

**Zoning Board of Adjustment  
27 School Street  
HILLSBOROUGH, NH  
March 27, 2023**

**DATE APPROVED: 04/10/2023**

**TIME:** 7:00 p.m. – 9:50 p.m.

**CHAIRPERSON:** Roger Racette

**VICE CHAIRPERSON:** Russell Galpin

**MEMBERS:** Lucy Pivonka, John Segedy, Meg Curtis-Sauer

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Keith Cobbett

**EXCUSED**

**Public Present:** Brett Taber, Harrison Glaude, Russel Galpin, Melanie Dillon, Ron Burgess, Richard Head

**CALL TO ORDER:**

**Pledge of Allegiance**

Roger Racette called the roll. He appointed Keith Cobbett to sit in place of Russ Galpin who recused himself.

Planning Director Statement

Robyn Payson read a request to the ZBA about public meeting process.

John Segedy suggested there be a person hired to do the minutes. Robyn Payson said that was not an option right now.

**Public Hearing**

**Variance**

Melody Lane (Map 13 Lot 1)

Harrison Glaude

Robyn Payson read the Public Notice

Roger Racette read an e-mail from Mr. Glaude about the drainage on the site. (See attached)

Harrison Glaude presented his application to construct a 672 square foot cabin twenty-five feet into the 75 ft shoreland setback. (See attached)

Mr. Glaude said he had a survey done but it was not submitted as a part of this application. He did submit a septic plan.

Mr. Glaude pointed out that there were already houses located within the setback in the area.

John Segedy asked if the gutters on the cabin would be directed into a dry well or something.

Mr. Glaude said it would drain into some “controlled stone” outside the 75ft setback.

Lucy Pivonka asked about bringing fill on to the site. She asked if the hill could be dug out to move the cabin 25 feet away?

Mr. Glaude said it was possible, but he didn’t want to create any more disruption to the land.

Roger Racette asked if the primary reason he is going for this variance is because he would have to dig into the slope.

Mr. Glaude said yes that was the reason. The slope is extremely steep.

John Segedy asked if Mr. Glaude had investigated getting a dredge and fill permit to bring fill on to the site?

Mr. Glaude said no. He didn’t know to.

Roger Racette said so if you go back the 25 feet, it will force you to excavate fill or whatever’s there. What prevents you if you establish that as the high, your building is up on piers.

Mr. Glaude said that there are multiple foundation types, he just likes to do piers. He is looking at the size of the property to see if it fits and then deciding on a foundation.

Roger Racette said in order to avoid all of that work, couldn’t you level the house out by elevating the front? If its going to be on piers, how big would they have to be?

Mr. Glaude said that he didn’t know if it would be possible after the 75 ft. because it is incredibly steep. He said to get any kind of square footage on that lot there is going to need to be some give.

John Segedy said he wanted to address the ordinance he is looking for a variance from which states there can be no building or impervious surface within 75ft of the shoreline. There is a driveway that will also be located in the setback.

Mr. Glaude said this is a rough driveway and he will get a driveway permit once everything is done. He said its not his process at the moment. He has not looked at the driveway yet.

John Segedy said that he is looking for a variance for impervious surface within that 25 feet and it’s a big difference to ask for a variance for almost the whole width of the property.

Roger Racette asked Mr. Glaude where he was with DES because the property is within the state 250ft setback.

Mr. Glaude said someone from DES sent him all of the paperwork with what was required.

Roger Racette asked Mr. Glaude if his application has been approved by DES.

Mr. Glaude said it had not been. But he has been working with DES and contractors as well.

Roger Racette said DES is going to be more concerned about the amount of impervious surface he is creating with this project.

John Segedy said the driveway permit process is not going to address the impervious surface issue.

Lucy Pivonka said that the driveway looks like it is going to be an issue for the Road Agent and Other departments. She said she didn't think they could make conditions on what other departments do.

Roger Racette said that the Road Agent would not address impervious surface, just the location of the driveway.

There was further discussion about the driveway.

There was discussion about the elevation on the property and if the cabin could be pushed back behind the 75ft setback.

Lucy Pivonka asked if Mr. Glaude planned on putting in a lawn or plantings because runoff from that could affect the water.

Mr. Glaude said he is a fly fisherman, and he wants to protect the water too.

**A. Granting the proposed Variance will not be contrary to the public interest because:**

(See application attached)

Roger Racette said that in this instance the public interest would be to guarantee cleanliness of the water.

Mr. Glaude said controlling runoff and making sure he is not doing any harm to the river. Using building practices that work with environmental health.

John Segedy said Mr. Glaude talks about controlling the runoff, but doesn't have plans.

**B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:**

(See application attached)

John Segedy asked if he is saying putting it up on piers solves the runoff?

Mr. Glaude said that was what he saw in the zoning ordinance.

John Segedy said the ordinance says within 75 feet of the average high-water level. The average high-water level is where they are determining the boundary is.

Roger Racette said there is two objectives here that are trying to be met. The state has an objective, and the municipality has an objective they are trying to meet. The state sets their limit at 50ft. Their objective is to ensure the cleanliness of the water. The municipality sets it at 75ft. and that is to ensure that there is no overcrowding, congestion or things like that. Both objectives need to be met. You are meeting the state objective by being at least 50ft.

Mr. Glaude said he is making sure he is abiding by all setbacks. He said everything being met is all within the regulations. He said the questions are a bit vague.

John Segedy said the purpose that Mr. Glaude stated, he does not agree that this is the purpose for this ordinance. This particular ordinance title is "Stream and Shoreline Protection". So that is what the purpose is. The purpose of the overall zoning ordinance that you are supposed to observe the spirit of is to protect the stream and shoreline. The town wants to protect that shoreline more at 75 ft. He needs to show that he is meeting the spirit of that.

Roger Racette said that the spirit is to do a better job than what the state wants.

Keith Cobbett says whether or not a variance is granted is within our ordinances and not the states. With our ordinances we are trying to do a better job than the state by protecting that shoreline. He said how is it not going against what the voters would expect. By granting this proposal how will that observe the spirit of the zoning ordinance when the people of Hillsborough wanted it back further for further protection. Why would we ignore that?

Robyn Payson the voters voting for certain things in the zoning, it's a given that the voters voted or this, but a variance is the mechanism to provide relief.

