**Zoning Board of Adjustment**

**27 School Street**

**HILLSBOROUGH, NH**

**May 14, 2018**

**DATE APPROVED**: June 11, 2018

**TIME:** 7:00 p.m. –8:06 p.m.

**CHAIRMAN:** Roger Racette

**VICE CHAIRMAN:** David Rogers

**MEMBERS:** Russell Galpin Dana Brien and Nancy Torres

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Larry Baker and John Segedy

**ABSENT:** Robyn Payson

**Present:** John Segedy – Alternate, Larry Baker – Alternate, Russ Galpin, Roger Racette, Dave Rogers, Nancy Torres, and, Dana Brien

Also present: Cynthia Boisvert, Patrick J. Shea, Sunny Mulligan Shea, Melissa Eastley, Charles Eastley

 **CALL TO ORDER:**

Chairman Racette called the meeting to order at 7:00 p.m.

**MINUTES:**

Review of Meeting Minutes dated 4-16-18. Mrs. Torres made a correction on the minutes of who was in attendance. Mrs. Brien made a motion to accept the minutes as amended. Seconded by Mrs. Torres. Motion passed unanimously.

**PUBLIC HEARING:**

**Application for Variance–Setbacks – Cynthia Boisvert, LLC, 21 Morgan Road (Map 20, Lot 30)**

Mr. Racette briefly re-capped the previous hearing and stated that the applicant withdrew their application without prejudice and re-submitted with a new application.

The request for variance is to replace the existing single family home and decks with a year round home and garage. The new home will be located on existing home and deck foot print while enlarging the home on the same with a garage fronting on Morgan Road. Cynthia Boisvert from Arago Land Consultants, LLC presented the application.

Ms. Boisvert stated they were proposing a year round single family home on the same footprint as the existing home with an addition of a garage. They are seeking a rear setback against the road and a side setback for the garage and the for house. She further stated:

Granting the proposed Variance will not be contrary to the public interest because the proposed home is in the same location as the existing home.

Granting the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because the parcel was created prior to the current setbacks. The proposed home will have the same lake front setback dimensions.

Granting the proposed Variance will do substantial justice because the parcel is an existing seasonal home. The proposed home and garage will be insulated allowing year round use.

Granting the proposed Variance will not diminish the values of surrounding properties as the proposed home is of increase value and will be situated on the same location on the lot. It will not block the view of surrounding neighbors.

Literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the parcel was created prior to current regulations. The lot size is smaller than currently required.

The proposed home and garage is designed to maintain the existing septic system, well and topo and stability of the lot.

The Board asked questions for clarification of setbacks and placement. At this time the Board recessed the hearing to deliberate and vote.

1. Granting the proposed Variance will not be contrary to the public interest: Mrs. Brien – Yes, Mrs. Torres – Yes, Mr. Rogers –Yes, Mr. Galpin – Yes and Chairman Votes Yes.
2. Granting the Proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance: Mrs. Brien –Yes, Mrs. Torres-Yes, Mr. Rogers-Yes, Mr. Galpin-Yes and the Chairman Votes Yes.
3. Granting the Proposed Variance will do substantial justice because: Mr. Rogers – Yes, Mrs. Torres – Yes, Mrs. Brien – No, Mr. Galpin – Yes and the Chairman Votes Yes.
4. Granting the Proposed Variance will not diminish the values of the surrounding properties: Mrs. Torres – Yes, Mrs. Brien- Yes, Mr. Rogers- Yes, Mr. Galpin – Yes and the Chairman Votes Yes.
5. Literal Enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because: Owing to special conditions of the property that distinguish it from other properties in the area and the proposed use is a reasonable one: Mr. Rogers – Yes, Mrs. Torres – Yes, Mr. Galpin – Yes, and the Chairman Votes Yes.

Mrs. Torres made a motion to approved, seconded by Mr. Rogers. Motion carried unanimously.

