

**Zoning Board of Adjustment
Minutes
August 2, 2022**

APPROVED: 8/23/22

AGENDA: 22SPX05 – Norm Hebert – 166 Hemphill Road - #215-003 – CONTINUED TO 9/6/22
22SPX06 – Rite Aid of New Hampshire Inc. – 360 Summer Street - #223-081
22SPX07 – John Litchfield – 67 Browns Beach Road - #104-139

ATTENDING: Alan DeStefano (Chair), Richard LaFlamme (Vice Chair), Larry Denton, Lorraine Bohmiller, and Melody Mansur (Zoom)

ABSENT: Ashley Dolloff (alternate)

OTHERS: Christina Goodwin (Land Use Manager), Denice DeStefano (Acting Land Use Administration Assistant, Applicants)

Alan DeStefano called the Zoning Board (ZBA) meeting to order with full quorum at 6:01 PM.

22SPX05 – NORM HEBERT – 166 HEMPHILL RD - #215-003

At the request of the applicant the Board considered continuation of the hearing for this application. Mr. Denton motioned to continue the 22SPX05 hearing to September 6, 2022. Ms. Bohmiller seconded. The motion carried 5-0-0.

22SPX06 – RITE AID OF NH, INC. – 360 SUMMER STREET - #223-081

Mr. DeStefano opened the hearing for this application and asked Ms. Goodwin to read the application into the record. Ms. Goodwin read the application, the abutters notified, and where advertised. There were no comments received from the abutters or the public. A comment was received from the Fire Department regarding the location of containers and any future changes.

Mr. DeStefano opened the review of the application for completeness for discussion with the Board. Ms. Mansur asked for a clarification regarding the location of the storage container on the Rite Aid Site Plan as two (2) different locations were noted. She wanted to be sure the location of these was the location being discussed at this hearing. Ms. Morin showed the Board the correct plan, which was included in the Board packets. Mr. LaFlamme motioned to accept the application 22SPX06 as complete. Mr. Denton seconded. The motion carried 5-0-0.

Mr. DeStefano asked applicant's representative Tina Morin to present the plans and reasons for the Special Exception. Ms. Morin stated that Rite Aid had a need for seasonal storage onsite and the containers have been in use for the seven (7) years that she has been Manager. No previous permits had been issued to the placement of the containers onsite, so this application was to meet those requirements. She stated the main reasons for where containers are placed had to

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do with runoff issues from store roof, parking areas, and need for protection of inventory. She continued with comments that there is no impact to traffic, patron or public safety with the continuance of use of the containers onsite. Mr. DeStefano asked if there were any questions or comments from the Board. Hearing none, he went on to ask if there was anyone present who would like to speak in favor of the application and there were none. He then asked if there was anyone to speak against the application and there were none. With no further public comment Mr. DeStefano closed the hearing at 6:12 PM.

Mr. DeStefano stated that it was the recommendation of Town Counsel that discussion and action for applications be taken in a one questions at a time format. With that said, he began discussion with review of questions and applicant answers.

Question #2 – Re: Specific Site, Size - Mr. Denton motioned that applicant has met this criteria. Ms. Bohmiller seconded. Mr. Denton felt that the reasoning for site placement and use of containers has been reviewed and the best location has been chosen. The motion carried 5-0-0.

Question #3 – Re: Adverse Effect to Character of area - Mr. LaFlamme motioned that this criteria has been met. Ms. Bohmiller seconded. Mr. Laflamme added that there is no new activity or traffic impacts with continued use of the existing storage units. The motion carried 5-0-0.

Question #4 – Re: Nuisance or serious hazard – Board members noted that location of containers is behind the building so no impact. Mr. Denton motioned that this criteria has been met. Ms. Bohmiller seconded. The motion carried 5-0-0.

Question #5 – Re: Undue burden on Town Resources - Mr. Denton motioned that the applicant has met this criteria. Ms. Mansur seconded. Mr. Denton pointed out that application cited it has no impact to services. The motion carried 5-0-0.

Question #6 – Re: No significant effect on public health, safety, and general welfare – Board members commented that units were in use for seven (7) years without any complaints or issues. Mr. Denton motioned that the applicant has met this criteria. Mr. LaFlamme seconded. Mr. Denton added that the applicants cite there is no impact to services. The motion carried 5-0-0.

Mr. LaFlamme motioned to approve the Special Exception, 22SPX06, with inclusion of Fire Department's condition that any change to location be approved by Fire Department relative to building access, clearance from egresses, and clearance from Fire Department connection. Mr. Denton seconded. The motion carried 5-0-0.

Ms. Morin was advised that the Notice of Decision would be signed this week and there is a 30-day appeal period.

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22SPX07 – JOHN LITCHFIELD – 67 BROWNS BEACH ROAD - #104-139

Mr. DeStefano opened the hearing for this application and asked Ms. Goodwin to read the application into the record. Ms. Goodwin read the application, the abutters notified, and where advertised. She stated that there were no comments received from the abutters or the public. A comment was received from the Water/Sewer Department stating that the garage is not currently connected to Town services and applicant would have to comply with regulations and apply for those services if constructing living quarters above garage. Mr. DeStefano clarified that the garage could only include living quarters if it were attached to the existing home. Ms. Goodwin stated that this was a previously approved Special Exception, and the applicant was back due to a change in height and roof line on the garage. Plans were changed from a gambrel to better roof design for space and snow load.

