



COOPER  
CARGILL  
CHANT

ATTORNEYS AT LAW

December 7, 2018

**VIA HAND DELIVERY**

Town of Jackson  
The Board of Adjustment  
PO Box 268  
Jackson, NH 03846

RE: Gwen E. & Steven Vosburgh  
251 Green Hill Road, Jackson, NH  
Our File Number: 9765.002

Dear Board,

In regards to the matter stated above, enclosed for filing please find an Application for Variance with accompanying documents. Also enclosed is our firm check in the amount of \$75.00 for filing of the same.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns.

Very truly yours,

COOPER CARGILL CHANT, P.A.

Christopher T. Meier

[cmeier@coopercargillchant.com](mailto:cmeier@coopercargillchant.com)

CTM/kjt  
Enclosures  
cc: Clients

Y:\CLIENT FILES\9765 - Vosburgh\002 251 Green Hill Road\Correspondence\2018.12.06 Town of Jackson, BOJ.docx

APPLICATION FOR A VARIANCE

BOARD OF ADJUSTMENT
PO Box 268, Jackson, N.H. 03846

01/2010

Do not write in space below:

Case No. Date Filed
ZBA Signature Public Hearing
Decision

Applicant Signature [Signature] Date 12/06/18

TAX LOT NUMBER: Map R13, Lot 14

Name of applicant Christopher T. Meier, Esq., Cooper Cargill Chant

Address 2935 White Mountain Highway, North Conway, NH 03860

Owner Steven and Gwen Vosburgh
(if same as applicant write, same)

Location of property 251 Green Hill Road, Jackson, NH
(street, number, sub-division)

Acres 4.6 or Sq. Ft.

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate pages if the space provided is inadequate.

A variance is requested from section 4.3.1.2 of the zoning ordinance to permit:
To allow 2 additions to existing home footprint within road setback: 1) a 10 by 20 foot addition on the south side of the existing footprint; and 2) an 8 by 22 foot porch addition on the north side of the existing footprint. The additions are no further into the setback than the existing non-conforming hon

Facts supporting this request:

I. Granting the variance would not be contrary to the public interest:
See attached.

2. The spirit of the ordinance is observed because:
See attached.

3. Granting the variance would do **substantial justice** because:

See attached

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4. For the following reasons, the **values of the surrounding properties** will not be diminished:

See attached

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5. Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in **unnecessary hardship** because:

a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

See attached.

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b. The proposed use is a reasonable one because:

See attached

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**The following additional information must be completed regarding the property in question:**

Is any Use or Structure currently Non-Conforming? YES  X  NO

If yes, explain in detail:

The majority of the existing home is within the road setback.

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Does the property in question including all existing or proposed building, signs, driveways, and septic systems meet Jackson Zoning Ordinance requirements and applicable state regulations? YES   NO  X

If no, explain in detail:

The majority of the existing home is within the side setback. This proposal seeks to add additions on both sides of the house, but no further into the road setback.

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**ADDITIONAL INFORMATION:** Summarize below any information from preliminary discussions with any state agency personnel in regard to the case. In addition, attach copies of any correspondence from state agencies, or Jackson officials and boards pertaining to the property.  
**None.**

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**Attach all pertinent document and correspondence.**

**IMPORTANT NOTICE :** Board of Adjustment By-Laws state that information from the applicant and/or his representatives must be provided to the Board no less than 7 calendar days prior to the date of the public hearing.

**CONDITIONS AS PART OF AN APPROVAL:** The Board of Adjustment is authorized to place conditions on a variance and failure to comply with those conditions may be a violation. If conditions are included as part of an approval, they must be recorded with or on the plat.

Addendum to Application for Variance

Owner: Steven and Gwen Vosburgh

Tax Lot: Map R13, Lot 14, 251 Green Hill Road

Facts supporting this request:

The Vosburghs seek to raze and replace the current 2 bedroom 24' x 32' residential house on the Property. The replacement home would have the same footprint as the existing home, plus 2 additions: a) a proposed 10'x20' footprint expansion on the south-side of the new house for living space; and b) a 8'x22' porch on the north side of the new house. The existing home is non-conforming as it enters the road setback; the proposed additions will not extend further into the setback than the existing footprint; and in fact are set further back from the road than the existing footprint.

1. Granting the variance would not be contrary to the public interest:

With regard to assessing public interest, the NH Supreme Court has set the standard as follows: “[T]o be contrary to the public interest or injurious to the public rights of others, the variance must **unduly, and in a marked degree** conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Chester Rod & Gun Club v. Town of Chester, 1523 N.H. 577, 581 (2005). It looks at whether the variance would “alter the essential character of the locality,” whether it would “threaten public health, safety or welfare,” or “violate basic zoning objectives.” Here, the house is already within the road setback, and is so because of the topography of the lot, which steeply descends immediately behind the house to the river. This house is at the end of the public road before it turns to Class VI.

2. The Spirit of the Ordinance is observed:

The stated purposes of the Jackson Town Ordinance is to: “(1) preserve and promote the health, safety and general welfare of the Town of Jackson; (2) maintain and enhance the economic health of the Town; and (3) Provide adequate social and municipal services for the townspeople; all in a manner consistent with preserving the cultural heritage and the rural village character of the Town, while managing land use and regulating development to ensure wise stewardship of the Town’s natural resources” Ordinance, at 1.2. This project would not change the essential character of the neighborhood. It is in the same place; and is consistent with its surroundings.

3. Granting the variance would do substantial justice because:

The NH Supreme Court has indicated that the grant of a variance will achieve “substantial justice” if, in the absence of the variance, there would be a loss to the property owner that is not outweighed by a gain to the general public. Farrar v. City of Keene, 158 N.N. 684 (2009). Here, the loss to the property owner if they could not build would be significant – they are growing the home to fit the needs of their family, and would otherwise need to move.

Conversely, there is no cognizable harm to the general public from the grant of this variance – there is no extension further into the setback, and in fact, the new home will enhance the character of the neighborhood.

4. For the following reasons, the values of surrounding properties would not be diminished:

This project is designed in keeping with the finest of surrounding homes. If at all, this project will increase the value of surrounding properties. Certainly, no diminution in any value will arise from this project. It is no closer to the road, and will be a new home in the place of an older home.

5. Owing to the special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

A. No fair and Substantial Relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

This application is for an area variance for an encroachment into the 50' road setback; where the existing footprint is actually closer to the road. The topography of this specific lot, which falls away steeply immediately at the back of the existing home, and the narrow, long shape of the lot, provides a very limited appropriate building envelope, and limited space for septic components. With the existing septic and footprint, the only place for reasonable expansion is where the applicant's have placed the expansion – within the setback but further away from the road from the existing footprint.

In the case of this project, the rights of others will not be negatively affected; and the project should and will promote the same goals as promoted by the Ordinance. The general purpose of the ordinance, to promote the general welfare while retaining the essential character of the Town of Jackson, can and will be met while allowing this slight variance from an area provision.

B. The Proposed Use is a reasonable one because:

The proposed use is residential and is allowed by the Ordinance.

<b>List of Abutters</b>	<b>Address</b>	<b>Tax Lot No.</b>
David L. and Jane C. Moran	1351 Constitution Avenue Washington, DC 20002	R13, 11
David L. and Jane C. Moran	1351 Constitution Avenue Washington, DC 20002	R13, 13
Alice Nichols McLane	PO Box 63 Jackson, NH 03846	R13, 12
Barbara F. Feeney, et al Trustee Hewitt Mountain House Trust	PO Box 399 Mahone Bay, Nova Scotia Canada, B0J 2E0	R13, 15
John Williams, Trustee Heaven Mountain Realty Trust	152 Seneca Drive Noank, CT 06340	R13, 17
Mark J. and Susan L. Ross-Parent	PO Box 541 Jackson, NH 03846	R12, 146
W. Scott and Margaret Slade Winfield Scott Slade, III	PO Box 127 North Marshfield, MA 02059	R12, 147
Daniel A. and Theresa A. Connolly	8 Pine Cove Drive Barrington, RI, 02806	R12, 162
E. Allen and Joanne D. Brooks Brooks Revocable Trust of 2008	PO Box 507 Jackson, NH 03846	R12, 164



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Winfield Scott Slade, III  
PO Box 127  
North Marshfield, MA 02059

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# TOWN OF JACKSON

## OFFICE OF THE SELECTMEN

November 8, 2018

Gwen E & Steven Vosburgh  
251 Green Hill Road  
Jackson, N.H. 03846

RE: Building Permit Denial Map R13 Lot 14

Dear Gwen & Steven

I recently received and reviewed your building permit application for the construction of a 34' X 34' new house located at 251 Green Hill Road in Jackson, NH. I am denying your building permit according to the zoning rules in the Town of Jackson Zoning Ordinance, Section 4.3.1.2 Setbacks:

***4.3.1.2 Setbacks (amended 3/8/2005, 3/10/2015, 3/8/2016)***

***No building, structure, porch, or portion thereof shall be located on a lot nearer any lot line, year-round stream or body of water than the minimum setback set forth below:***

- 1) From the center line of the traveled way of any public or Private Road: Fifty (50) feet.***
- 2) From any abutter property line, or sideline of any public or private road that does not provide access to the lot: Twenty Five (25) feet.***
- 3) From the near bank of any year-round stream or body of water: Fifty (50) feet.***

Please review the Zoning Ordinance at:

<https://www.jackson-nh.org/board-adjustment/pages/zoning-ordinance>

In issuing the denial of a building permit this presents you with the opportunity to apply to, and seek relief through an application to, the Zoning Board of Adjustment. If you decide to appeal my decision, the application to the Zoning Board of Adjustment must be submitted within thirty days of this notice of denial.

Please contact Frank Benesh, Chair of the Zoning Board of Adjustment, at 603-383-8229. He would be the person to obtain an application to that Board.

Thank you,

Kevin Bennett  
Jackson Building Inspector

Cc Frank Benesh/ZBA



R-13-14  
~~R-13-14~~

015700

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that RUTH M. WILLIAMS, with a mailing address c/o Kenneth Williams, P. O. Box 638, Conway, New Hampshire 03818, for consideration paid, GRANTS TO STEVEN J. VOSBURGH and GWEN E. GARLAND, as tenants in common, and not as joint tenants, with a mailing address of P. O. Box 2364, North Conway, New Hampshire 03860, with WARRANTY COVENANTS,

STATE OF NEW HAMPSHIRE  
TAX COLLECTOR  
OFFICE OF REAL PROPERTY  
COMMISSION  
U.S.A. 78-0  
945.00  
DEC-70  
10579  
15620

*Mr. James P. O'Neil*

A certain tract or parcel of land situated in Jackson, Carroll County, State of New Hampshire, with the buildings thereon, bounded and described as follows:

Beginning at an iron post set in the ground at the southerly side of the Green Hill Road, and thence running South 9 degrees 15 minutes East, 330 feet, more or less, to an iron pipe set in the ground at land formerly of Hundt and formerly of the late Hazel Main; thence South 52 degrees 15 minutes East by said premises formerly of Hundt and formerly of the late Hazel Main, 262 feet, more or less, to the Great Brook; thence in a generally northerly and northeasterly direction, by said Great Brook, as it trends, to the point where said Great Brook divides into three channels; thence following the most easterly of said channels to the point where said three channels have united again into a single course of said Great Brook; thence following said Great Brook, as it trends, to said Green Hill Road; thence from said intersection of Great Brook and said Green Hill Road, in a generally westerly direction by said Green Hill Road approximately 600 feet, more or less, to the point of beginning.