Keith Cobbett said the spirit of the ordinance needs to be met.

Mr. Glaude said he wouldn't be filing for this variance if he blatantly could find plenty of land and just wanted it closer to the river. He said it's a life-or-death situation where he respects the 75ft but for him to put something there, this is what it has to be. He says he needs this to get the job done.

**C. Granting the proposed Variance will do substantial justice because:**

(See application attached)

Lucy Pivonka said he was aware of the problem with the setbacks when he bought this property. She said it's a hardship, but it is not like you have owned it for 15 years and something changed.

Roger Racette said a hardship can't be self-inflicted.

Keith Cobbett said if you owned it for 15 years and then someone decided to move it from 50 ft

to 75 ft you would have a hardship.

Mr. Glaude said he had been looking for land for years and had owned some in Virginia. Every town has different rules. Just seeing the houses that are grandfathered and newer structures as well made him optimistic on his ability to do what he is doing. Everything looked very good based on statistics and all of the criteria was met for him and he liked the area.

John Segedy asked about the gravity septic system when it goes up hill without a pump there.

Mr. Glaude said he doesn't design septic systems, so he doesn't know.

There was discussion about the proposed septic system.

**D. Granting the proposed Variance will not diminish the values of the surrounding properties because:**

(See attached application)

Mr. Glaude said that building a new cabin could only increase property values.

Lucy Pivonka asked if Mr. Glaude had anything to substantiate that.

He said he did market research. He said he could just knock trees down and not have anything there like somewhere else. Brand new construction brings value to the area.

Meg Curtis-Sauer said just because some of the properties are grandfathered that's because that was then, and this is now. And we need to look very closely at the new zoning laws and try to do what's best for the town.

Mr. Glaude said there wouldn't be increased negligence to the environmental property. It would not decrease the surrounding properties.

Keith Cobbett said he wanted to clarify that they are not really discussing the value of the house, it's the value of moving the house. Discussing proposed property values, is it going to be more valuable if it is built closer or farther away.

Roger Racette said his understanding is if something is going to diminish the values of surrounding properties you are talking about some use that creates a lot of noise, or something like a bar that will devalue surrounding home values.

Lucy wanted to point out that there is value in the river. Keeping the river clean has a lot of public value.

**E. Literal enforcement of the provisions of the ordinance will result in an "unnecessary hardship" because:**

(1). Owing to special conditions of the property that distinguish it from other properties in the

area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:  
(See attached application)

Mr. Glaude said literal enforcement means the project can't be done. The slope on the property is the reason the building can't be moved back.

Roger Racette said according to the applicant the issue is the slope. He said there are many homes in New Hampshire that are built on slopes. Sloping lots are not uncommon. The question is if it renders your lot unusable.

Mr. Glaude said he wouldn't be going through all of this if it wasn't in the best interest of the geographics of the land. This is budget friendly. If he doesn't have to dig into the land and dig out the hill, why would he want to do that? He said with the steep slope it is unworkable. He tried thinking about every possibility and its either bringing in a ton of fill or carve out the hill isn't in the best interest of the land itself.

Lucy Pivonka asked if he had the plan of the lot when he bought it.

Mr. Glaude said he didn't. He said he got the septic plan from Meridian.

Lucy said it said on the plan that "local relief would need to be sought for reduction of building setback."

Mr. Glaude said he did not have that plan and that it is newly generated.

John Segedy said he wanted to talk about reasonable use. It sounded like what he was saying was that there needed to be a way to build on it that is reasonable. He said there are just some lots that are not buildable. He said he thinks they may need to consider that this could be one of those lots. He said there are a lot of those lots on Emerald Lake.

Roger Racette said it is their job to determine if this slope without some relief is unreasonable to use the property. The severity of the slope. Some slopes can be dealt with.

John Segedy said it is the slope and the water leave a very limited space in between and that is the challenge he undertook.

Robyn Payson said one of the things that needs to be weighed out when something like this is decided is how does the public benefit from it being denied and how will the public be harmed if it is granted.

(2). If the criteria in subparagraph E(1), immediately above, are not established, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

(See attached application)

Mr. Glaude said it comes down to what is buildable between the slope and the setback. He said there is no other property with such a slope in that area. His only option if it were denied would be selling it back to the market. He said it depends on what the town wants. Do they want an empty piece of land with some trees down or do they want it built.

Roger Racette said what the variance is looking for is if all lots in the general neighborhood are all the same, everybody has this issue, so it doesn't create a hardship.

Lucy Pivonka said it looks like the slope runs behind the lots.

John Segedy said some of the other lots don't have the slope, but the variance he is asking for is for the closeness to the stream. All of the lots there have the stream as a border, but the difference is the slope.

Roger Racette returned to Criteria E1. Mr. Glaude is looking for relief of 25 feet but could it be somewhat less than that?

Mr. Glaude said he was out there today, and he said once the slope hits 75 feet it gets aggressive give or take a couple of feet there.

Keith Cobbett said based on the survey that is not accurate. There was discussion of the location of building on the lot.

Roger asked Keith if he thought the building could be moved the whole 25 feet.

Keith Cobbett said according to the plan it looked like he could.

Lucy Pivonka asked if Mr. Glaude if he had thought of setting up the house differently on the lot.

Mr. Glaude said that those were the dimensions of the plans he picked out.

John Segedy said without the survey it is difficult to see where the boundary is.

Roger Racette opened the hearing for public comment.

Richard Head, Chairman of the Conservation Commission gave a handout to the Board. See attached)

Richard Head said the site plan is insufficient. The application has not been adequately filled out, and there is no discussion of impervious surface and the lack of stormwater design. Richard Head reviewed the document he handed out.

He said the issues the Conservation Commission was looking at, the public interest and spirit of the ordinance.

Richard Head Reviewed 229-10 Stream and Shoreland Protection Ordinance in the zoning ordinance. He said we are trying to do what we need to address in this ordinance. He described what happens when water hits impervious surfaces. He said the ordinance gives 75 feet for water to infiltrate into the ground.

He directed the Board to the last page of the document which addresses the wild trout streams in the state. Sand Brook is one of those streams. He went on to discuss the effects of impervious surfaces.