The application was reviewed by the Board. Ms. Bohmiller motioned to accept the application as complete. Mr. Denton seconded. The motion carried 5-0-0.

Mr. DeStefano asked the applicant, John Litchfield, Jr., to present the plans and reasons for his application for a Special Exception. Mr. Litchfield stated that he planned to improve an existing garage with living quarters above and was approved for an increase in height in 2021. Since then, when talking with contractors, it was determined for space and snow load a different roof line and height would be better suited for his plans. He was coming into the Board to get approval for a height increase from 3.5 feet to 5.5 feet.

Mr. Denton stated that as he recalled there was no view to the lake from the garage initially and it had trees around it, so he asked if the increase would cause any site impacts to the view. Mr. Litchfield responded that there would be no impacts to view as a result of the height change. Questions followed with Mr. DeStefano inquiring on how Mr. Litchfield planned to make the garage an attached garage and Mr. Litchfield replied there would be a walkway between the seasonal home to second level of garage. Ms. Bohmiller asked if there would be a septic system upgrade needed for additional living quarters and Mr. Litchfield stated that there is proposed a new septic system. Mr. DeStefano asked if there were any additional questions or comments from the Board. Hearing none, he opened the hearing to anyone present who would like to speak in favor of the application and there were no comments. He then asked if there was anyone to speak against the application and again there were no comments. With no further questions from the public or the Board, the public hearing was closed at 6:30 PM and the Board began deliberations.

Question #2 – Re: Specific Site, Size – Mr. Denton commented that location remained in same spot and the size did not change with the exception of the peak height. Mr. Denton motioned

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that the applicant has met this criteria. Mr. LaFlamme seconded. The motion carried 5-0-0.

Question #3 – Re: Adverse Effect to Character of area – The Board stated the garage was existing, so no impact seen to affect the character. Mr. LaFlamme motioned that the applicant has met this criteria. Ms. Mansur seconded. The motion carried 5-0-0.

Question #4 – Re: Nuisance or serious hazard – none noted by the Board. Mr. Denton motioned that the applicant has met this criteria. Ms. Mansur seconded. The motion carried 5-0-0.

Question #5 – Re: Undue burden on Town Resources - Mr. DeStefano noted that the ZBA has no jurisdiction on living quarters requirements and can only address the height issue. Mr. LaFlamme motioned that the applicant has met this criteria as there are no impact to services. Mr. Denton seconded. The motion carried 5-0-0.

Question #6 – Re: No significant effect on public health, safety, and general welfare – none noted by the Board. Mr. Denton motioned that the applicant has met this criteria. Mr. LaFlamme seconded. The motion carried 5-0-0.

Mr. LaFlamme motioned to approve the Special Exception, 22SPX07, for height extension of roof peak on proposed garage renovations at 67 Brown's Beach Road. Mr. Denton seconded. The motion carried 5-0-0.

Mr. Litchfield was advised that the Notice of Decision would be signed this week and there is a 30-day appeal period.

COMMUNICATIONS:

Ms. Goodwin shared an invitation to the Board from the Newfound Lake Region Association to attend and participate in a Water Shed Project meeting being held October 24 at 6 PM at the Bridgewater Town Hall. She explained that the invitation included information about a grant they received to conduct a new water quality study of the Newfound Lake Watershed. Other Town Boards and Committees also received invitation.

UNFINISHED BUSINESS: none

NEW BUSINESS:

Ms. Goodwin announced staffing changes in the Land Use Department and new hires. She stated that Janet Cote was hired to do Land Use minutes and complete special filing projects. Other

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NEW BUSINESS continued:

positions were expected to be filled in upcoming weeks. In the meantime, she and Denise DeStefano were covering the needs of Land Use Department.

Ms. Goodwin stated that the July 5 minutes would be sent out to the Board members for review and comment.

Ms. Bohmiller stated that she had a neighbor who was heavily impacted by the recent high windstorms and needs to replace a shed that has been on the property since before Zoning. The neighbor wanted to know if they were grandfathered, and therefore, allowed to replace without a permit. Ms. Goodwin stated that they should contact the office stating that it is being replaced due to storm damage, and an allowance letter could be issued if replacement was in exact size and location as before. Ms. Bohmiller stated she would have them contact Land Use.

Mr. Laflamme brought up an email from a resident asking if our sign ordinance could apply to location of political signs. Ms. Goodwin stated that political signs are allowed on private property by State statutes and only signs in public right of ways or on public property were not allowed or able to be enforced by the Town.

NEXT MEETING: The next meeting is scheduled for Tuesday, September 6, 2022. Mr. LaFlamme reported that he could not be present for the next meeting.

With no other business to come before the Board, Mr. LaFlamme motioned to adjourn. Mr. Denton seconded. The motion carried 5-0-0 and the meeting was adjourned at 6:55 PM.

Respectfully submitted,
Janet Cote
Land Use Associate