Meaning and intending to convey the balance of the premises conveyed to Mary Abbott Gallant and Albert G. Gallant as joint tenants with rights of survivorship, and not as tenants in common, by deed of Mary Abbott Gallant, dated August 27, 1953, and recorded in the Carroll County Registry of Deeds, Book 350, Page 456. The said Mary Abbott Gallant predeceased Albert G. Gallant as more particularly appears in the records of the Carroll County Registry of Probate. Albert G. Gallant devised the within described premises to the within grantor as more particularly appears in the Carroll County Registry of Probate, Packet No. 18,933.

The within grantor is single.  
EXECUTED this 12th day of December, 1990.

*Ruth M. Williams*  
RUTH M. WILLIAMS



STATE OF NEW HAMPSHIRE  
COUNTY OF CARROLL, SS.

The foregoing instrument was acknowledged before me this 12th day of December, 1990, by RUTH M. WILLIAMS.

*Susan C. Hoyle*  
NOTARY PUBLIC

My commission expires: 5-13-92

RECEIVED  
CARROLL COUNTY  
REGISTRY

1990 DEC 12 PM 3:23

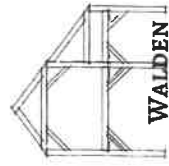
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*John J. Johnson, Deputy*

014769-651

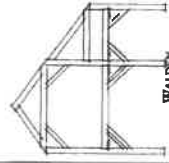
# Vosburgh Residence Jackson, NH

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A-3	ELEVATIONS
A-4	ELEVATIONS
A-5	ELEVATIONS
A-6	FLOOR PLAN
A-7	FLOOR PLAN
F-1	FOUNDATION PLAN



**WALDEN  
TIMBERWORKS**

PO BOX 1914  
NORTH CONWAY, NH  
03860  
WALDENTIMBERWORKS.COM



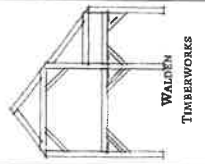
**WALDEN  
TIMBERWORKS**

PROJECT  
Vosburgh  
Residence

ISSUED  
August 15,  
2018

Gwen & Steve Vosburgh  
Jackson, NH

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860



Walden  
TIMBERWORKS

PROJECT  
Vosburgh  
Residence

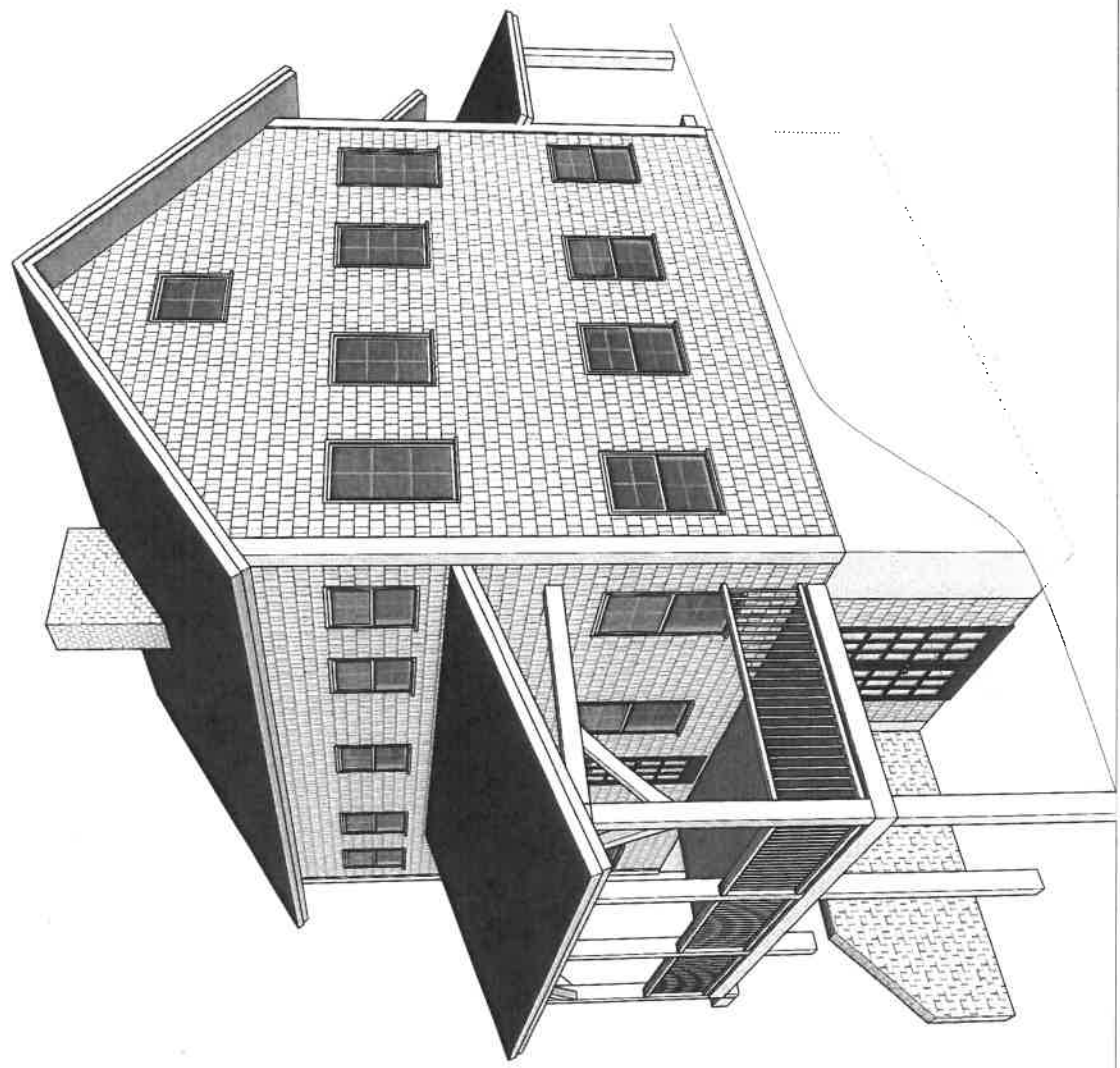
ISSUED  
August 15,  
2018

Gwen & Steve Vosburgh  
Jackson, NH

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

A-1

1  
A1  
Isometric  
Scale: 1/8" = 1'-0"



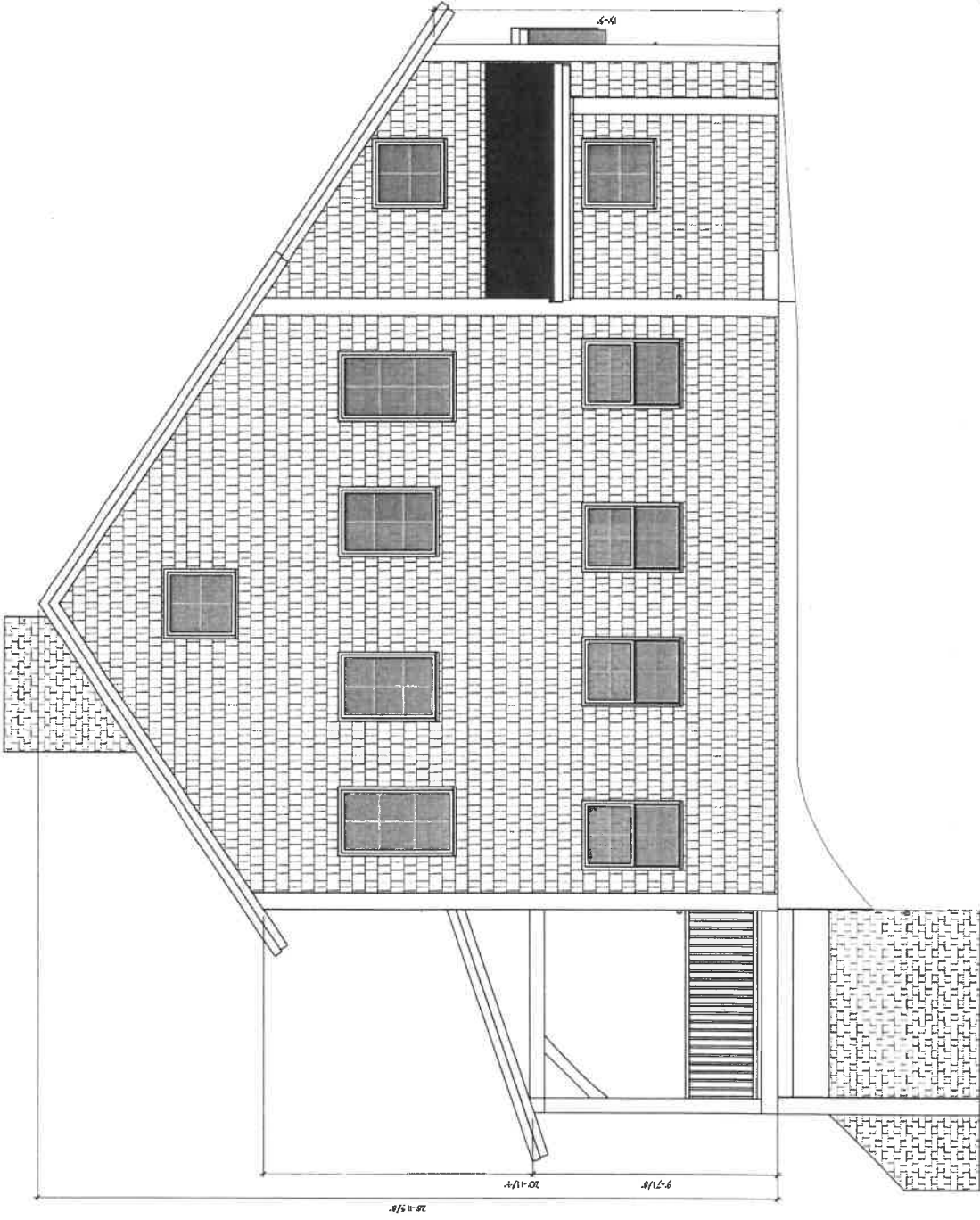
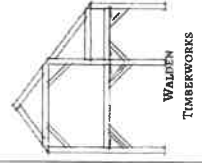
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Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