He said that impervious surfaces add a more concentrated water flow. We are talking about a house and a driveway. When we are talking about when we have an inch of rainwater that comes down on to this site, that's .083 feet of elevation of water. Mr. Glaude wants to put a 672 square foot cabin on this property. An inch of water ends up with 55 cubic feet of water, or about 411 gallons of water. That is 7 ½ 55-gallon drums of water that has to go somewhere. Normally you are channeling that water into a spout and into a single location as opposed to having it spread all over the area that it would normally be following.

Once you begin concentrating water, its going to have a higher flow, its going to need to flow somewhere and its going to then start flowing faster and it's going to pick up soil and contaminates and more of an ability to pick stuff up. That is going to move sloping toward the brook. You are going to have a water flow that is going to have to pick up sediment, chemicals from the lawn, and fertilizer. If the driveway is sanded and salted it's going to pick that up. Then you end up with more sediment load in the brook which is a wild trout brook.

That is why we care and what we are trying to limit because as you build this property and the next property all of those have an additive impact on a brook. So as an ordinance we have decided we want to set that back 75 ft to create the buffer to create a natural ability for that water to be absorbed into the soil and into the aquifer and into the ground-water so we are not just transporting that across the surface and into the brook. That is why in the grand scheme of things why we care.

Within the application it talks bout in the criteria (public interest), what this plan does not do is address the public interest in the protection of the brook. It's a trout fishing water resource it's a waterway that the town has decided is entitled to some level of protection.

Another thing the plan is missing is floodplain information.

In the plan the only mitigation he saw was along the driveway that says erosion control. He assumed that was the silt fence they saw at the site. He said that is not erosion control for construction. If we are talking about putting in concrete pillars and construction equipment out there, all of that equipment disturbs soil. There is no sequencing shown on this plan as to how sediment and erosion control will occur and will be maintained during the course of construction.

All that said, it is the burden of the applicant to show how those criteria are being met.



The Conservation Commission does not think the application meets the requirements for the variance and the site plan does not provide the information that is required.

Roger Racette asked when you are talking about the purpose of the ordinance, can you be more specific.

Richard Head said the purpose of the ordinance is for stream and shoreland protection. The text is looking for that very thing. It is about building and impervious surface. It is the impervious surfaces that are being controlled through this ordinance.

Roger Racette said there has got to be certain conditions where somebody can get relief from that. The argument is 50 feet is good, but 75 feet is better. That could be said of every application that comes here and we could deny everything. What would be the criteria for granting relief?

Richard Head said the 50 feet is irrelevant to the conversation because we are talking about the 75ft setback in the ordinance. With regard to granting a variance, granting a variance should be the exception and not the norm. It's the burden of the applicant to be able to demonstrate each and every one of those criteria has been met. In this case, he is suggesting that hasn't happened. The applicant bought the property last year, the ordinance has been in effect since 2015. This may not be an appropriate piece of property for a house. Maybe it's a better site for a tent platform and for fishing and other purposes but not for the purpose for building a house.

There was further discussion about the variance criteria and the ways this application does not satisfy them.

Roger Racette asked what the harm vs the benefit was.

Richard Head said the small number of natural trout habitat and other resources is remarkable. That quality is an inherent aspect of living in town. He spoke about preserving water quality and the danger in degrading it.

Richard Head spoke about the need, and importance for stormwater control in the flood zone.

Roger Racette recognized Ron Burgess.

Mr. Burges said Mr. Glaude has the ability to overcome this by protecting the stream. The runoff is the biggest issue. He said the drawing doesn't have detail so you can get a visual of the issues on that site. There are ways to mitigate the runoff, but it has to be part of the plan to get any kind of a variance. Mr. Burgess said his main problem was the driveway running up against the property line. He asked if there was any setback.

Robyn Payson said there isn't.

There was further discussion about the driveway and general development of the site.

John Segedy said Mr. Glaude needs to get a septic plan approved and he is not sure of what other permits he would need.

Roger Racette said DES is going to look at all of the site and the impervious surfaces. Not that the ZBA doesn't have to concern themselves with it, but DES does look at it all.

Roger Racette recognized Brett Tabor

Mr. Tabor said he understood all of the efforts. He has questions about the high-water level which will be different when winter is over. He said many neighbors had concern about this property because after he bought it there was tree removal and a small excavator in there. He got multiple calls as he is a Commissioner about what is going down at the river, no erosion control was happening. So at that point some site work was being done with no shoreland permit no erosion control in place. He asked the people that were working there to shut down and contact the owner and shortly after that the silt fencing appeared, but he hasn't heard if a shoreland permit that is active. He discussed the location of the building and any other setback impacts. He also discussed the specifics of the variance application.

John Segedy asked that Richard Head speak to permits and the extent that DES looks at impervious surface.

Richard Head said this is subject to shoreland protection, and septic design. The building itself is more than 50ft from the mean high-water level. They would not be involved with the structure, so they aren't looking at impervious surface. He did not know if they look at driveways.

Russ Galpin said do not rely on state departments to do one single thing. With DES, if the Town approves something, the DES will say if the town doesn't care then we don't care.

Roger Racette closed the public hearing.

Lucy Pivonka asked if the shoreline permit was ever received.

Keith Cobbett said Mr. Glaude can't do anything on the site until the shoreland permit is received.

Mr. Glaude said he spoke with Environmental Health and told them about his plan and then never brought a shoreland permit up. He said he can talk to his contact tomorrow. He said he is no expert and is learning as he goes.

Roger Racette said he is going to have to get a permit from DES, but it looks like he hasn't put much effort into that yet.

Mr. Glaude said he asked his contact what he had to do.

John Segedy asked what department had he been talking to?

Roger Racette made a motion to re-open the public hearing. Lucy Pivonka seconded the motion. The motion carried unanimously.

Mr. Glaude said he had been talking to Craig Day, Shoreland Specialist, Shoreland Program, Land Resources Management Water Division NH DES.

John Segedy asked if Mr. Day had come to see the property?

Mr. Glaude said no.

John Segedy asked if Mr. Day knew that he had already started excavating?

Mr. Glaude said that he was having correspondence with him before he was cutting trees.

John Segedy asked if Mr. Day told him he could start cutting trees?

Mr. Glaude said he called the lumber tax person who could tell me if I could get a permit.

