

**ZONING BOARD OF ADJUSTMENT**

**MINUTES**

October 5, 2021

**APPROVED:** 11/2/21

**AGENDA:** CONTINUED VARIANCE - 21VAR06: MATTHEW O'NEILL, Lake St., #106-002  
SPECIAL EXCEPTION – 21SPX05: JOHN LITCHFIELD, 67 Browns Beach Rd, #104-139

**ATTENDING:** Alan DeStefano (Chair), Richard LaFlamme (Vice Chair), Larry Denton, Melody Mansur

**ABSENT:** Lorraine Bohmiller, Ashley Dolloff (alternate), Jackie Elliott (alternate)

**OTHER:** Lindsay Thompson (Land Use Administrative Assistant), Denice DeStefano (Land Use Consultant), applicants

Mr. DeStefano opened the meeting with a quorum present. He then explained that there is not a full Board, which could impact the applicant's cases and any applicant would be able to continue their hearing for a full Board to be present if they choose.

**MINUTES OF SEPTEMBER 7, 2021:**

L. Denton made a motion, second by M. Mansur, to approve the minutes as read. The motion carried 4-0.

**CONTINUED VARIANCE: MATTHEW O'NEILL (via phone), Lake Street, #106-002**

Ms. Thompson read the application, the abutters notified, where the hearing was advertised and stated that there is one (1) written response, which is in favor of the proposal.

L. Denton made a MOTION, second by R. LaFlamme, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0.

Mr. O'Neill stated that his direct abutter to the North is the State and to the South is his parents. He explained that the State has no problem with the plan, as noted in the email included in the Board's packets. He wishes to replace the current shed and extend a new one to increase the storage capacity and to eliminate carrying items across the busy street. The extension is placed to be further from the water and more toward his parents' property.

The criteria of the Variance were then reviewed:

1. Not contrary to public interest: It will improve the aesthetics of the Lake and no longer have an old run down shed as is there now. The increased size will compliment the area.
2. Spirit of the Ordinance: The safety of the family will be increased because of the increased storage. It is a small lot, and the closest distance is 11 feet 4 inches, which is owned by the family. Both access gates will not be moved.

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**VARIANCE: MATTHEW O'NEILL (continued):**

3. Substantial Justice: The extra storage will be a huge help to the family. The owner has young children and having them cross the street carrying items is dangerous as their house is on the other side of the road.

4. Values of surrounding properties are not diminished: The current shed is in terrible shape and will be replaced with a modern one, which will only increase the value around them.

5. Unnecessary hardship:

5AI. No substantial relationship between the general public and application of the provision to the property: The shed will not hinder a view or be an eyesore to the public.

5AII. Reasonable use: It will reduce the chances of an accident on the road which is a busy street with folks driving 50 mph. It improves a big safety issue by increasing storage by the water.

5B. Special conditions of the property: It will increase storage so that items will not have to be carried across the busy street. Safety is the issue and an increase of 6 feet wider and 4 feet longer will help.

When asked, Mr. O'Neill stated that his kids are 13, 11, and 5. They walk across the street from the property located directly across from the shed. The property was built in 1975 and the speed has changed. The shed was built in 1953 and needs replacing.

The public was asked for input and there was none. The public portion of the meeting was closed.

The Board then voted on the criteria:

1. The new shed will improve the aesthetics; it will compliment the area. R. LaFlamme made a MOTION, second by M. Mansur, to APPROVE CRITERIA #1. The motion CARRIED 4-0.

2. For the safety of the family the increased storage will reduce the danger crossing the road. The closest boundary will be 11 feet 4 inches, which is owned by the family. Access gates will not be removed. L. Denton made a MOTION, second by R. LaFlamme, to APPROVE CRITERIA #2. The motion CARRIED 4-0.

3. The extra storage will be a huge help to the property owner's family so that they do not have to carry items across the busy street. R. LaFlamme made a MOTION, second by M. Mansur, to APPROVE CRITERIA #3. The motion CARRIED 4-0.

4. The current shed is in terrible shape and will be replaced by a modern one, which will increase the values around them. M. Mansur made a MOTION, second by L. Denton, to APPROVE CRITERIA #4. The motion CARRIED 4-0.

5AI. The new shed will not hinder any view or be an eyesore to the public. L. Denton made a MOTION, second by M. Mansur, to APPROVE CRITERIA 5AI. The motion CARRIED 4-0.

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#### **VARIANCE: MATTHEW O'NEILL (continued):**

5All. It will reduce the chances of an accident by storing items by the water. R. LaFlamme made a MOTION, second by M. Mansur, to APPROVE CRITERIA 5All. The motion CARRIED 4-0.

5B. To increase storage to eliminate carrying items across the busy road. L. Denton made a MOTION, second by R. LaFlamme, to APPROVE CRITERIA #5B. The motion CARRIED 4-0.

R. LaFlamme made a MOTION, second by M. Mansur, to GRANT THE VARIANCE FOR MATTHEW O'NEILL. The motion CARRIED 4-0.

#### **SPECIAL EXCEPTION: JOHN LITCHFIELD, 67 Browns Beach Rd, #104-139**

Ms. Thompson read the application, abutters notified, where the hearing was advertised. No comments were received from the public or Department Heads. L. Denton made a MOTION, second by M. Mansur, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0.

Mr. Litchfield explained that the plan is to tear down the current garage and build one that is 2.5 feet higher. When questioned, Ms. Thompson explained that the rear of the garage is 14 feet high and the front is 21 ½ feet high, which Ms. Goodwin calculated the average height to be 17.75 feet. Mr. Litchfield discussed eventually adding living space to the garage. Mr. DeStefano questioned whether the living space would be allowed unattached, and Mr. Litchfield stated the intent was to attach the garage to the existing home. Mr. Litchfield also stated that he turned the garage so the impact to anyone's view was minimized.

There were no public comments, so the public portion of the meeting was closed.

L. Denton made a MOTION, second by M. Mansur, to VOTE THE CRITERIA IN ONE (1) VOTE. The motion CARRIED 4-0.

L. Denton made a MOTION, second by M. Mansur, to APPROVE THE SPECIAL EXCEPTION FOR JOHN LITCHFIELD. During the discussion of the motion, Mr. DeStefano made a MOTION, second by L. Denton, to AMEND THE MOTION TO MAKE THE APPROVAL SUBJECT TO NO LIVING SPACE ABOVE THE GARAGE UNTIL SUCH TIME AS THE ZONING ORDINANCE REQUIREMENTS ARE MET BY ATTACHING THE GARAGE TO THE HOUSE. Both the approval and amended motion CARRIED 4-0.

#### **EQUITABLE WAIVER INSTRUCTIONS AND APPLICATION:**

Ms. DeStefano presented the new instructions and application for Equitable Waiver along with RSA 674:33-a, which addresses Equitable Waivers. The Board reviewed all of the documents presented and held a short discussion.

R. LaFlamme made a MOTION, second by M. Mansur, to ADOPT THE DOCUMENTS AS PRESENTED. The motion CARRIED 4-0.

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**NEXT MEETING:**

The next meeting of the Zoning Board is scheduled for November 2, 2021, at 6:00pm. There are no cases yet, but applicants have until October 15, 2021, to apply.

With no other items to discuss, R. LaFlamme made a MOTION, second by M. Mansur, to ADJOURN AT 6:55pm. The motion CARRIED 4-0.

Respectfully submitted,  
Jan Laferriere  
Land Use Associate