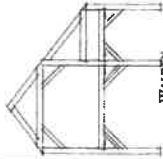
Gwen & Steve Vosburgh  
Jackson, NH

ISSUED  
August 15,  
2018

PROJECT  
Vosburgh  
Residence



Front elevation (street side)  
A2  
Scale: 1/2" = 1'



WALDEN  
TIMBERWORKS

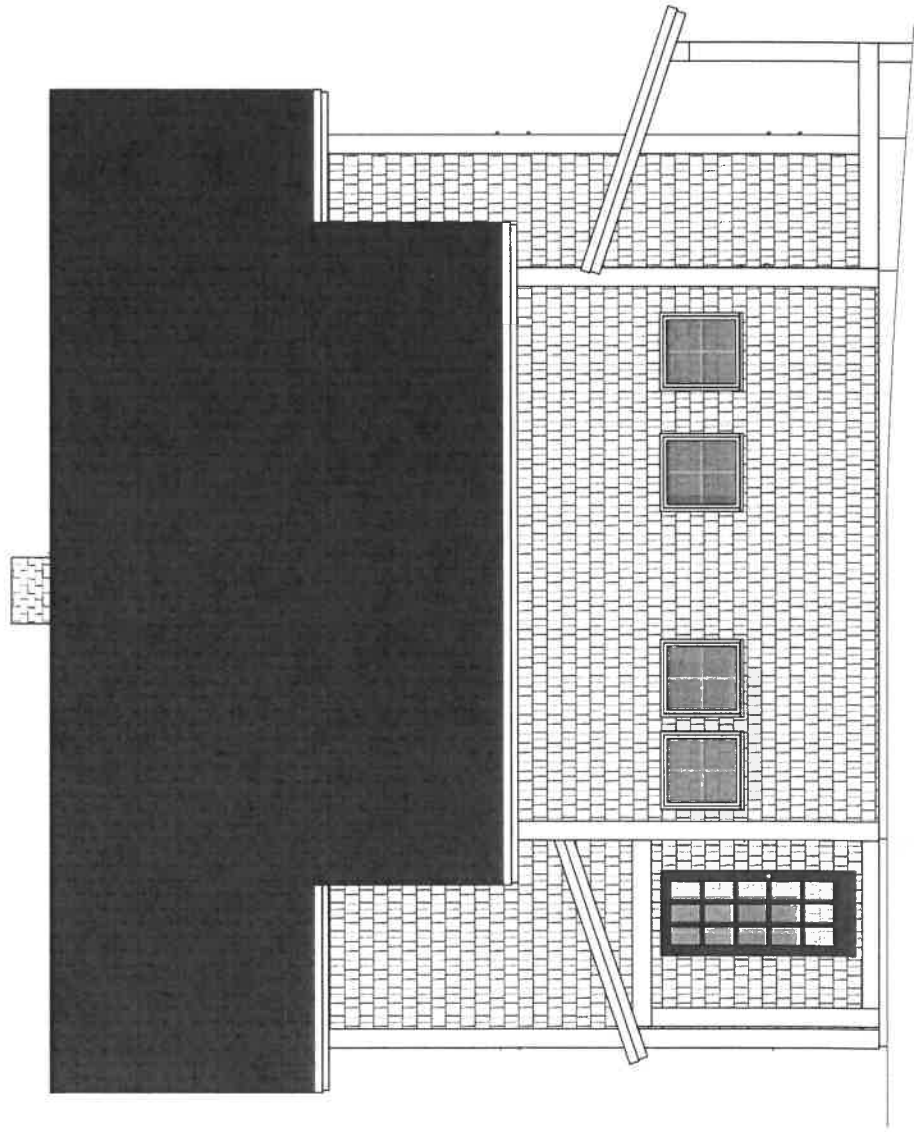
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Vosburgh  
Residence

ISSUED  
August 15,  
2018

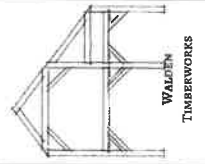
Gwen & Steve Vosburgh  
Jackson, NH

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PO BOX 1914  
North Conway, NH  
03860

A-3



1 Split Section  
A3 Scale: 1/2" = 1'



WALDEN  
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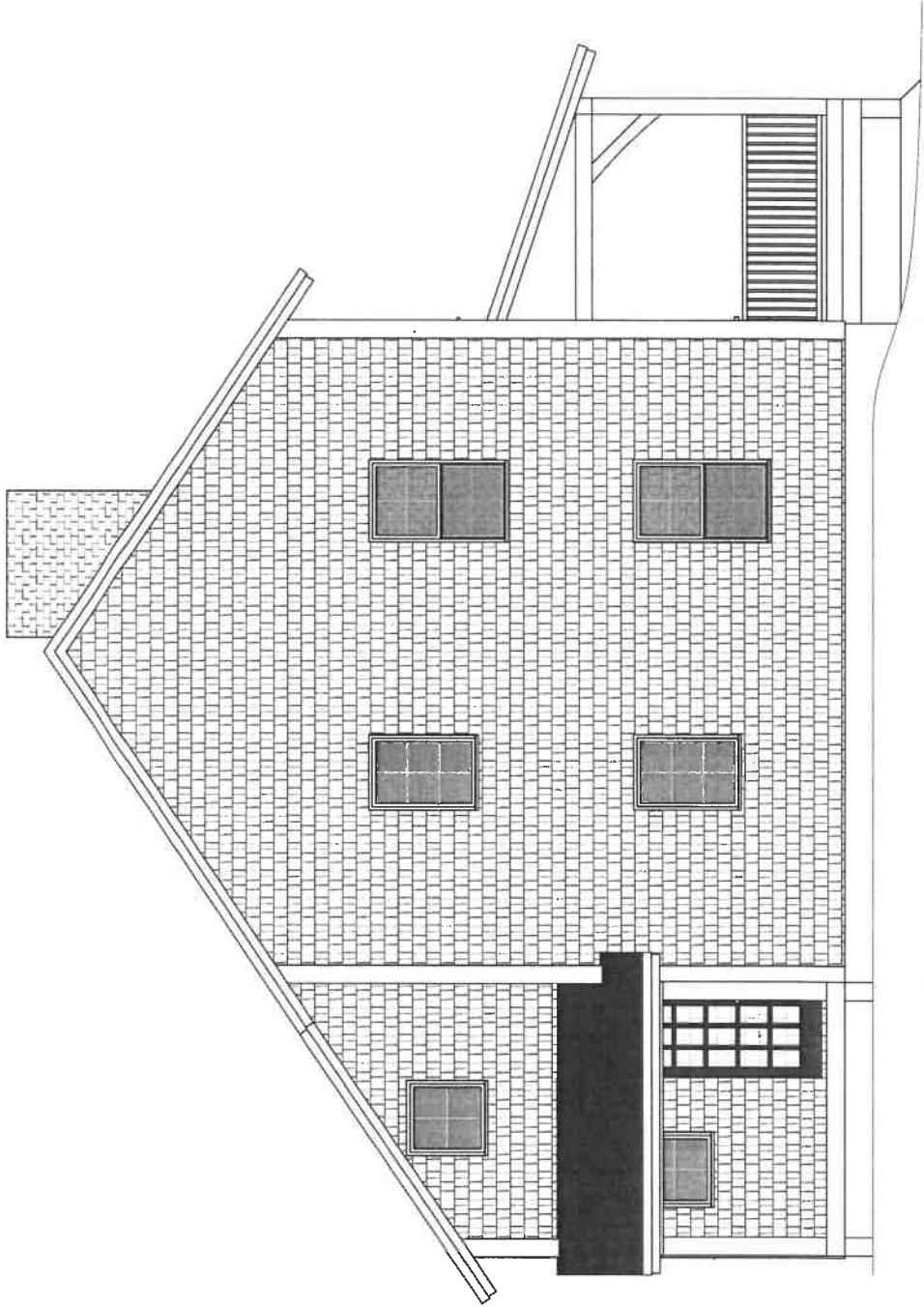
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Residence

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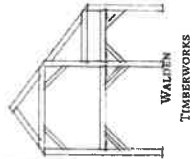
Gwen & Steve Vosburgh  
Jackson, NH

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A-4



1 Rear Elevation  
A2 Scale: 1/2" = 1'



WALDEN  
TIMBERWORKS

PROJECT  
Vosburgh  
Residence

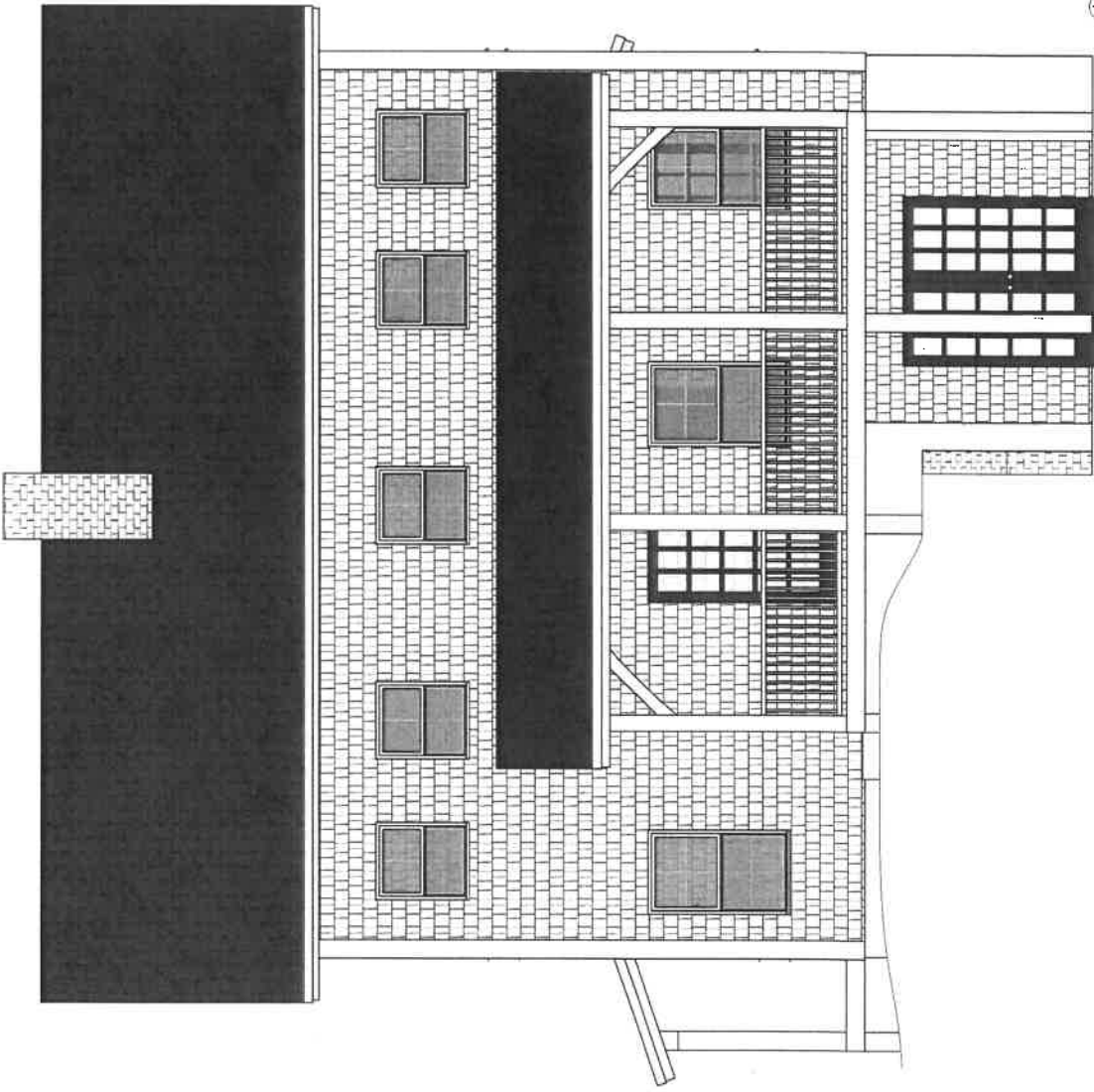
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August 15,  
2018