John Segedy said that was the person who would tell you if you needed to pay taxes on the lumber, not give permission to cut and they have nothing to do with the permitting from the state.

Roger Racette said it is clear that there is a lot more work to be done with the state.

Mr. Glaude said if it doesn't get approved it will remain a pile of sticks and I will put it back up on the market.

Roger Racette closed the public hearing.

Keith Cobbett said the application in its current state is incomplete. There is no site plan showing the proposed drainage. The survey map is incorrect the other survey map is not here. We have no flood zone information. He said it was impossible for him to make a determination without any of that information that was never submitted.

Keith Cobbett made a motion to reject the application as it stands being that it is incomplete.

John Segedy said they could reject it without prejudice because all of that information is missing.

Meg Curtis Sauer said she has seen plans come before the Board before where water is involved and there has usually been a mitigation plan. She said she agreed with what John suggested and will give the applicant the opportunity to go back to DES for information and it would also give him a chance to have something drawn up and have a better plan in place.

Lucy Pivonka said she thought that would be the best idea.

There was discussion about whether to deny the application "Without Prejudice."

Keith Cobbett made a motion to deny the application without prejudice due to an incomplete application. Lucy Pivonka seconded the motion. The motion carried unanimously.

John Segedy made a motion to require the following in the completed application:

1. A complete site plan stamped by a licensed land use surveyor.
2. A vicinity sketch (suggested scale is one-inch equals 500 feet) showing the location of the site in relation to the existing public street and any prominent natural features. The zoning district shall be noted. The one-hundred-year-flood elevation line shall be included where applicable.
3. A storm drainage plan, including plans for retention and slow release of stormwater where necessary, and plans for snow removal and storage.
4. A map showing Natural features, such as aquifers, wetlands, streams, springs, marshes, lakes or ponds; man-made features, such as but not limited to existing roads, stone walls, and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
5. A map showing the one-hundred-year-flood elevation line.
6. The proposed grades, drainage systems, structures, and topographic contours in the site development area at contour intervals not exceeding two feet.
7. Driveway location and construction materials.
8. Shoreland permit application.
9. Expanded information on hardship on the change in elevation of the site.

Meg Curtis seconded the motion.

Lucy Pivonka said she wanted to encourage the applicant as he continues to work toward the shoreland permit.

The motion carried unanimously.

Keith Cobbett made a motion to adjourn. Roger Racette seconded the motion.

The meeting was adjourned at 9:50 pm

Respectfully Submitted,  
Robyn Payson, Planning Director



Town of Hillsborough  
Zoning Board of Adjustment  
27 School Street  
P.O. Box 7  
Hillsborough, NH 03244

February 27, 2022

**LEGAL/PUBLIC NOTICE**

**Zoning Board of Adjustment  
Case No. 2023-01**

Notice is hereby given in accordance with RSA 676:7 that the Hillsborough Zoning Board of Adjustment will hold a Public Hearing on a Variance from section "229-10 Stream and Shoreland Protection" in the Zoning Ordinance to locate a 672 square foot cabin within the 75ft shoreland setback. The application is submitted by Harrison Glaude for his property located on Melody Lane (Map 13 Lot 001) which is located in the Emerald Lake Village Residential District.

The Public Hearing for this application will be presented to the Hillsborough Zoning Board of Adjustment Monday, March 13, 2023, at 7:00 p.m. at the Hillsborough Town Office Meeting Room at 27 School Street, Hillsborough, New Hampshire

Please contact Planning Director Robyn Payson at 603-464-7971 or e-mail [robyn@hillsboroughnh.net](mailto:robyn@hillsboroughnh.net) with any questions regarding this application.

**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM A – Application Cover Sheet**

Case No. 2023-01  
 Date Received 2/10/23  
 Office Use Only

**1. Applicant Information**

Name Harrison L. Glaude  
 Company Name N/A  
 Mailing Address 1 Lilac Ln Apt. 113 Dover, NH 03820  
 Preferred Phone No. (603)-831-8307 Email Address glaude.harrison@yahoo.com

**2. Property Owner Information** [] Same as Applicant [] Multiple Owners (attach list)

Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Preferred Phone No. \_\_\_\_\_ Email Address \_\_\_\_\_

**3. Property Information**

Address 0 Melody Ln, Hillsborough, NH  
 Map(s) 00013 Lot(s) # 1 (#CH-70) Total Acres 0.31  
 Zoning District(s) \_\_\_\_\_ Other Districts(s) \_\_\_\_\_  
 Existing Use of Property Vacant Land

**4. Application Type** (Check all that apply)

	<b>Applicable Statutes</b>	<b>Other Forms Required</b>
<input type="checkbox"/> Administrative Appeal	<a href="#">[RSA 674:33.I(a)]</a>	B, N
<input checked="" type="checkbox"/> Variance	<a href="#">[RSA 674:33.I(b)]</a> & <a href="#">[RSA 674:33.V]</a>	C, N
<input type="checkbox"/> Special Exception	<a href="#">[RSA 674:33.IV]</a>	D, N
<input type="checkbox"/> Equitable Waiver of Dimensional Requirement	<a href="#">[RSA 674:33-a]</a>	E, N
<input type="checkbox"/> Request for Rehearing	<a href="#">[RSA 677:2]</a> & <a href="#">[RSA 677:2]</a>	F

**5. Description of Project/Proposal**

[  ] Check here if description is attached

I plan on building a "tiny cabin" just over the minimum requirement of 600sq.ft. ground living space. After discussion with Land service companies we have come to a conclusion that we will have to file a variance to be 25ft. closer to the river in which sits adjacent to my property, bringing it within 75ft to 50ft. Further elaboration on form "C".

**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM A – Application Cover Sheet**

Case No. \_\_\_\_\_

Date Received \_\_\_\_\_

Office Use Only

**6. Fee Calculation**

Applications are subject to the fees indicated below. Please use the following table to calculate the amount of fees due to the Town.

