**Zoning Board of Adjustment**

**27 School Street**

**HILLSBOROUGH, NH**

**April 16, 2018**

**DATE APPROVED**: 5-14-18

**TIME:** 7:00 p.m. –8:15 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:** Russell Galpin

**Present:** Dave Rogers, Roger Racette, Dana Brien, Nancy Torres, Robyn Payson, Larry Baker, and John Segedy

Also present: Cynthia Boisvert, Patrick J. Shea, Sunny Mulligan, Germaine Colburn, Paul Colburn

 **CALL TO ORDER:**

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

**MINUTES:**

Motion made by Dana Brien to approve Minutes of March 12, 2018 as amended and seconded by Nancy Torres. This passed unanimously.

**PUBLIC HEARING:**

Chairman Racette appointed Larry Baker to stand in for Mr. Galpin. Chairman Racette opened the Public Hearing for Applicant Cynthia Boisvert LLC for property owners Sunny Mulligan and Patrick Shea of 21 Morgan Rd for a Variance from Chapter 229-21 Dimensional Standards Table 3 of the Zoning Ordinance to construct a garage within 25-foot rear and side setbacks. Cynthia Boisvert of Arago Land Consultants, LLC spoke on behalf of the land owners. Ms. Boisvert stated they were proposing a single family home on the same footprint as the existing home and decks with an added attached garage. The Board and the Applicant discussed the 770 elevation. Ms. Boisvert stated that 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 with the addition of an attached garage. Granting the proposed Variance observes the spirit of the Hillsborough Zoning Ordinance because the parcel was created prior to the current setbacks. The new home will have the same front/lake setback dimensions. Ms. Boisvert also stated granting the proposed Variance will do substantial justice as the parcel has an existing home and the proposed home is on the parcel on existing foot print with an attached garage. In addition, the proposed home and garage is of increased value so it will not diminish the values of the surrounding properties. The new construction will not obstruct the lake views of the neighbors. There were some discussions between the Board and Ms. Boisvert. Ms. Boisvert continued addressing the criteria. The proposed home is designed to maintain the stability and topo of the lot. The literal enforcement of the ordinance will result in an unnecessary hardship as the parcel was developed prior to current regulations.

The Chairman stated that the variance is not for the proposed home but for the garage which is encroaching on the setbacks. There were discussions between the Board and Applicants regarding setbacks and the possibilities of changing the location of the garage to minimize impact. The Board asked if there were any features of the land which would prevent the garage from being moved. The Applicants stated the access to the garage would be more accessible and easier for vehicles to come and go. Also, the proposed placement of the garage would prevent cars from driving over the septic area. The Chairman stated that the addition of the garage would need a variance regardless of placement. He also stated that minimizing the encroachments would be preferred. Ms. Boisvert and the Board continued to discuss garage placement.

Paul and Germaine Colburn, abutters, spoke in favor of the proposed home and garage. A letter from neighbor and abutter, Nancy Darrah, also in favor of the proposed home and garage, was read.

The Board and Applicants continued discussions about garage placement and minimizing impact.

Ms. Boisvert asked for a brief recess so she and the home owners could have a discussion. The Chairman granted the recess.

Ms. Boisvert proposed an adjustment of the garage placement, keeping the angle for vehicle safety and minimizing some of the encroachments. After more discussion with the Board, she asked to continue the meeting to address some of the concerns of the Board.

Mr. Baker made a motion to continue this hearing until Monday, May 14th, seconded by Mrs. Brien. It was agreed by all to continue this hearing until May, 14th.

Mrs. Torres made a motion to adjourn the meeting, seconded by Mr. Rogers.

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Dianne Rutherford

Administration/Land Use Secretary