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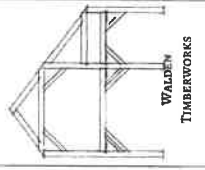
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PO BOX 1914  
North Conway, NH  
03860

A-5

1 Left Elevation  
23 Scale: 1/2" = 1'







WALDEN  
TIMBERWORKS

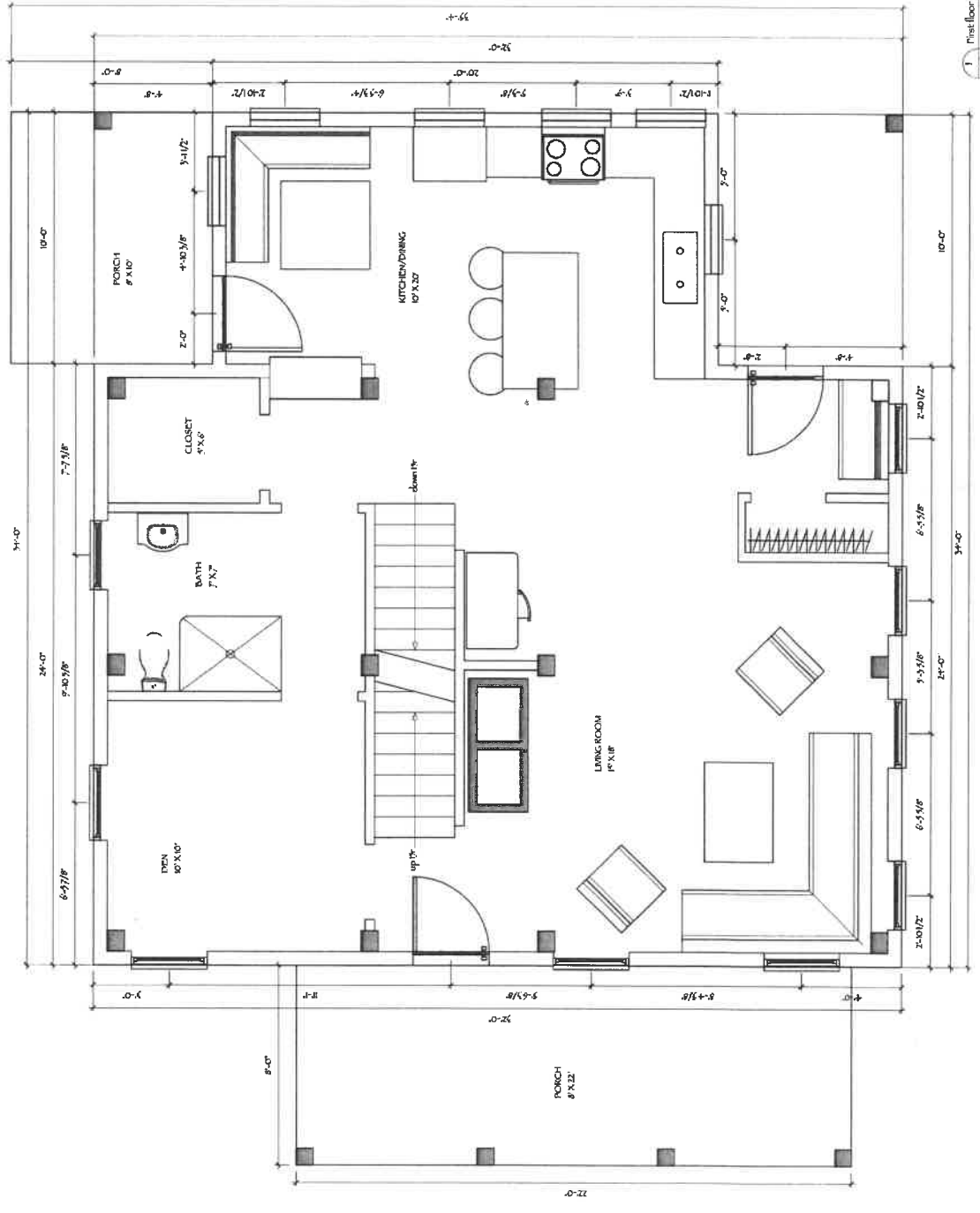
PROJECT  
Residence  
Vosburgh

ISSUED  
August 15,  
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Gwen & Steve Vosburgh  
Jackson, NH

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

A-6

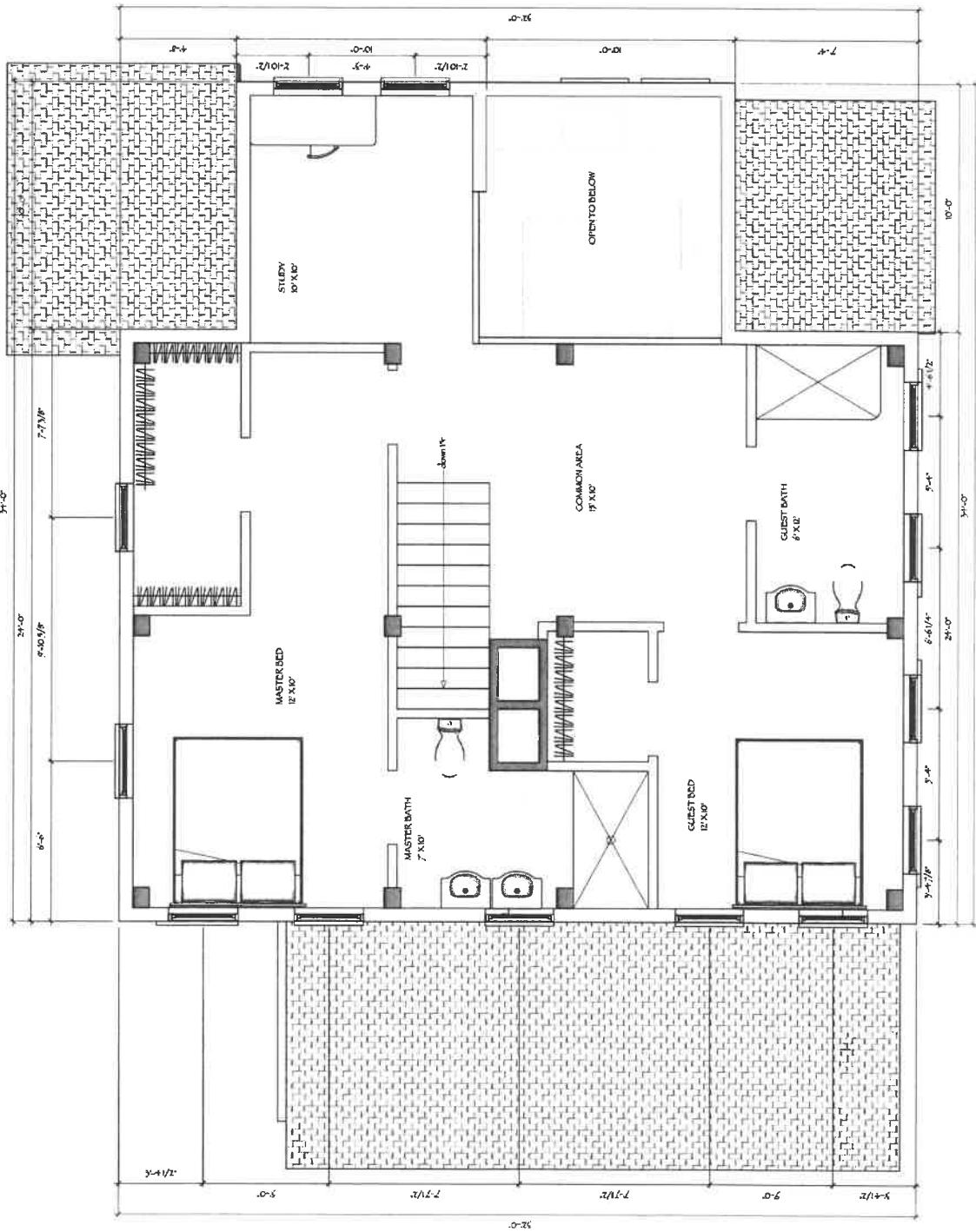
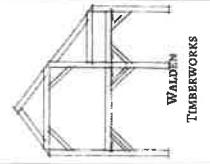


Walden Timberworks  
PO BOX 1914  
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03860

