



**Town of Hebron**

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## **ZONING BOARD OF ADJUSTMENT**

### **Minutes of Public Hearing by Video Conferencing**

**Tuesday, June 16, 2020**

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

**Members Absent:** None

**Others Attending:** Jim Gickas (Compliance Officer); Robert Davis, Sue HARRISES, John & Lisa Mudge and William Drake

**Time Convened:** 6:06 p.m. **Time Adjourned:** 7:20 p.m.

**Next Meeting:** TBD

#### **Agenda:**

1. Minutes and other administrative matters
2. Hearing of the application of appeal by John Mudge for a special exception with respect to Article IV, Section H. 1 of the Hebron Zoning Ordinance to permit the construction of a driveway within the 25 foot side boundary setback area on the property located on Crystal Springs Road (Tax Map 19A, Lot 20) (Case #278)
3. Hearing of the application of appeal by William Drake for a special exception with respect to Article IV, Section S. 1 of the Hebron Zoning Ordinance to permit the construction of a 6' high fence along the boundary with North Mayhew Turnpike (NH Route 3A) on the property located at 263 N. Mayhew Turnpike (Tax Map 1, Lot BP-003-01) (Case #279)
4. Hearing of the application of appeal by Robert Davis for a variance with respect to Article IV, Section H. 1 of the Hebron Zoning Ordinance to permit the construction of a 12' X 18' storage building within the 25 foot side boundary setback area on the property located at 179 South Mayhew Turnpike (Tax Map 6, Lot 12) (Case #280)
5. Any other business that may come before the Board

#### **Call to Order:**

Douglas McQuilkin, Chairman called the meeting of the ZBA to order at 6:06 PM. He welcomed all the applicants that were present by Zoom explaining how the meeting would work and what points would be addressed in each of the three applications.

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

A review of the minutes of the last meeting dated August 17, 2019 was made. Derry Riddle noted the third paragraph from the end needed a word changed from closed to closest. Doug McQuilkin added a

sentence so now the paragraph read, “Derry Riddle made a motion to relocate the driveway to be no closer than 5 feet to the boundary at its closest point including at the street entrance on West Shore Road and would continue to meet DOT regulations regarding entrance on state roads. All the necessary approvals must be from the State of NH DOT must be obtained.”

Ileana Saros made a motion to approve the minutes of August 17, 2019 with the changes, seconded by Alison York all the members of the board voted in the affirmative so the motion passed unanimously.

## **Hearings:**

### **Case #278**

The first application was for John and Lisa Mudge (Case #278) for a special exception to the set back of 25’ to another lot for the purpose of constructing a driveway. Lisa Mudge gave a brief history of the lots involved. At one time three lots belonging to the Mudge family recently they were divided as one of the owner’s decided to sell. John & Lisa lost the access to their property that was formally provided by a driveway from an abutting lot. The proposed driveway will be 12’ X 125’ approximately with an 18’X22’ parking area. It will be dirt and the work will be done by Andrews Construction.

Doug asked the Clerk if all the proper notices and fees were collected. The abutters were notified by certified mail, all the necessary fees collected, the notice was placed in the Record Enterprise, posted at the Town Hall, Post Office and on the Town Website. There was one abutter that sent a letter in favor of the Mudge’s driveway.

The board reviewed four points of the criteria for special exception but unanimously agreed that the off street parking did not apply to this case. The first criteria for granting the special exception is, that it’s not contrary to promoting the public interest and convenience of the citizens of Hebron. The board voted unanimously yes to this. The second point such special exception will not result in diminution of the values of surrounding properties and all the members agreed. The final point is if granting such exception will not be contrary to the spirit of this ordinance to which the entire Board agreed.

Derry Riddle moved to accept the application for special exception as shown on the plan submitted. Curtis Mooney seconded. The motion passed unanimously.

Doug McQuilkin reminded the Mudges this decision may be appealed within 30 days of the vote and that any work done before then would at their own risk.

### **Case #279**

The second application for William Drake (Case #279) was to erect a 6’ X 96’ wooden stockade fence in the front of his property along Route 3A. Mr. Drake explained that there is 1 ½’ to 2’ drop from the road and the 4’ fence wouldn’t serve the purpose to protect his 2 ½ year old from running out into the road and also to contain the noise of the cars going by. The fence would comply with the 33’ setback requirement from the center of the road as required by the State of NH DOT.

Doug asked the Clerk if all the proper notices and fees were collected. The abutters were notified by certified mail, all the necessary fees collected, the notice was placed in the Record Enterprise, posted at the Town Hall, Post Office and on the Town Website. There was no response from the abutters on this application.

The board reviewed the four of the criteria for a special exception but unanimously agreed that the off street parking did not apply to this case. The first criteria for granting the special exception is not contrary to promoting public interest and convenience of the citizens of Hebron. All the members were polled and unanimously agreed. The second is would the special exception diminish the value of surrounding properties and all the members indicated that property values would not be affected. The

third point is would the granting of the special exception would be contrary to the spirit of this ordinance. All members responded in favor of the application.

Curtis Mooney moved to accept the application submitted for stockade fence that would be of stained brown wood. The motion was seconded by Doug McQuilkin and the entire Board voted in favor of the fence.

Again Doug reminded Mr. Drake that this decision may be appealed within 30 days of the approval and that any work before then would be done at their own risk.

### **Case #280**

The third application was by Robert Davis (Case#280) for a variance to construct a 12'X18' shed that would be within the 25' set back to lot 10. Mr. Davis explained that the proposed shed would be best located as submitted as it would eliminate the need for additional excavation and fill for an additional driveway access, reducing the risk of runoff into Newfound Lake. Furthermore, the proposed location would be the least visible to adjoining properties. The property surrounding his lot is all owned by the same family including Lot 10 that is 50 acres.

Doug asked the Clerk if all the proper notices and fees were collected. The abutters were notified by certified mail, all the necessary fees collected, the notice was placed in the Record Enterprise, posted at the Town Hall, Post Office and on the Town Website. There was no response from the abutters on this application.

The board reviewed the five steps of the criteria for a variance to the setback regulations. The first is the granting of the variance is not contrary to promoting public interest and convenience of the citizens of Hebron. All the members were polled and unanimously agreed. The second would the variance diminish the value of surrounding properties and all the members indicated that property values would not be affected by the decision. The third point would the granting of the variance be contrary to the spirit of this ordinance and all members responding in favor of the application. The fourth point was if the application would cause unnecessary hardship to Mr. Davis if we were forced to move the shed to a different location. The Board voted 5 to 0 in favor of the applicant. The last point was substantial justice done and all the members agreed that it would.

Alison York made a motion to grant the variance for 12'X18' shed to be no closer to lot 10 than 11 ½' as shown on plan. Derry Riddle seconded the motion. The Board voted unanimously to approve the variance.

Again Doug reminded Mr. Davis that this decision may be appealed within 30 days of the approval and that any work before then would be done at their own risk.

### **Adjournment:**

There being no other business, Derry Riddle made a motion, seconded by Alison York, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Carol Bears, Clerk