Item	Fee	Unit	Quantity	Total
Administrative Appeal	\$25.00	Per application		
Variance (all types)	\$75.00	Per application	1	\$75.00
Special Exception	\$75.00	Per application		
Equitable Waiver of Dimensional Requirement	\$75.00	Per application		
Request for Rehearing	\$25.00	Per application		
<b>Subtotal</b>				<b>\$75.00</b>

Applications requiring public hearings are also subject to the following fees:

Item	Fee	Unit	Quantity	Total
Certified Notice of Hearing	\$10.00	Per address		60 -
Certified Notice of Decision to Applicant	\$10.00			\$10.00
Newspaper Legal Notice		N/A	N/A	\$60.00
Recording Fee				\$18.00
<b>Subtotal</b>				<b>148<sup>00</sup></b>

\*Decisions consisting of more than two pages will require an additional \$4.00/page to be paid prior to the issuance of any other permits.

TOTAL \$ ~~\$75.00~~ 223<sup>00</sup>

**PLEASE NOTE:** All fees must be paid by the applicant at the time of filing the application with the designated agent of the Board. Failure to pay all applicable fees as determined by the Town will be valid grounds for refusal to accept the application as complete or for disapproval of the application.

In reviewing applications, the Board may contract with consultants to review all or portions of an application. This review shall be at the applicant's expense and related costs shall be paid in advance. The Board, at its discretion, may request that an applicant prepare special studies, or contract with a consultant to perform these studies, at the applicant's expense.

All fees must be paid by check payable to "The Town of Hillsborough, NH".

**7. Acknowledgement and Signature**

The named Applicant must sign this application where indicated below. The Owner(s) of the subject property shall also sign where indicated below or submit a signed original letter authorizing the applicant to submit the application on their behalf. All correspondence and notices from the Town regarding the project and any plans will be transmitted to the Applicant.

By signing this application, the Applicant and Owner(s) are indicating that all information contained in this application and all supporting and accompanying plans, documents and attachments are complete, true and accurate to the best of their knowledge. The Applicant and



**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM A - Application Cover Sheet**

Case No. \_\_\_\_\_

Date Received \_\_\_\_\_

Office Use Only

Owner(s) further agree that if any such information is found to be false or misleading, any permit or other approval granted on the basis of such information shall be deemed null and void.

In addition, it is understood this application must be filed with all pertinent information as it pertains to the requirements of the Hillsborough Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. It is understood that this application will not be considered filed and scheduled for hearing by the Board until all required information has been received, and do further understand that the Town of Hillsborough reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I understand that I, my representative as stated on the application, or my attorney should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, said evidence will become property of the Town of Hillsborough and will remain on file with the Town for future reference. By law those instruments automatically become part of the public records and cannot be returned.

Also, I recognize and understand that the public hearing before the Board regarding land development is considered quasi-judicial in nature. State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.

The undersigned acknowledge that the Board may require additional information and a site visit to the subject property in order to adequately determine compliance with ordinances and regulations, and to better assess impacts that may be generated by the project/proposal.

It is understood that the Applicant is fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on this application request. The Town of Hillsborough assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and local laws, codes, land development regulations and comprehensive plan.

Harrison Gaudin  
Applicant Signature

Date

01-22-2023

Harrison Gaudin  
Property Owner Signature

Date

01-22-2023

\_\_\_\_\_  
Property Owner Signature

Date

Property Owner Letter of Authorization Attached  Yes  No  
[Not required for Rehearing Request from those other than original applicant]

RETURN APPLICATION TO:

Office of Community Planning  
27 School Street, PO Box 7  
Hillsborough, NH 03244



**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM A - Application Cover Sheet**

Case No. \_\_\_\_\_

Date Received \_\_\_\_\_

Office Use Only

Application Questions may be directed to:

Robyn L. Payson, Planning Director  
Phone: 603-464-3877, ext. 227  
Email: [robyn@hillsboroughnh.net](mailto:robyn@hillsboroughnh.net)

**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM C - Application for Variance**

Case No. \_\_\_\_\_

Date Received \_\_\_\_\_

Office Use Only

**1. Variance Request**     Check here if description or additional pages are attached

Check all that apply:

- Variance (Complete Sections 1, 2 & 4)  
 Variance when REASONABLE ACCOMMODATIONS are necessary for those with RECOGNIZED PHYSICAL DISABILITIES. (Complete Sections 1, 3 & 4)

The undersigned hereby requests that the Board of Adjustment grant a variance from Hillsborough Zoning Ordinance Section(s) 229 Attachment 3 in order to permit the following:

The construction of a 672 sqft cabin within the 75ft setback guidelines of a body of water. I am proposing to move 25ft closer to the river to accommodate steep building conditions on the rear of the property.

**2. Criteria**     Check here if description or additional pages are attached

In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criteria, which are more specifically set forth in [RSA 674:33.1\(b\)](#). Please provide a written response along with any other supporting documentation for each of the following criteria. Please note that all criteria must be satisfied and supported by the Board in order for a variance to be granted. Should the space be provided be inadequate, please attach additional pages to this application.

**A. Granting the proposed Variance will not be contrary to the public interest because:**

Moving my small cabin 25 ft closer to the river should be unnoticeable.

**B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:**

We will be respecting the reason behind the figure put in place by elevating the structure on concrete piers. This will accommodate for our consideration of the "average mean high water level".

**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM C - Application for Variance**

Case No. \_\_\_\_\_

Date Received \_\_\_\_\_

Office Use Only

C. Granting the proposed Variance will do substantial justice because:

1. Wouldn't have to bring in thousands of dollars of fill to level the lot.
2. Less disturbance of the land's natural geography.
3. Allows me to build a beautiful cabin to bring value to the community.
4. Allows usage of proposed septic design which includes (cheaper) gravity septic.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Some surrounding properties are already grandfathered into exemptions of this setback, so I would not see any reason there would be a decrease in value for surrounding properties to move my cabin forward 25 ft.

E. Literal enforcement of the provisions of the ordinance will result in an "unnecessary hardship" because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

The difference between my property and the abutters is simply the slope in which we have to deal with.

(2). If the criteria in subparagraph E(1), immediately above, are not established, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

Without a variance to this degree we would encounter "unnecessary hardship" in the construction and implementation of proposed septic/well design.

**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM C – Application for Variance**

Case No. \_\_\_\_\_  
Date Received \_\_\_\_\_  
Office Use Only

**3. Criterion for Reasonable Accommodations**

Pursuant to [RSA 674:33.V](#), the Zoning Board of Adjustment may grant a variance from the terms of the Zoning Ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises. In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criterion, which is more specifically set forth in [RSA 674:33.V](#). Please provide a written response along with any other supporting documentation. Please note that this criterion must be satisfied and supported by the Board in order for a variance to be granted. Should the space be provided be inadequate, please attach additional pages to this application.