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Jackson, NH

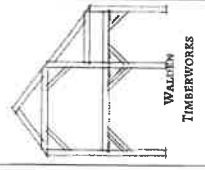
ISSUED  
August 15,  
2018

PROJECT  
Vosburgh  
Residence



1 Second floor plan  
AY Scale: 1/2" = 1'

street side



WALDEN  
TIMBERWORKS

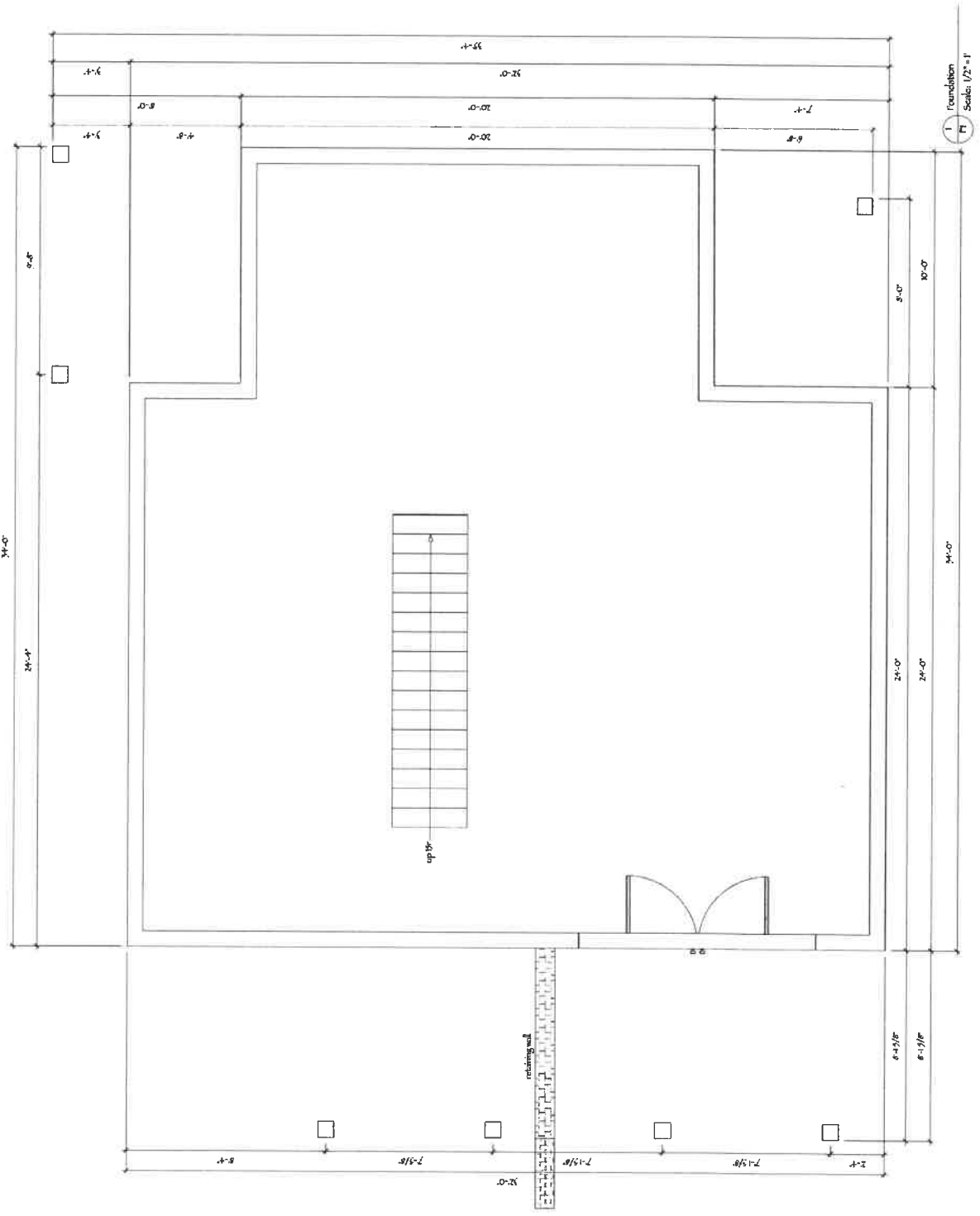
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Vosburgh  
Residence

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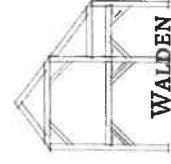
1-1



# Vosburgh Residence Jackson, NH

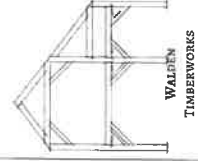
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PROJECT  
Vosburgh  
Residence

ISSUED  
August 19,  
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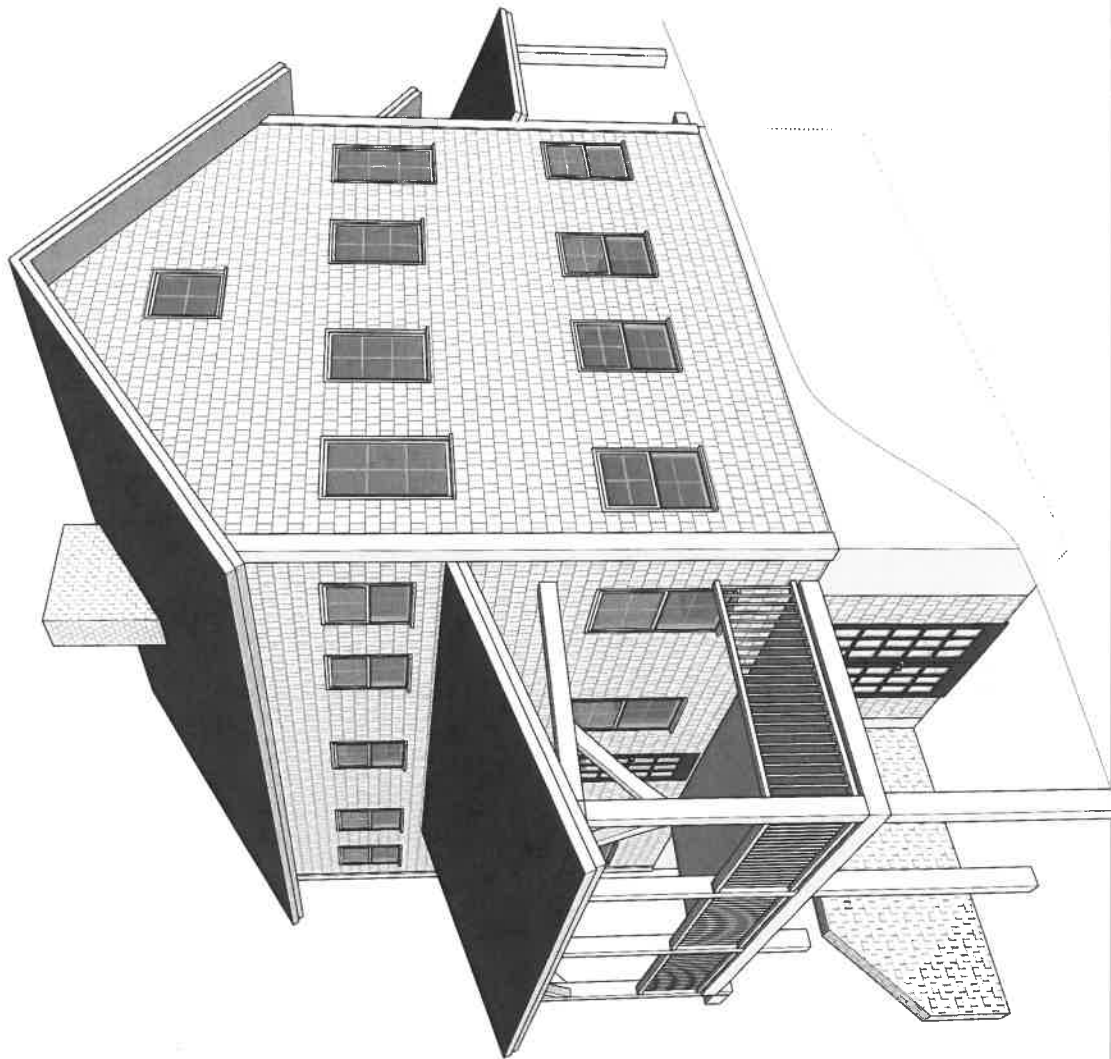
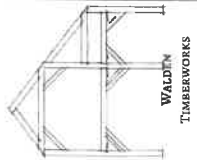
A-1

Walden Timberworks  
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North Conway, NH  
03860

Gwen & Steve Vosburgh  
Jackson, NH

ISSUED  
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2018

PROJECT  
Vosburgh  
Residence



1 Metric  
A1 Scale: m

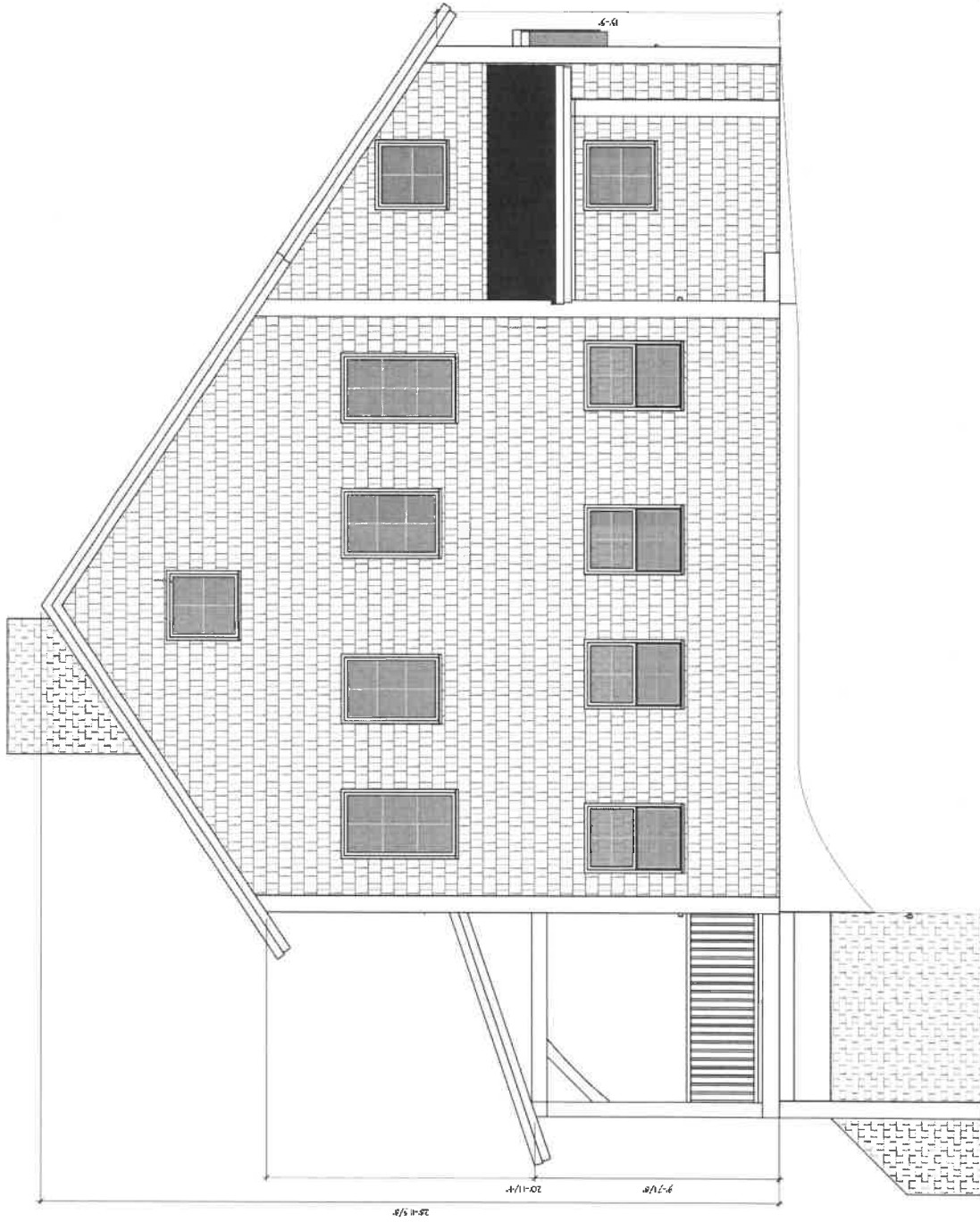
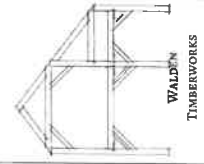
A-2

