



**Town of Hebron**

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## **ZONING BOARD OF ADJUSTMENT**

### **Minutes of Public Hearing**

**Tuesday, August 9, 2022**

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

#### **Members Absent:**

**Others Attending:** Richard James, Dale & Wendy Spaulding, David & Stacey Darlington, Jan Connor, Terri & Gordon Matthews, John Hilson, Barbara Kelly, Soveig & Mark Wolstenholme, Anice Peterson, John Blair, Martha Twombly, Robert & Janet Wieniewski, On Video: Caley & John Shepard, Norman Wheaton and Suzanne Smith

**Time Convened:** 6:00 p.m. **Time Adjourned:** 7:48 p.m. **Next Meeting:** August 16, 2022

#### **Agenda:**

- 1. Discuss and approve minutes of previous meetings and other administrative matters.**
- 2. Continuation of the hearing the appeal by Newfound Serenity LLC to the denial of a Site Plan for the construction of a seasonal Recreational Vehicle Park on Matthews Lane (Tax Map 24, Lot 25-1) by the Hebron Planning Board at a meeting on April 6, 2022. Any other business that may come before the Board.**

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

The meeting was called to order by Selectmen Richard James at 6:00 PM. The first order of business was to appoint a chairman for the next term. Curtis Mooney made a motion to nominate Douglas McQuilkin as Chairman and the motion was seconded by Derry Riddle. The motion passed and everyone voting in favor. Next Derry Riddle made a motion to nominate Curtis Mooney as Vice Chairman and the motion was seconded by Doug McQuilkin. The motion passed with everyone voting in favor. Doug McQuilkin made a motion to nominate Carol Bears as Clerk seconded by Alison York and the vote was in the affirmative with everyone voting in favor.

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

The minutes of the July 12, 2022 meeting were reviewed. Curtis moved to approve the minutes as written and seconded by Doug McQuilkin. The vote was in the affirmative with everyone voting in favor.

#### **Hearing:**

Doug McQuilkin appointed Alison York as a voting member for the purpose of voting. Roger LaFontaine and Mark Coulson, both recused themselves from the hearing. Doug McQuilkin

summarized the Appeal by Newfound Serenity RV Park for the denied application for a site plan dated April 6, 2022. There were seven areas addressed in the denial. The job of the ZBA is to review if each is consistent with the Hebron Zoning Ordinance, not consistent or not covered at all the by Zoning Ordinance. A RV park is permitted in the rural district per the Zoning Ordinance.

Dale Spaulding was given a time frame of 30 minutes for his presentation. He handed out a printout of his presentation. He talked about his history in New Hampshire and his work background. He talked about the abutters, the Matthews who are in favor of the project and the Darlington's who are not in favor of this project. He mentioned that the rumors of expanding the RV Park are not correct, he has no plans to do that. His plan would not affect the snowmobile trail that goes through the property. He received a permit from the State of NH on the septic system. If he is not allowed to do this project it this property would be rendered valueless. He talked with the fire chief who felt the risk was manageable for 180 days per year that the park would be open. Concerning his letter of March 21, 2022 the site plan used shows that there is 20,000 sq ft per site. As being in the wetlands and motor vehicles being prohibited can easily be part of what is not allowed for the campers when using the site. The 10-year flood plan was address by the study done Gomez and Sullivan report done on the property. He presented a certified letter from Thomas Sokoloski concerning his study done on this property. The new flood map is just preliminary. He has a letter from Gordon Matthews about the subdivision of the property and there was nothing saying is was restricted to a house lot.

David Darlington presented his case agreeing with the Planning Board decision to deny the application. He cited his years of experience and also presented a written documentation for concerning not only the flooding issues but the number of possible occupants that could be using the RV Park.

The public session was closed and the Board started the Deliberation Session. Each of the Planning Boards 7 reasons for denial of the site plan was discussed individually.

#1: A majority of the ZBA voting members agreed that the Planning Board misunderstood the Zoning Ordinance regarding Wetlands Protection Overlay District (WPODs). The newly discovered series 2,3, &4 small wetlands are "Non-Designated" and therefore have no buffer zones. Since all are completely within the established Cockermouth River WPOD, they do not extend that boundary. However, the ZBA members requested time to study the issue of the required 50-75 foot setback of any leaching field from the new Non-Designated wetlands.

#2: The ZBA Board members requested more time to consider the issue of the 20,000 sq. ft. requirement for each RV site and whether areas in the Cockermouth River WPOD may be assigned to each site to satisfy the Zoning Ordinance requirement.

#3: Again, the majority of the ZBA Voting Members believe that, similar to point #1, the small series 2,3 &4 are all "Non-Designated" and do not expand the buffer zone of the established Cockermouth River WPOD,

#4: As with points #1 and #3 of the Site Plan Denial Notice of Decision, The ZBA believes that the Planning Board misunderstood the issue of WPOD. The series 2,3, &4 newly discovered small wetlands are "Non-Designated" and therefore do not extend the buffer boundary of the Cockermouth River WPOD.

#5: The ZBA agreed this issue is not addressed by the Hebron Zoning Ordinance and therefore would not be addressed by this hearing.

#6: Although the current Zoning Ordinance only requires compliance with the 2008 FEMA Special Flood Hazard Area, the Select Board is authorized under Article VIII, Section VII, #3, to consider any

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

available data relating to flood plains. The ZBA requested more study to determine if the proposed FEMA update published in 12/21 qualifies under this provision.

#7: As with point #5, the ZBA agrees that this issue is not covered by the Hebron Zoning Ordinance and will therefore not be considered in this hearing.

In view of the need for further study of #1, #2 and #6, it was requested that the hearing be further continued to a future meeting.

Curtis Mooney made a motion to continue the deliberations until August 16, 2022 at 6:00 PM when they will be meeting for two other projects. Derry Riddle seconded the motion and was unanimously approved.

**Other Business: None**

**Adjournment:**

With no further business Curtis Mooney move to adjourn the meeting and was seconded by David Hardy. The motion passed unanimously, and the meeting was adjourned at 7:48 PM.

Respectfully submitted,

Carol Bears, Clerk