



**Town of Hebron**

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## **ZONING BOARD OF ADJUSTMENT**

### **Minutes of Public Hearing**

**Tuesday, October 10, 2023**

**Members Present:** Curtis Mooney (Chair); David Hardy (Vice Chair); Douglas McQuilkin (Member); Alison York (Alternate); Mark Coulson (Alternate); and Carol Bears (Clerk)

**Members Absent:** Roger LaFontaine (Member); Jim Van Schaick (Alternate);

**Others Attending:** Elizabeth Robertson, Douglas Robertson, and Alan Barnard

**Time Convened:** 6:00 p.m. **Time Adjourned:** 6:52 p.m. **Next Meeting:** TBD

### **Agenda:**

- 1. Discuss and approve minutes of previous meetings and other administrative matters.**
- 2. Hear the application for a Variance under Article IV, Section H.1 of the Hebron Zoning Ordinance by Elizabeth H. Robertson, Trustee of Elizabeth H. Robertson Revocable Trust, 20 Onaway Point Road (Tax Map 6, Lot# OP, 3-A) to remove the existing cabin and build a 1240 sq. ft. cabin with septic system within the 50' designated brook setback (Case No. 301).**
- 3. Any other business that may come before the Board.**

### **Call to Order:**

The meeting was called to order by Chairman Curtis Mooney at 6:00 PM.

Alison York and Mark Coulson were elevated to regular members in order to have a full 5 member board.

### **Minutes and Other Administrative Matters:**

The minutes of the August 15, 2023 meeting were reviewed. There were no comments or corrections. Douglas McQuilkin moved to approve the minutes as written and Mark Coulson seconded the motion. The vote was in the affirmative with everyone voting in favor.

### **Application for Variance:**

#### **Case #301**

Curtis Mooney opened the hearing for a variance under Article IV, Section H.1 of the Hebron Zoning Ordinance by Elizabeth H. Robertson, Trustee of the Elizabeth H. Robertson Revocable Trust, on 20 Onaway Point Road (Tax Map 6, Lot# OP, 3-A) to remove the existing cabin and build a 1240 sq. ft. cabin with a septic system with the designated brook setback.

Elizabeth Robertson gave a brief history of the property being in her family since the early 1960's. Her parents purchased the property from Camp Onaway directly and they built a small camp on the property. This was done before Zoning Regulations were put in place. They would like to build a

1240 sq. ft. cabin on the property. Zoning changes over time have limited the building area on the lot. The most recent changes being the 50-foot setback requirement from designated brooks.

Alan Barnard went over the proposed site plan for the new cabin on the property. A small portion of the house will be in the 50 ft setback for the designated brook on the property. Alan indicated where the septic system would be located on the property as there is currently none on the property. The existing driveway will be relocated to the middle of the southern boundary line which will bring it into compliance with the 25' setback. The cabin will be a one story with a roof dormer and will be approximately 20 feet in height. There will be erosion control measures in place during construction. Alan will be applying for all the necessary permits with the NHDES for shoreland and septic.

Curtis Mooney questioned if the proper variance was being sought. Article IV, paragraph H.1 was used on the application. He indicated that the setbacks for designated brooks were actually located in Article IV, paragraph N-2. At the request of the applicant, a motion was made by David Hardy to amend the application to be Article IV, paragraph N-2. The motion was seconded by Alison York. The vote was in the affirmative with everyone voting in favor.

The Board thoroughly reviewed the five variance criteria and unanimously concurred that all were fully satisfied.

- The variance is not contrary to public interest as there were no objections to the proposed cabin from abutters to this property.
- The spirit of the ordinance is observed as the proposed cabin will provide valuable benefits to the applicant without harm to the bordering properties.
- Substantial justice is done as there are no other practical locations for the placement of the cabin on the property.
- The values of surrounding properties are not diminished since the cabin will blend in with the surroundings.
- Literal enforcement of the provisions of the ordinance would result in unnecessary hardship to the applicant since there is no other practical location for the cabin to meet the 50' designated brook setback.

A motion was made by David Hardy to approve the variance for Article IV, N-2 to build a new cabin as per the plan submitted dated 9/20/23 and contingent upon all necessary approvals from the NHDES are approved before construction. The motion was seconded by Doug McQuilkin and the vote was in the affirmative.

Curtis Mooney reminded the applicant any person affected by the Board's decision has the right to appeal the decision within thirty (30) days of this meeting. Any work done by the applicant before the appeal period ends is at their own risk.

#### **Other Business:**

Alan Barnard had a question about the length of a variance, if granted for two homes to be constructed on a single property. Curtis Mooney indicated that he didn't know the answer but if Alan sent a letter or email to the Board, we could check with Town counsel.

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

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**Adjournment:**

There being no other business, Doug McQuilkin made a motion, seconded by David Hardy, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 6:52 PM.

Respectfully submitted,

Carol Bears, Clerk