Walden Timberworks  
PO BOX 194  
North Conway, NH  
03860

Gwen & Steve Voburngh  
Jackson, NH

ISSUED  
August 15,  
2018

PROJECT  
Voburngh  
Residence



1 Front elevation (Street side)  
A2 Scale: 1/2" = 1'

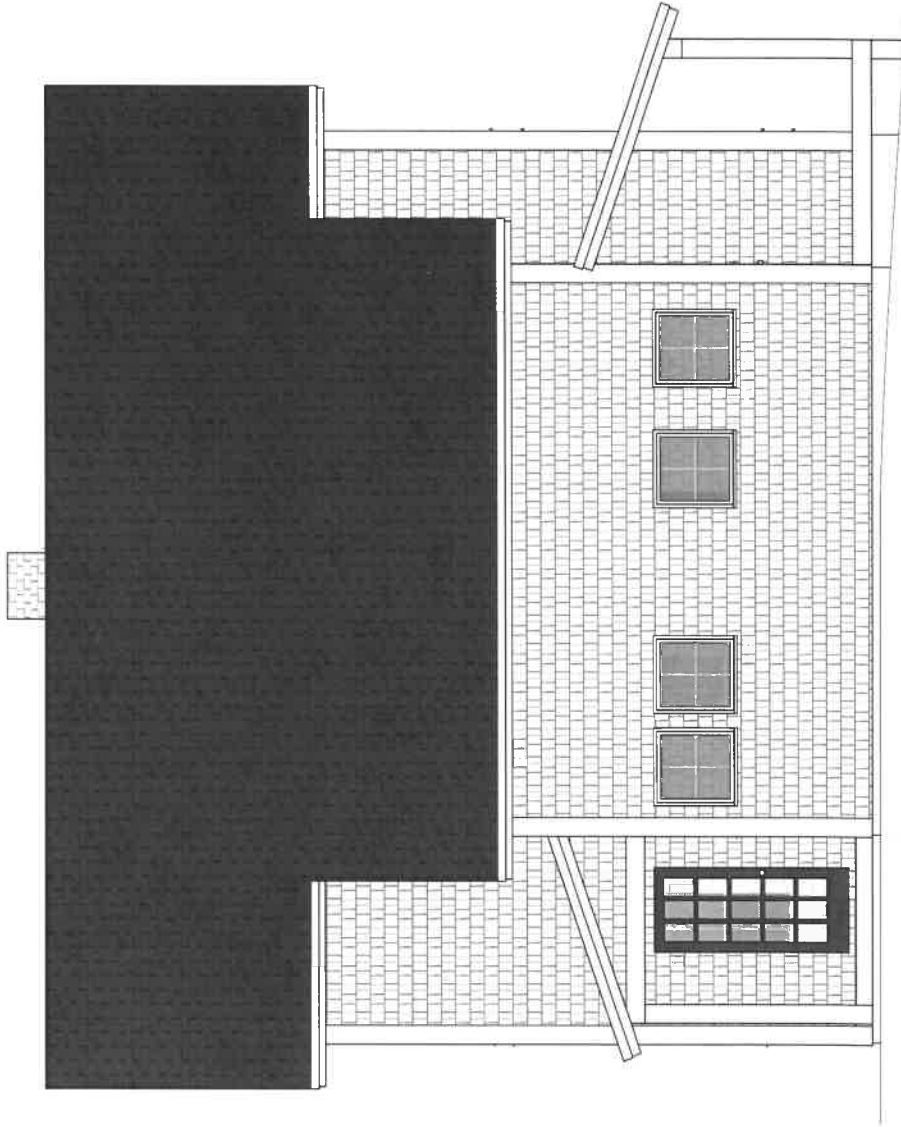
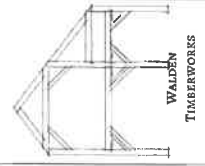
A-3

