



Town of Hebron

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ZONING BOARD OF ADJUSTMENT

Minutes of Public Hearing

Tuesday, August 16, 2022

Members Present: Douglas McQuilkin (Chair), Curtis Mooney (Vice Chair); Derry Riddle (Member) Alison York (Alternate); Roger LaFontaine (Member); Mark Coulson (Alternate); David Hardy (Member); Jim Van Schaick (Alternate) and Carol Bears (Clerk)

Members Absent:

Others Attending: Alan Barnard, John Hilson, Frank Doyle, Dale & Wendy Spaulding, Stacey & David Darlington, Solveig Wolstenholme, Barbara Kelly, Anice Peterson, Jan Connor

Time Convened: 6:00 p.m. **Time Adjourned:** 7:38 p.m.

Next Meeting: September 13, 2022

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 Onaway Camp Trust for the construction of a replacement Off-Away cabin on the property located on 27 Camp Onaway Drive (Tax Map 6, Lot 15). (Case No. 291).
3. Hear the application for a VARIANCE under Article IV, Section H.1 of the Hebron Zoning Ordinance by 2 Goats LLC for the construction of an addition to the existing motel building and the construction of a new owner's unit/multi-function building on the property located at 435 South Mayhew Turnpike (Tax Map 5, Lot 2). (Case No. 292).
4. Continuation of the Newfound Serenity RV Park application for appeal of Planning Board decision to deny their application
5. Any other business that may come before the Board.

Call to Order:

The meeting was called to order by Chairman Douglas McQuilkin 6:00 PM. He went over the order of the meeting taking care of old business first. The two applications for variances will be next followed by the continuation of the Appeal by Newfound Serenity RV Park.

Minutes and Other Administrative Matters:

The minutes of the August 9, 2022 meeting were reviewed. David Hardy has some questions on the detail of the deliberations of the three areas that needed more information if it should be in the minutes as it wasn't complete. It was felt that the minutes should be left as is. Derry Riddle brought up some minor grammar changes that would be made. Derry Riddle move to accept the minutes with

corrections. Curtis Mooney seconded the motion and the vote was in the affirmative with everyone voting in favor.

Hearing:

Case #291

Alan Barnard representing Camp Onaway explained the applicant was requesting a variance under Article IV, Section H.1 (boundary set back) of the Hebron Zoning Ordinance by Camp Onaway for the construction of a new dwelling to replace the existing Offaway Cabin and the addition of 500 sq ft to Woodland Hall on the property located at 27 Camp Onaway Drive (Tax Map 6, Lot 15).

The Clerk reported that all fees had been paid, notices sent to the abutters, plus the notice was posted at the Post Office, Town Hall and the Newfound Landing.

Alan Barnard went over the plans indicating what the changes would be. The Offaway Cabin is currently used by the Directors. Due to the age of the cabin this will be torn down and replaced by a new 2-bedroom cabin. The existing cabin is currently 936 sq. ft. extends into the lake setback and the new cabin will only be 340 sq.ft and only a small area the screen porch will extend into the lake setback. The septic to this building is currently a nonconforming system, which will be replaced with a new system.

The Board thoroughly reviewed the five variance criteria and unanimously concurred that all were fully satisfied. The Board found that the variance was not contrary to public interest as all abutters were properly notified and none expressed concerns. The Board also believes the spirit of the Ordinance is observed since the new building will be more conforming than the old building. Substantial justice was believed by the Board to be served as there is no other way to construct the new building with minimum disturbance to the property. The Board felt that the surrounding property values would not be negatively affected. There would be an unnecessary hardship if this was not granted.

A motion was made by David Hardy to approve the variance under Article 4, Section H.1 of the Hebron's Zoning to replace the existing Offaway Cabin with a new 2-bedroom cabin on the property. The motion was seconded by Derry Riddle. The vote was in the affirmative with everyone voting in favor.

Mr. McQuilkin reminded the applicants that the ruling can be challenged within 30 days of the Notice of Decision.