Please note that if such a variance is approved, the Board may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises. Any medical information submitted in support of this application to substantiate a disability will remain confidential.

**A. Granting the proposed Variance will be in harmony with the general purpose and intent of the Zoning Ordinance because:**

*The request I have set forth fully respects the intention of the original figure for frontage setbacks for "lake lots". Moving 25 ft closer poses no further harm to the natural geography and abutting river. The 672 sq.ft. cabin will sit on 1-2ft concrete piers (building inspector permitting), and therefore pay respects to the "average mean high water level."*

*N/A RSP*

**4. Additional Submittals**

The following items are required to complete the application and must be attached:

Three (3) copies of plat, survey, or site plan of the subject property for which the variance is requested clearly depicting the proposed variance prepared by a licensed surveyor, civil engineer, or architect. At least seven (7) reduced size (11"x17") plan sets is also required. Submittal standards for plats shall be those as detailed in the Subdivision Regulations and/or Site Plan Review Regulations. The applicant shall retain the right to petition the Zoning Board of Adjustment to grant waivers to any plat standards as defined. In addition to these requirements, the Board, at its discretion, may require additional information be provided.

Affidavit of Ownership (copy of warranty deed).

Completed Form N – Certified Notification List



**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM N – Certified Notification List**

Case No. \_\_\_\_\_  
Date Received \_\_\_\_\_  
Office Use Only

Please type US Postal Service mailing address for Project/Public Hearing Notification  
(Attach additional sheets as necessary)

In addition to the following information, the Applicant must submit three (3) sets of mailing labels for all those listed below. Individual labels can be no larger than 1" X 2 3/4".

Applicant Harrison Glaude  
1 Lilac Ln apt. 113  
Dover, NH 03820

Property Owner 11 11

Others: Pursuant to [RSA 676:7.1\(a\)](#), notice shall also be given to all holders of conservation, preservation or agricultural preservation restrictions. Please list the name and address of such holders and describe the type of restrictions.

1. \_\_\_\_\_ Map \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Lot \_\_\_\_\_

Restriction Description: \_\_\_\_\_

2. \_\_\_\_\_ Map \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Lot \_\_\_\_\_

Restriction Description: \_\_\_\_\_

(Please attach additional sheets as necessary)

The accuracy and completeness of the abutters list is the responsibility of the applicant.

**Town of Hillsborough, NH**  
**Zoning Board of Adjustment**  
**FORM N - Certified Notification List**

Case No. \_\_\_\_\_

Date Received \_\_\_\_\_

Office Use Only

**Abutters:** Pursuant to [RSA 676:7.1\(a\)](#), all owners of property located in New Hampshire that adjoin or are directly across the street or stream from the subject property must be notified (see RSA 672:3). The list of abutters shall be those indicated in the Town Assessor's Office not more than 5 days prior to submission of the application.

1. Dillon, Melanie Messina Map 00009  
339 Bog Road Lot 000014
2. Dillon Robert Map 00009  
71 Melody Lane Lot 000025 ✓  
Jack Schindler
3. 35 Ivy Way Map 000013  
Port Washington NY 11050 Lot 000002 ✓
4. Maria Severo Andrea Michelone Map 09 ✓  
2 Patten Hill Rd Lot 26  
Hillsborough NH 03244
5. Alexander Newton Map 13 ✓  
54 Merrimack St Lot 3  
Hooksett NH 03106
6. \_\_\_\_\_ Map \_\_\_\_\_  
 \_\_\_\_\_ Lot \_\_\_\_\_
7. \_\_\_\_\_ Map \_\_\_\_\_  
 \_\_\_\_\_ Lot \_\_\_\_\_

(Please attach additional sheets as necessary)

The accuracy and completeness of the abutters list is the responsibility of the applicant.

Return to:  
Harrison Glaude  
1 Lilac Lane, Apt 13  
Dover, NH 03820

TT: \$267.00

### WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS:** That, **Lui Realty Holding, LLC**, a New Hampshire Limited Liability Corporation, having an address of 13 Charlotte Avenue, Nashua, County of Hillsborough, New Hampshire, for consideration paid and in full consideration **GRANT TO Harrison Glaude**, a single person of 1 Lilac Lane, Apt 13, Dover, County of Strafford, New Hampshire, 03820:

with *WARRANTY COVENANTS*

A certain tract or parcel of land situate in the Town of Hillsborough, Hillsborough County, State of New Hampshire and described as follows:

A certain lot (or lots) as shown on the tax map of the Town of Hillsborough and identified as Lot(s) #1, Map 13, being located at Huntington Drive and Melody Lane. The premises are further described as Emerald Lake Shores Lot #CH-70 on Plan #3447 recorded in the Hillsborough County Registry of Deeds.

Subject to any and all encumbrances of record including land and building restrictions applicable to Emerald Lake Shores lots.

Subject to matters shown on Plan #3447 recorded in the Hillsborough County Registry of Deeds.

Meaning and intending to describe and convey the same premises conveyed to Lui Realty Holding, LLC by virtue of a Warranty Deed dated October 26, 2001 and recorded in the Hillsborough County Registry of Deeds at Book 6511, Page 388.

This is not Homestead property.

The property conveyed herein is being conveyed pursuant to RSA 304-C:139, III(c), as part of the winding up of Lui Realty Holding, LLC's business affairs following its administrative dissolution."

Executed as a sealed instrument on this 21 day of September 2022.

  
Mona Louis, Duly Authorized Member

  
Andrew Louis, Duly Authorized Member

**THE STATE OF NEW HAMPSHIRE**

HILLSBOROUGH, SS.