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

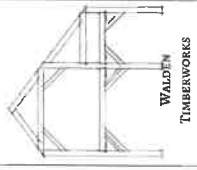
Gwen & Steve Vosburgh  
Jackson, NH

ISSUED  
August 15,  
2018

PROJECT  
Vosburgh  
Residence



1 Right elevation  
A2 Scale: 1/2" = 1'



WALDEN  
TIMBERWORKS

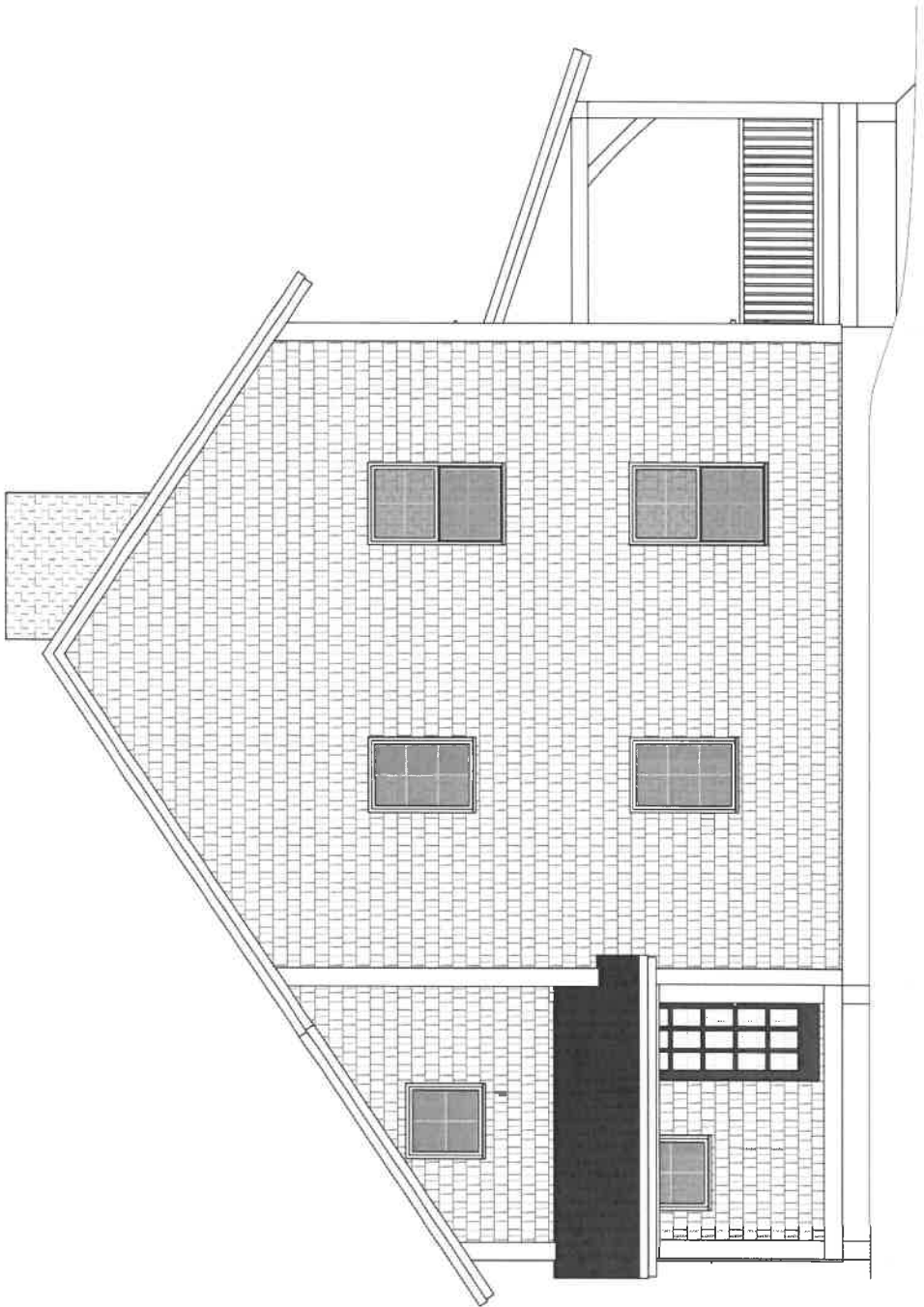
PROJECT  
Vosburgh  
Residence

ISSUED  
August 15,  
2018

Gwen & Steve Vosburgh  
Jackson, NH

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

A-4



1 Rear Elevation  
A2 Scale: 1/2" = 1'



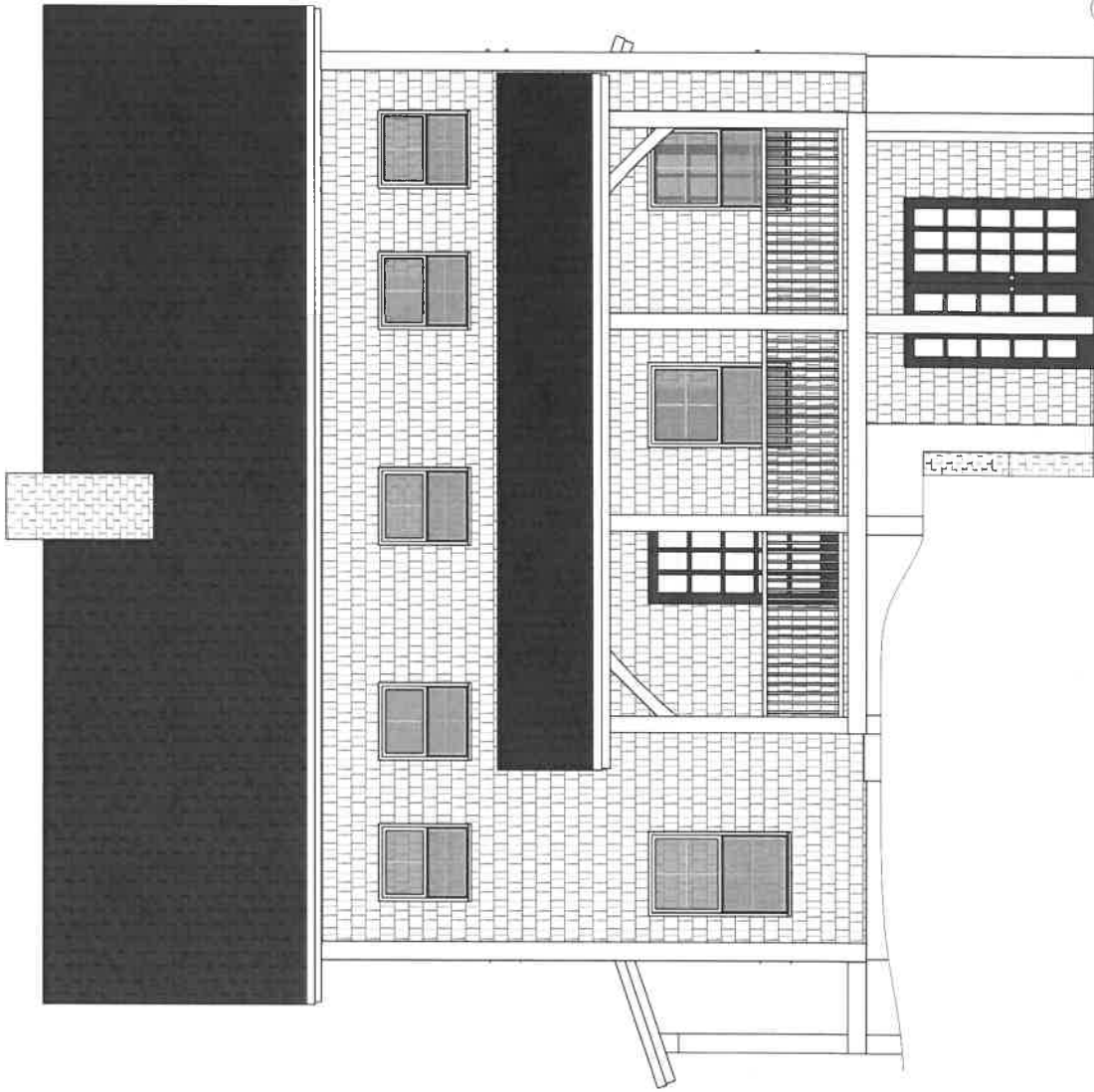
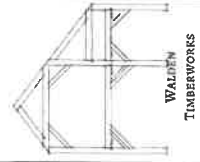
A-5

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

Gwen & Steve Vosburgh  
Jackson, NH

ISSUED  
August 15,  
2018

PROJECT  
Vosburgh  
Residence



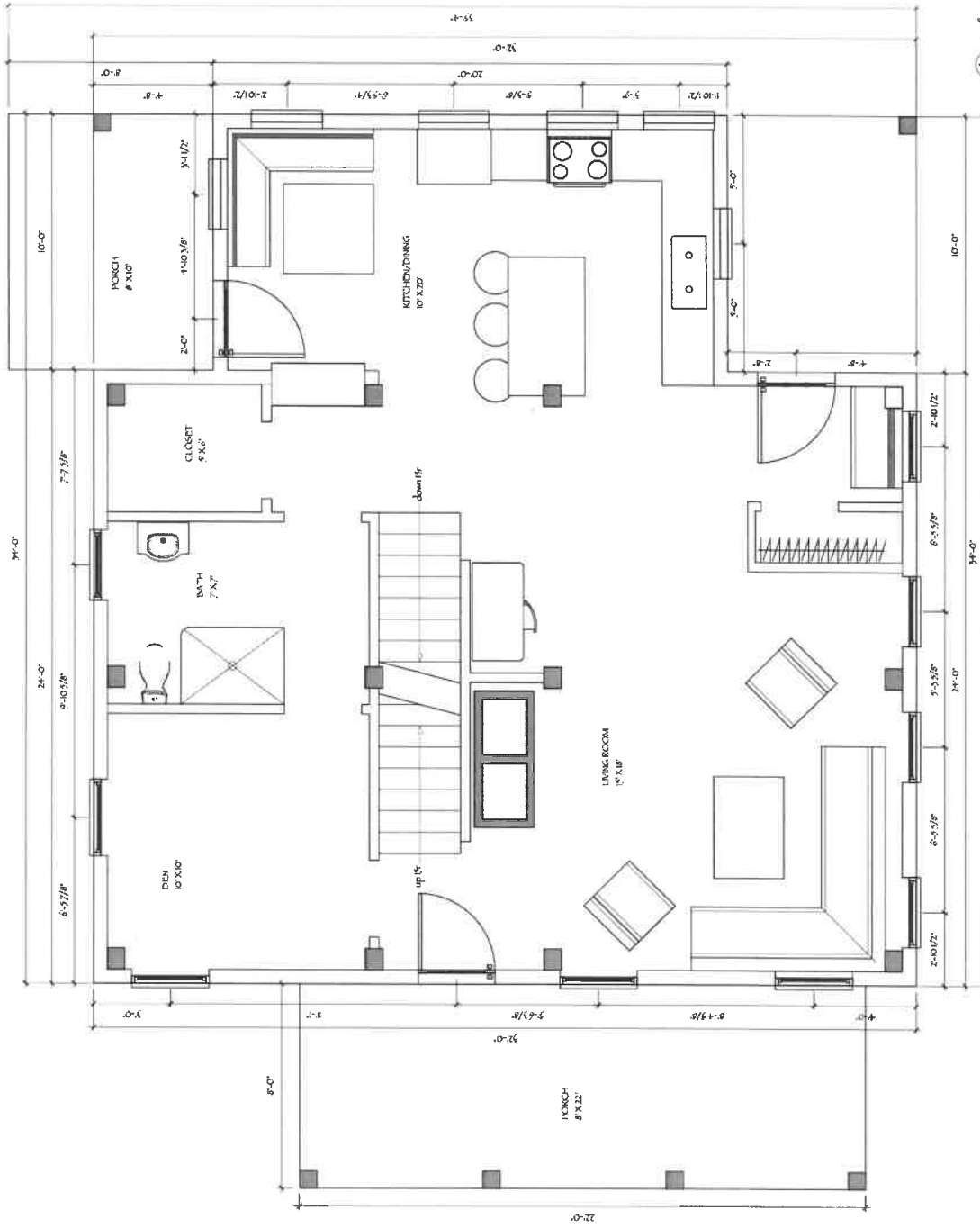
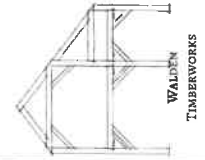
1 Left elevation  
A2 Scale: 1/2" = 1'

Walden Timberworks  
PO BOX 194  
North Conway, NH  
03860

Gwen & Steve Vosburgh  
Jackson, NH

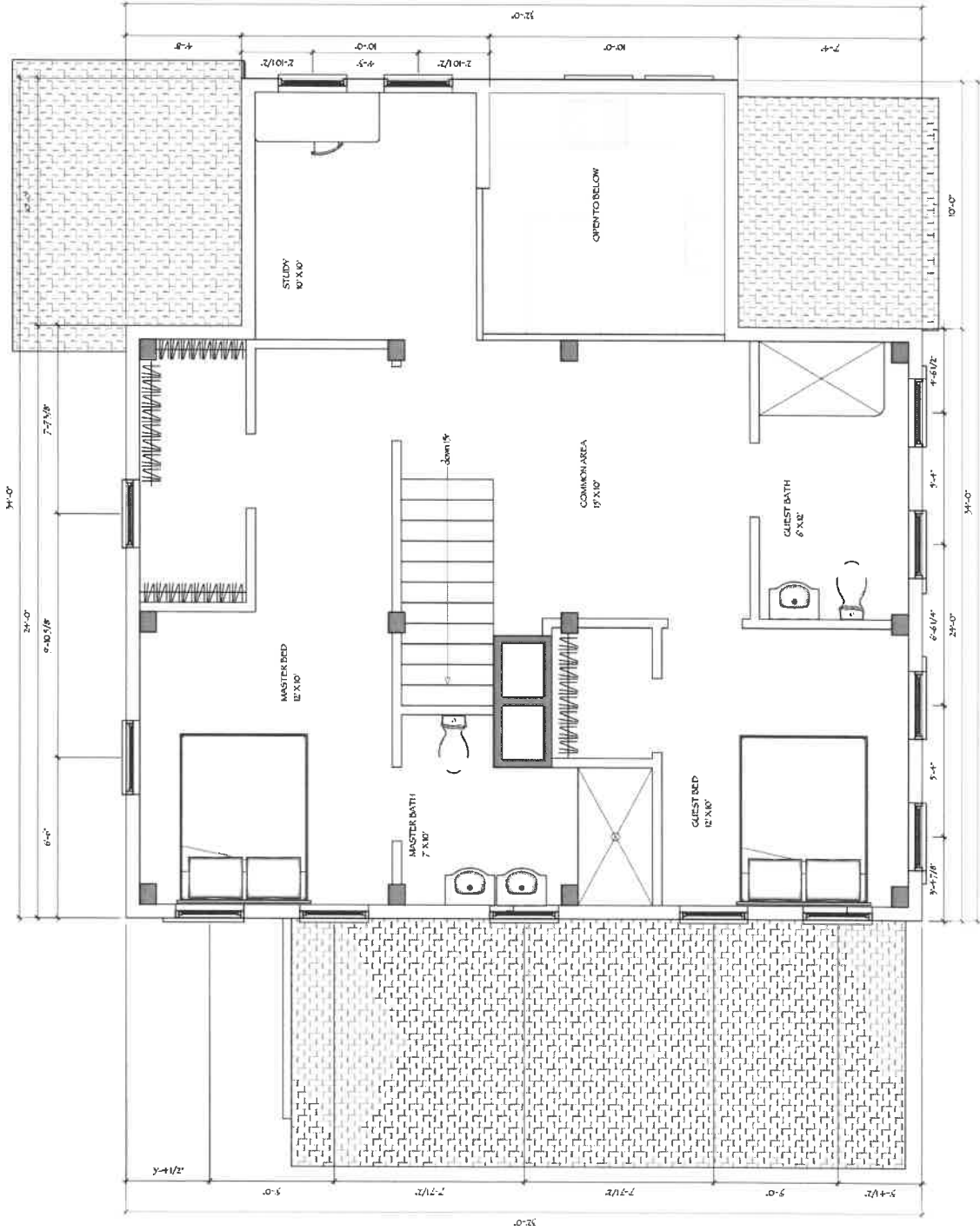
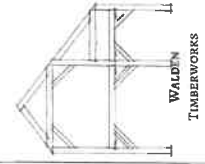
ISSUED  
August 15,  
2018