**Application for Variance –Setbacks-Charles Eastley, 23-25 Myrtle St. (Map 23, Lot 81)**

The application is proposing to construct one entry deck on the front of 23 Myrtle Street measuring 9’ x18’ with entry stairs and one entry deck and porch roof in front of 25 Myrtle Street measuring 4’ x 23’ with entry stairs.

The Board addressed the applicant regarding the lack of three copies of plat, survey or site plan by a licensed surveyor, civil engineer or architect… (4. Additional submittals on the application). The applicant asked the Board to forgo having the survey done for such a small project. The Board had a discussion about the measuring from road edge, property line and setbacks. Mrs. Brien made a motion to waive the requirements for three plats, survey or site plan. Mr. Galpin seconded the motion. The motion passed unanimously.

The applicant was invited to present his application. Granting the proposed Variance will not be contrary to the public interest because the house already sits inside the thirty-foot setback and only one deck will be closer to the road by two feet.

Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because only one deck will encroach two feet towards the road. The 4’ x 23’ with porch roof. Occupants will be able to enjoy visiting with passerby’s while on the deck/porch.

Granting the proposed Variance will do substantial justice because it will allow occupants a place to sit and converse with neighbors, get people outside and improve the look of the buildings.

Granting the proposed Variance will not diminish the values of the surrounding properties because anything done to improve this property will only help surrounding property values.

Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because the addition will only improve the looks and functionality of the building and aide occupants. The outside deck area would make it easier for elderly or handicapped people to enjoy the outside.

The Board asked the applicant several questions regarding the building and renovations. The Board recessed the hearing to deliberate the application.

The Board discussed the property and the proposed addition and how it meets the criteria.

Granting the proposed Variance will not be contrary to the public interest: Mrs. Brien- Yes, Mrs. Torres – Yes, Mr. Rogers – Yes, Mr. Galpin- Yes and the Chairman Votes Yes.

Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance:

Mr. Rogers- Yes, Mrs. Torres- Yes, Mrs. Brien- Yes, Mr. Galpin – Yes and the Chairman Votes Yes.

Granting the proposed Variance will do substantial justice: Mr. Galpin- Yes, Mrs. Brien- Yes, Mrs. Torres- Yes, Mr. Rogers- Yes and the Chair Votes Yes.

Granting the proposed Variance will not diminish the values of the surrounding property values: Mrs. Torres – Yes, Mr. Rogers – Yes, Mrs. Brien – Yes, Mr. Galpin – Yes and the Chairman Votes Yes.

Literal Enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because: Owing to special conditions of the property that distinguish it from other properties in the area and the proposed use is a reasonable one: Mr. Rogers – Yes, Mr. Galpin- Yes, Mrs. Torres – Yes and the Chairman Votes Yes.

Mr. Rogers made a motion to grant the variance to allow construction of the decks as depicted on the hand drawn plans submitted by the applicant. One deck not to exceed 4 feet by 23 feet as depicted second deck not to exceed 9 by 18 feet and also to include sets of stairs on each deck not to exceed 4 feet wide by 4 steps that encroach into the setbacks. Mrs. Brien seconded. The motion carried unanimously.

**ELECTIONS OF OFFICERS**

Mr. Racette stepped down as Chairman and nominated Dave Rogers as Chairman. Mrs. Torres seconded. Mr. Racette made a motion to elect Dave Rogers as Chairman. Mrs. Brien and Mr. Galpin seconded. Motion passed unanimously. Mr. Rogers made a nomination for Mr. Racette to be Vice Chair, seconded by Mrs. Torres. Having no other nominations. Mr. Rogers moved to elect Mr. Racette as Vice Chair of the Zoning Board of Adjustment. Mrs. Brien seconded. This motion passed unanimously.

Having no further business, the meeting was adjourned at 8:06

Respectfully Submitted,

Dianne Rutherford

Administration/Land Use Secretary