

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
October 18, 2021**

DATE APPROVED: November 8, 2021

TIME: 7:00 p.m. – 8:00 p.m.

CHAIRPERSON: Robert Hansen

VICE CHAIRPERSON: Meg Curtis-Sauer

MEMBERS: Russell Galpin, Roger Racette, Lucy Pivonka

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Mark Bodanza

EXCUSED Lucy Pivonka

Public Present: Stephen Mayer, Becky Stosse, Phyllis and Randy Emery, Kathy Chappelle, Eileen R. Thomas

CALL TO ORDER:

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

Pledge of Allegiance

Minutes 09/13/21

Roger Racette made a motion to approve the minutes. Meg Curtis seconded the motion. The motion carried with Bob Hansen abstaining. The minutes were approved.

Public Hearings

Mr. Hansen asked the applicants if they were content to have a four-member instead of five-member board. He explained that a tie vote between the four-member Board would result in a denial. Both applicants said they were, and wanted to proceed.

Special Exception

143 West Main Street (Map 11P Lot 187)

KAB Properties LLC.

Represented by Stephen Mayer

Stephen Mayer of Allen & Major Associates presented the application for Special Exception. The Special Exception is necessary to allow a drive-up pickup window in the Central Business District.

Mr. Mayer was asked to read through the application (see attached).

Mr. Hansen asked the members of the public if they wanted to comment. There was none.

Mr. Hansen opened the hearing for public comment. There was no comment.

Mr. Hansen closed the public hearing and asked for a motion from the Board

Roger Racette made a motion to approve the construction of a new restaurant with a pickup window and separate retail pace. The building will be approximately 3,300 sq ft and the project will construct 29 parking spaces. 2 being handicap accessible. The property is located at 143 West Main Street Map 11P Lot 187 located in the Central Business District Meg Curtis seconded the motion.

Roll call vote: Roger Racette-Y, Meg Curtis-Y, Russ Galpin-Y, Bob Hansen-Y. The motion carried unanimously, and the Special Exception was granted.

Variance

14 Turtle Bridge Crossing (Map 14 Lot 631)

Kathy Chappelle

Ms. Chappelle introduced herself.

Bob Hansen said she was here to build a 22x30 garage on a slab on Turtle Bridge Crossing. The building of the garage became necessary after a tree fell on her existing car port. The property is set back from the water more than 75' so there is no encroachment on the shoreline. The subject of this variance is the side setback. The proposed garage extends 15ft into the 25ft setback. Mr. Hansen asked Ms. Chappell to read her application (see attached). Mr. Hansen read the questions and Ms. Chappell read her answers from the application.

Mr. Hansen opened the public hearing for comment.

Abutter Eileen Thomas asked if Ms. Chappell is building her garage on the exiting slab that is inches from her property. If so, it will not be 15 feet from her property line. Ms. Chappell said that the slab she is referring to is from the previously existing house and is being torn up.

Mr. Hansen said he visited the site on 9/20 and met the applicant to walk the site. Ms. Chappell is not using the existing slab. He said when he visited the site, he measured it and the garage would be a bit more than 15ft off of her property line but within the 25ft setback.

Russ Galpin pointed out that the Town has a Building Inspector/Code Enforcement Officer who goes out and checks these properties to make sure they are the proposed distance from the property line.

He also said that he had been told that one member of the ZBA could not go to an applicant's property. Bob Hansen said he was invited to the property, and he went to see the site so he could

understand the application better and to report back to the ZBA. Following discussion Mr. Hansen said that this issue would be discussed at a later time.

Roger Racette asked if the slab the abutter was referring to was shown on the plan. It was pointed out that the slab was under the house that had been demolished. Roger asked about the easement and wanted to know what the easement was for. Ms. Thomas said there was a 3 ft easement around the old house. When the house was demolished, the easement went away. There is a three-foot easement around Ms. Chappell's shed which crosses Ms. Thomas' property line.

Rebecca Stosse said she lives across the road from Ms. Chappell, and it was her tree that fell and demolished the car port. She said she thought having a new garage would be good for the neighborhood.

Randy Emery lives across from the property. He said Ms. Chappell is replacing a building so she has a place to put her car. He was in favor of the variance.

Bob Hansen asked the Board if they had any question about the application.

Roger Racette said his comment was that as part of the variance they should ask if the proposed use is a reasonable use of the property. Is it out of character for the neighborhood? He said, because the garage is being pushed back it is less non-conforming which means it's a better situation. For the Board's purposes they must look at what the limitations are for that piece of property and whether it is a reasonable use.

Ms. Thomas asked if it could be put on the other side of the house.

Roger said he didn't see that it could be.

Russ Galpin said that the problem was, how you would get there?

Ms. Chappelle said that was where her electric and gas lines were so she couldn't use that side.

Roger said no matter where she went, she would need a variance.

Bob Hansen said she was putting it in the only place she could access.

Bob asked Russ if he had any questions.

Russ said he thought it would be an improvement to the situation. A garage needs to have easy access to the street, and it does in the proposed location. One of the problems in all of Emerald Lake Village District is that the properties are so small that it is very difficult to get all of the facilities on the property. Russ wanted to see the septic plan because the location of the septic system would preclude where you could put the garage.

Robyn retrieved the septic plan from the file and showed it to the Board.

Russ said, you could see by where the septic system is that the garage could not go there.

Roger asked if this was a non-conforming lot. Mr. Hansen said it was.

Ms. Thomas said it had been two lots, but they were merged.

Mr. Hansen said the variance was for a setback requirement not a lot size requirement.

Roger said the point he was trying to make was this is a .5 lot which is the basis for a variance if a half-acre is substandard for the area.

Meg said for a property this size she has done the best that she could possibly do, and she was making the best of a bad situation.

Bob Hansen closed the public session.

Russ Galpin made a motion to approve the variance to build a 22'x30' garage 15 feet within the 25-foot setback. Meg Curtis seconded the motion.

Roll call vote: Roger Racette-Y, Meg Curtis-Y, Russ Galpin-Y, Bob Hansen-Y. The motion carried unanimously, and the Variance was granted.

Fees

Robyn said she had been asked to take a look at what the Board required for fees. She pulled together information from other towns about their fees. She asked the Board to look and give their opinion.

Cell Tower

Robyn distributed the application for the upcoming Cell Tower application.

Rus Galpin made a motion to adjourn. Roger Racette seconded the motion.

Meeting Adjourned 8:20 p.m.

Respectfully Submitted,

Robyn Payson
Planning Director