure on this parcel. The lot is so ledgy and rocky that finding a suitable site for the cabin has been challenging. The family is determined to keep the new cabin's profile low, unobtrusive, minimally visible from the lake, and blended in with its natural surroundings in the same manner as the existing Collins and Lillard cabins.

The only potential building site that meets the family's objectives is an area immediately adjacent to the Collins-Lillard shared boundary. With the Lillard Camp Corporation's concurrence, the applicant proposes to build its cabin well within the 25-foot boundary setback area—about three feet from the shared boundary line, according to the building plan submitted with the variance application. The two-story cabin would be constructed of wood with a wraparound deck on three sides. With no central heat or insulation and single pane windows, the cabin is intended only for seasonal use during the warm months. Land access to the cabin site is extremely difficult. Lillard Lane is a long, narrow, and winding lane that connects the property to North Shore Road. The existing road through the woods is not suited to construction vehicle access. Construction materials would, therefore, be brought in by boat.

Based on the building plans and particularly the elevation drawings provided by the applicant in support of its appeal, the Board members came to the conclusion that the proposed building will not exceed the Hebron Zoning Ordinance's height limit. Article IV, paragraph A of the Zoning Ordinance provides generally that no building or structure, or part thereof, may exceed 35 feet in height as measured from the average finished grade at all exterior walls.

Pete Carey thanked the Burnettes and Mr. Collins 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 in this case were satisfied in this case. More specifically, the Board found that the applicant's plans call for building a seasonal cottage in a boundary setback area adjacent to another lot owned by the Lillard Camp Corporation. Both corporations are family-owned and overlap to the extent that the family members-owners of both corporations are either one and the same or related. Amongst both corporations' owners, there is unanimous support for the boundary variance. Topography, environmental considerations, and sensitivity to aesthetics drove the applicant's selection of location for the cottage—the only structure on the 4.5-acre lot. The structure's height, as measured from the average finished grade at all exterior walls, will not exceed the 35-foot limit under Article IV, Paragraph A of the Hebron Zoning Ordinance. The Board concluded the applicant's proposal is in keeping with the spirit of the Zoning Ordinance and public interest and certainly does justice. The applicant satisfied the hardship criterion to the extent that it demonstrated to the Board's satisfaction that the unique size, layout, and topographical features of its lot leave it no other reasonably feasible building alternative. Finally, the Board concluded that the proposed cabin would not diminish the value of neighboring properties.

Ileana Saros moved, and Phil Kriss seconded the motion, to approve the application of Collins Camp Corporation for a variance under the boundary setback requirements of Article IV, Section H.1 of the Hebron Zoning Ordinance. The applicant proposes to construct a 38.5 foot x 51 foot seasonal summer cabin partially with the 25-foot northern boundary setback area as depicted in detailed site and building plans submitted with the Collins Camp Corporation's application.

The Board's approval of the variance 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; 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:

Carol Bears, after reviewing some of the bills from Salmon Press for legal notices published in the *Plymouth Record Enterprise* and *The Newfound Landing*, asked the Board to consider increasing the fee for ZBA appeal applications. Currently, the fee is \$75.00. Carol proposed a \$25.00 increase to \$100.00, explaining that the newspaper legal notice costs range from \$85.00 to \$115.00, based on the length of the notice. Carol also proposed a \$1.00 increase in abutter fees from \$4.00 to \$5.00 per abutter, based on increased certified mailing costs. The Board concluded that putting legal notices in the *Plymouth Record Enterprise* satisfies New Hampshire law's legal notice requirements and that additional notices in *The Newfound Landing* are both redundant and unnecessary. Ileana Saros moved, and Phil Kriss seconded the motion, to raise ZBA appeal application fees to \$100.00, to increase the certified mailing fee to \$5.00 per abutter, and to publish legal notices in the *Plymouth Record Enterprise* only. The motion passed unanimously.

Alison York asked the Board to increase the Clerk's hourly pay to the same rate she receives for performing Secretary duties for the Hebron Planning Board. Alison pointed out that Carol makes \$12.00 per hour working for the ZBA Board and \$15.00 per hour working for the Planning Board. Alison moved, and Phil Kriss seconded the motion, to increase the Clerk's hourly pay rate to \$15.00. The motion passed unanimously.

Adjournment:

There being no other business, Ileana Saros made a motion, seconded by Phil Kriss, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Carol Bears, Clerk