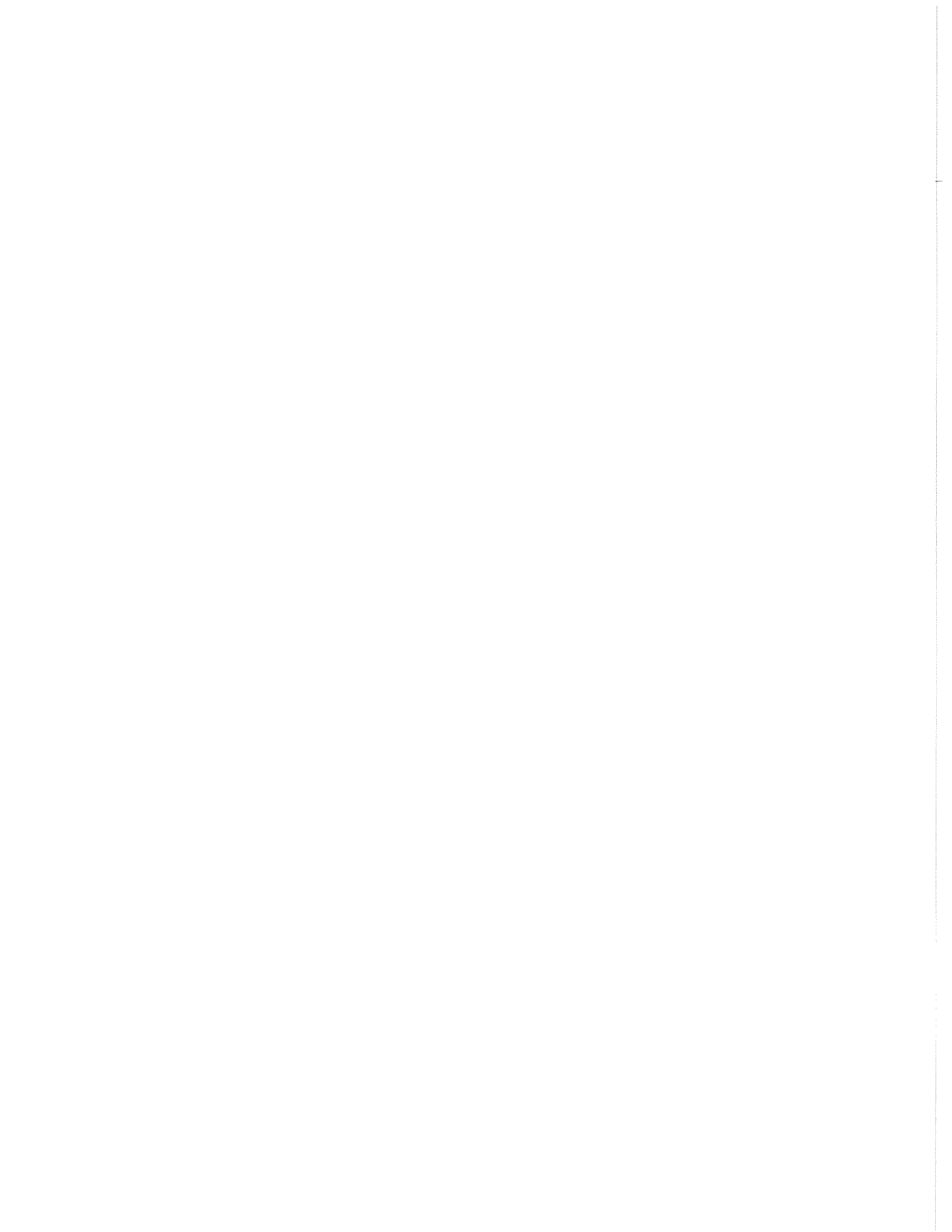
On this 21 day of September, 2022, before me, the undersigned notary public, personally appeared **Mona Louis and Andrew Louis, Duly Authorized Members of Lui Realty Holding, LLC**, the above-named, and proved to me through satisfactory evidence of identification being License, to be the persons whose names are signed on this document, and acknowledged to me that they signed it voluntarily for its stated purpose and that the foregoing instrument is their free act and deed.

  
Notary Public:  
My Commission Expires: 2/19/25









**Town of Hillsborough, NH  
Zoning Board of Adjustment  
FORM C – Application for Variance**

Case No. \_\_\_\_\_  
Date Received \_\_\_\_\_  
Office Use Only

**3. Criterion for Reasonable Accommodations**

Pursuant to RSA 674:33.V, the Zoning Board of Adjustment may grant a variance from the terms of the Zoning Ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises. In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criterion, which is more specifically set forth in RSA 674:33.V. Please provide a written response along with any other supporting documentation. Please note that this criterion must be satisfied and supported by the Board in order for a variance to be granted. Should the space be provided be inadequate, please attach additional pages to this application.

Please note that if such a variance is approved, the Board may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises. Any medical information submitted in support of this application to substantiate a disability will remain confidential.

**A. Granting the proposed Variance will be in harmony with the general purpose and intent of the Zoning Ordinance because:**

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**4. Additional Submittals**

The following items are required to complete the application and must be attached:

\_\_\_\_\_ Three (3) copies of plat, survey, or site plan of the subject property for which the variance is requested clearly depicting the proposed variance prepared by a licensed surveyor, civil engineer, or architect. At least seven (7) reduced size (11"x17") plan sets is also required. Submittal standards for plats shall be those as detailed in the Subdivision Regulations and/or Site Plan Review Regulations. The applicant shall retain the right to petition the Zoning Board of Adjustment to grant waivers to any plat standards as defined. In addition to these requirements, the Board, at its discretion, may require additional information be provided.

\_\_\_\_\_ Affidavit of Ownership (copy of warranty deed).