Case #292

Alan Barnard and Frank Doyle of 2Goats LLC presented the application for a Variance under Article IV, Section H.1 of the Hebron Zoning Ordinance for a small addition to the motel with in the 25' side setback and building of an owner's unit & multi-function building that will be partially within the 25' side setback. They are moving the parking lot to the back of motel unit and the current paved parking area will be planted with grass. The current owner's unit in the motel will become a lobby. With the parking in the back, they plan to have an overhang and walkway handicap accessible. They will replace the existing building housing the laundry and storage area. The owner's area will be upstairs in the new building with part of the downstairs being used for possible guest activities like a climbing wall or pool table.

The Clerk reported that all fees had been paid, notices sent to the abutters, plus the notice was posted at the Post Office, Town Hall and the Newfound Landing. Roger LaFontaine asked if any of the abutter had any comments and the clerk hasn't heard any objections.

The Board thoroughly reviewed the five variance criteria and unanimously concurred that all were fully satisfied. The Board found that the variance was not contrary to public interest as all abutters were properly notified and none expressed concerns. The Board also believes the spirit of the Ordinance is observed. Substantial justice was believed by the Board to be served. The Board felt that the surrounding property values would not be negatively affected. There would be an unnecessary hardship if this was not granted, since there is no other suitable area on the lot.

Doug McQuilkin made a motion to approve the Application for a Variance under Article H.1 of the Hebron Zoning Ordinance with the change in the setback to 20' on each side would make the setback more conforming, with the condition that a new septic system be installed. The motion was seconded by Roger LaFontaine and the vote was in the affirmative with everyone voting in favor.

Mr. McQuilkin reminded the applicants that anyone could challenge the ruling within 30 days of the Notice of Decision.

Case #290

The continuation of the deliberations of the appeal of the Planning Board denial of the application for denial of the site plan by the Planning Board. At this time Doug McQuilkin appointed Alison York to take the place of Roger LaFontaine who recused himself from this hearing.

There are three unresolved points from the Planning Board's Site Plan Denial that remain from the previous meeting. These, in addition to the other unresolved issues were discussed and voted on by the board.

Vote on each one of the seven points of denial on the Planning Board Decision is a follow:

#1 David Hardy moved that the Planning Board erred in the undesignated WPOD setbacks granting the appeal on this issue. The motion was seconded by Doug McQuilkin and the vote was in the affirmative with everyone voting in favor.

#2 Doug McQuilkin motion in favor of the Planning Board Decision to deny the application concerning the 20,000 sq ft per RV site, denying the appeal. Alison York seconded the motion. The vote was four in favor of the decision and one against.

#3 Derry Riddle moved to grant the appeal based on the WOPD misunderstanding by the Planning Board but adding a condition that no motorized vehicles be allowed within the current designated WOPD buffer area. The motion was seconded by Alison and the vote was in the affirmative with all five voting in favor.

#4 Doug McQuilkin moved that the site plan appeal be granted because of the misunderstanding of the WPOD by the Planning Board. The motion was seconded by Curtis Mooney and the vote was in the affirmative with all five voting in favor.

#5 Doug McQuilkin moved to not rule on the 10-year flood plan as it is not part of the Zoning Ordinance. The motion was seconded by Curtis Mooney and the vote was in the affirmative with all five members voting in favor.

#6 David Hardy moved to allow the appeal of the preliminary new FEMA Floodplain Maps as they are not consistent with the present Zoning Ordinance. The motion was seconded by Doug McQuilkin the vote was three in favor, one was opposed and one abstained.

#7 Doug McQuilkin moved that the stipulation of residential use only is not part of the Zoning Ordinance and therefore the Board will not consider this issue. The motion was seconded by David Hardy and the vote was in the affirmative with all five voting in favor.

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

The final vote Doug McQuilkin moved to deny the appeal on the sole basis of the 20,000 square foot size of the RV lots cannot be aggerated. The motion was seconded by David Hardy and the vote was four in favor and one opposed.

Other Business:

Carol Bears mentioned that another application has come in for Timothy Thompson located at 23 Braley Road for the removal of the mud room in the front of the house to be replaced with a roof across the front of the house covering a patio. The issue is the setback from the road. Doug McQuilkin will be unavailable for a few weeks as he will be out of the area. Curtis Mooney agreed to cover the meeting. We need ten days to get to the abutters and notices for the paper. It was decided that the date would be September 13, 2022.

Adjournment:

There being no other business, Derry Riddle moved, seconded by David Hardy, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 7:38 PM.

Respectfully submitted,

Carol Bears, Clerk