PROJECT  
Vosburgh  
Residence



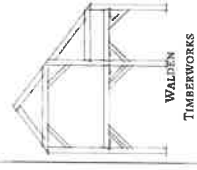
1 First floor plan  
Scale: 1/2" = 1'

street side



Second floor plan  
A7 Scale: 1/2" = 1'

street side



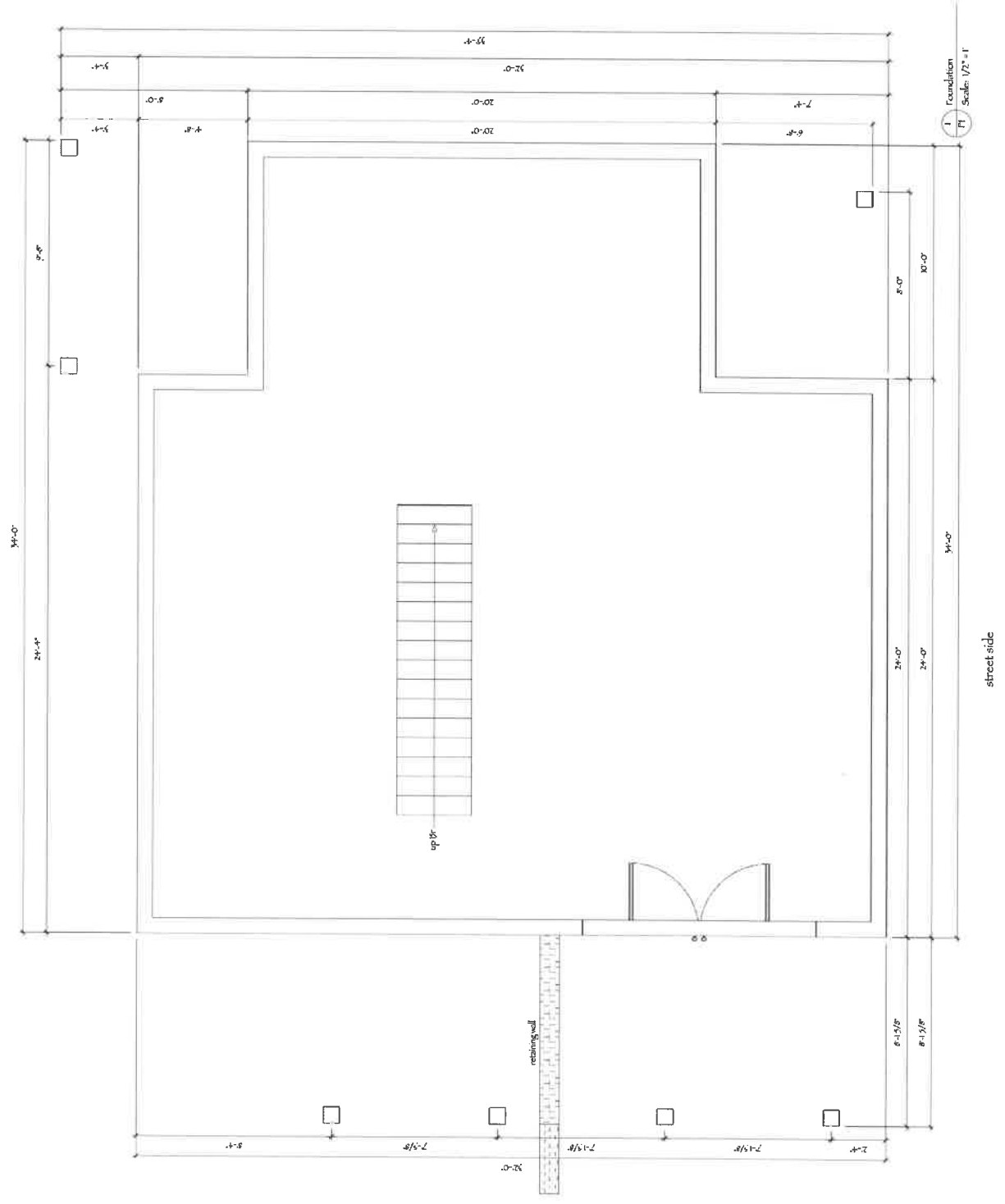
PROJECT  
Residence  
Vosburgh

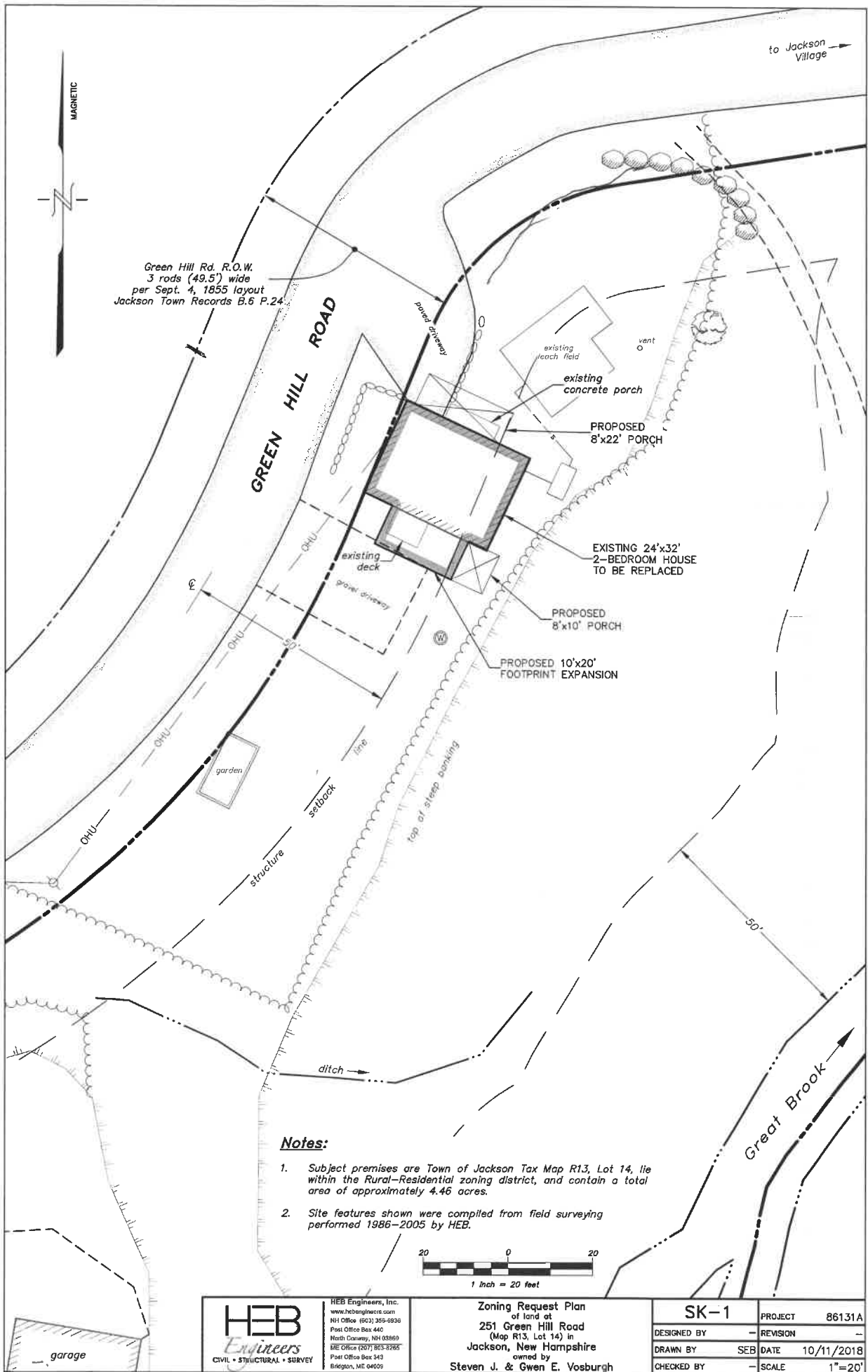
ISSUED  
August 15,  
2018

Gwen & Steve Vosburgh  
Jackson, NH

Walden Timberworks  
PO BOX 1914  
North Conway, NH  
03860

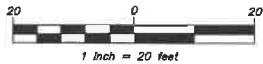
F-1





**Notes:**

1. Subject premises are Town of Jackson Tax Map R13, Lot 14, lie within the Rural-Residential zoning district, and contain a total area of approximately 4.46 acres.
2. Site features shown were compiled from field surveying performed 1986-2005 by HEB.



**HEB**  
Engineers  
CIVIL • STRUCTURAL • SURVEY

HEB Engineers, Inc.  
www.hebingineers.com  
NH Office (603) 359-6936  
Post Office Box 440  
North Conway, NH 03860  
ME Office (207) 803-8285  
Post Office Box 343  
Eliot, ME 04009

Zoning Request Plan  
of land at  
251 Green Hill Road  
(Map R13, Lot 14) in  
Jackson, New Hampshire  
owned by  
Steven J. & Gwen E. Vosburgh

<b>SK-1</b>		PROJECT	86131A
DESIGNED BY	-	REVISION	-
DRAWN BY	SEB	DATE	10/11/2018
CHECKED BY	-	SCALE	1"=20'

**COOPER CARGILL CHANT, P.A.**

**NORTHWAY BANK**

**29846**

**ATTORNEYS AT LAW  
CLIENT EXPENSE ACCOUNT  
2935 WHITE MOUNTAIN HIGHWAY  
NORTH CONWAY, NH 03860**

54-42/117

12/6/2018

PAY TO THE  
ORDER OF **Town of Jackson**

**\*\*75.00**  
\$

Seventy-Five and 00/100\*\*\*\*\*

**DOLLARS**

Town of Jackson

MEMO **#9765.002- Vosburgh, KJT, Application Fee**



*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

Security features included. Details on back.

⑈029846⑈ ⑆011700425⑆ ⑈5342260⑈

**COOPER CARGILL CHANT, P.A. ATTORNEYS AT LAW CLIENT EXPENSE ACCOUNT**

**29846**

Town of Jackson

12/6/2018

**#9765.002- Vosburgh, KJT, Application Fee**

**75.00**

Cash-Client Exp Acct- **#9765.002- Vosburgh, KJT, Application Fee**

**75.00**

**COOPER CARGILL CHANT, P.A. ATTORNEYS AT LAW CLIENT EXPENSE ACCOUNT**

**29846**

Town of Jackson

12/6/2018

**#9765.002- Vosburgh, KJT, Application Fee**

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