\_\_\_\_\_ Completed Form N – Certified Notification List

**§ 185-5. Preliminary sketch; site plan map information and data. [Amended 6/15/22]**

- A. Prior to the submission of the site development plan, the owner may submit a preliminary sketch showing any preliminary information he wishes, for purposes of discussion only.
- B. On formal submission of the site development plan, the owner or his authorized agent shall submit to the Planning Board four sets of site plan maps, prepared by a licensed land surveyor or registered engineer .15, copies of the full set of plans measuring 11x17, and one electronic copy of the site plan application, and all associated plans and documents
- (1) The maps shall include the following information:
- (a) Existing data and information:
- [1] Location of site, Town tax lot number, names and addresses of owners of record and abutters.
  - [2] Name and address of persons or firm preparing the map, which shall be at an appropriate scale (one-inch equals 40 feet is suggested) and shall include North arrow and date; name and address of persons or the firm preparing other data and information if different from the preparer of the map. The Board requires a licensed land surveyor or registered engineer to prepare the plans.
  - [3] The boundary lines and area of the Town tax map lot which includes the site; the boundary lines of the site itself, including angles or bearings of the lines, dimensions, and lot area; and all required setbacks.
  - [4] The existing grades, drainage systems, structures and topographic contours at intervals not exceeding two feet, with spot elevations, where the grade is less than 0.5%.
  - [5] The shape, size, height, and location of existing structures located on the site and within 50 feet of the site and their uses, i.e., residential, retail, etc.
  - [6] Natural features, such as aquifers, wetlands, streams, springs, marshes, lakes or ponds; man-made features, such as but not limited to existing roads, stone walls, and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
  - [7] Plan and elevation of high-water table.
  - [8] The sizes and locations of all existing public and private utilities and all present landscaping as may be required. This shall include the locations and sizes of existing public utilities that are located off-site but are planned to be connected.
  - [9] A vicinity sketch (suggested scale is one-inch equals 500 feet) showing the location of the site in relation to the existing public street and any prominent natural features. The zoning district shall be noted. The one-hundred-year-flood elevation line shall be included where applicable.

(b) Proposed development:

- [1] The proposed grades, drainage systems, structures, and topographic contours in the site development area at contour intervals not exceeding two feet.
  - [2] The shape, size, height, and location of each proposed structure, including expansion of existing buildings.
  - [3] Proposed streets, driveways, parking spaces and sidewalks shall be shown, with indication of direction of travel for one-way streets and driveways, and inside radii of all curves, along with total square/feet of hardscape. The width of each street, driveway and sidewalk and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structures on the site shall be shown.
  - [4] The sizes and locations of all proposed public and private utilities such as sewer, water, telephone, electric lines, and distances to fire hydrants.
  - [5] The locations, types and sizes of all proposed landscaping and screening.
  - [6] Exterior lighting plan and proposed signs, including a lighting level layout with all luminaire locations, type, lumens, mounting height and BUG rating.
  - [7] A storm drainage plan, including plans for retention and slow release of stormwater where necessary, and plans for snow removal and storage.
  - [8] A circulation plan of the interior of the lot showing provisions for both vehicular and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets, including any traffic control devices necessary in conjunction with the site development plan.
  - [9] Construction standards. (See § 185-7.)
  - [10] Existing and proposed lot coverage.
  - [11] The location of all existing and proposed easements.
  - [12] Architectural rendering of each proposed structure or expansion.
- (2) Additional information. The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein.

**§ 185-5.1. Exempt changes of use. [Added 9-17-1997] [Amended 1-18-2012] [Amended 1-6-2016,] [Amended 06-15-22]**

A. A change of use which does not expand the floor area of a building by more than 200 square feet or involve construction on the site of a building with a floor area greater than 200 square feet is exempt from Site Plan Review, provided that: [Amended 10-2-2002]

- (1) No adverse impacts beyond site boundaries will occur, due to:
  - (a) Increased traffic.
  - (b) Groundwater and drainage.





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**TRAILER--** The same as mobile home, with the exception of "trailers" designed exclusively for camping or recreational purposes.

**USE--** Any purpose for which may be granted by the Board of Adjustment in accordance with standards set forth in Article VIII.

**VARIANCE--** Shall have the same meaning as specified in RSA 674:33 I (b)

**VEHICLE AND MACHINERY AUCTION--** The use of buildings and/or land for the temporary interior or exterior storage and sale on premises of new and/or used vehicles and/or machinery by means of a request or invitation for bids by a licensed Auctioneer. "Temporary storage" shall mean for four weeks or less

**VETERINARY CLINIC/ANIMAL REHABILITATION--** Any premises operated for ambulatory needs of animals, such as examinations, shots, minor surgery, physical therapy, rehabilitation and tests. Boarding of animals is limited to those recuperating from veterinary care.

**WORKFORCE HOUSING--** Shall have the same meaning as specified in RSA 674:58 IV

**YARD SALE--**An outdoor sale of new or secondhand articles held on a residential premises by the owner(s) of the premises or by the owner and his neighbors. **[Added by the ATM 3-12-1991 by Art. 2]**

#### **§ 229-7. Conflicts**

The provisions of this chapter shall be the minimum requirements for achieving the purposes stated. Wherever the provisions of this chapter conflict with the provisions of any other legally adopted ordinance, regulation or ruling, the more restrictive or the higher standard shall apply.

#### **§ 229-8. -Reserved**

#### **§ 229-9. Unsafe Buildings**

Any building or structure determined to be unsafe by the Selectmen shall be repaired or demolished within 90 days of written notice of unsafe condition or such longer period as shall be set forth by the Selectmen. In the case where a building is demolished, the debris shall be removed, the cellar hole filled in and the area graded to blend with the surrounding area.

#### **§ 229-10. Stream and Shoreline Protection [Amended TM 2015]**

No building or impervious surface shall be located within 75 feet of the average mean high water level of any lake, pond or stream with a normal year-round flow. Boathouses are exempt from this provision. See Chapter 160 for the special two-hundred-foot setback from Loon Pond, and see § 229-36, Waterfront development, of this chapter, for additional regulations applicable to lots on lakes and ponds.





## Wild Trout Management in NH

There are numerous mountain streams and backcountry ponds that may provide wild trout fishing opportunities. The following list of waters are specifically managed to protect wild trout. The trout population is not supplemented or maintained by stocking. These waters are subject to catch and release only, fishing tackle is restricted (artificial lures and flies), and the open season is shorter to protect spawning trout in the fall (season closed after Labor Day).

Waterbody	Town
Alder Brook	Second College Grant
Carroll Stream	Carroll/Whitefield
Ethan Pond (Willey Pond)	Bethlehem
Flint's Brook	Hollis
Greenough Pond, Little	Wentworth Location
Gulf Brook	Chesterfield
Lamb Valley Brook	Second College Grant
Long Mountain Brook	Stratford/Odell
Loomis Valley Brook	Second College Grant
Lyman Brook	Columbia
Meadow Brook	Sharon
Mohawk River, West Branch	Colebrook
Pond Brook	Stratford/Odell
Sand Brook	Hillsborough
Shoal Pond	Lincoln
Witches Spring Brook	Hollis

