

ZONING BOARD OF ADJUSTMENT

MINUTES

May 2, 2023

APPROVED: June 6, 2023

AGENDA: 23SPX03 - ROBISON – CRESCENT STREET - #112-016
23SPX05 - ROSE – 35 SILVER SHORES DRIVE - #111-020
23SPX06 – PAPALASKAS – 711 SOUTH MAIN STREET - #227-006
23VAR05 – WOODWARD - 890 LAKE STREET - #216-098-001

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

ABSENT: Lorraine Bohmiller, Ashley Dolloff (Alternate) and John Miller (Alternate)

OTHER: **Staff:** Christina Goodwin (Town Administrator), Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant)
Applicants & Public: Patrick Rose, Russell Hertrich, Leslie Paplaskas, Steve Coffill, Del Woodward, James Robison, and Dennis Woodward (via Zoom)

Chairman Alan DeStefano called the meeting to order at 6:10 pm with a quorum present in the room. He noted that all votes will be done as a roll call as required with members participating via Zoom. He stated that a full board is not seated so applicants on the agenda could ask for a continuance of their cases if they wished. Hearing no requests, Mr. DeStefano moved the Minutes approval to the end of the meeting and moved to hear the cases on the agenda first.

23SPX03 – JAMES ROBISON – CRESCENT STREET - #110-051

Mr. DeStefano asked Ms. Sullivan to read the first case into the record.

Ms. Sullivan read the Special Exception Application 23SPX03 Requesting allowance to keep a storage container on the property for longer than the allowed time limit. She noted notifications to abutters, advertising and postings done as required. She read the names of seven abutters that were notified. She stated that no phone calls or written inquiries were received regarding this application and that Department Heads were notified and no comments were submitted.

Ms. Goodwin asked the applicants to sit at the presentation table so they could be heard and seen via Zoom. She asked other audience members who wished to speak to raise their hands and identify themselves for the record.

Mr. DeStefano then asked the Board to review the application to determine if it was complete. Ms. Mansur motioned to accept the application as complete. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano asked the applicant to give a brief presentation of his application request. Mr. Robison stated he has a shipping container on the property that he used to store family tools and seasonal items. He stated it is necessary to store items not in everyday use. He was asking to make the allowance permanent rather than the 90-day allowed time limit.

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23SPX03 – JAMES ROBISON – CRESCENT STREET - #110-051 – continued

Mr. DeStefano asked the Board if they had any questions for the applicant before his review of the application criteria. Ms. Mansur asked how long Mr. Robison had this on the property. Mr. Robison replied he got the original permit about two years ago. Mr. DeStefano asked if this was a vacant lot where it was located. Mr. Robison indicated the container was located on the best usable land on the property. Mr. Denton stated it looked to meet all the setbacks and it was permitted and confirmed that Mr. Robison was just looking to make it permanent. Ms. Goodwin stated that the rules had changed since Mr. Robison first got his permit to place the storage container. It is due to the rules changing that Mr. Robison now needs a special exception to keep the container on the lot longer than 90 days. Mr. Denton asked what he was storing and asked if there are any hazardous materials stored. Mr. Robison replied it was just tools and seasonal items, with no hazardous materials stored.

Mr. DeStefano asked Mr. Robison to review his replies to the criteria questions on the application. Mr. Robison read and elaborated on his replies to the criteria line by line.

With no additional questions from the Board, Mr. DeStefano asked if any members of the public wished to speak in favor of the application. Hearing and seeing no one, Mr. DeStefano asked if anyone wished to speak against the application. Hearing and seeing no one, and he asked if there were any further questions from the Board. Hearing no one, Mr. DeStefano closed the public portion of the hearing.

The Board moved on to review of application criteria questions.

#2 – Mr. Denton motioned that criterion #2 regarding appropriate location and size **was met**, stating that the storage container has been there for several years, he wants to keep it there and it meets setbacks. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#3 – Mr. Denton motioned that criterion #3 concerning adverse impact to character of the area **was met** because applicant has had the container for a few years with no complaints from neighbors or the public. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

#4 – Ms. Mansur motioned that criterion #4 addressing nuisance or hazard to pedestrians or vehicles **was met** because the location of storage container has been used now for several years and there has been no issues. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

#5 – Mr. Denton motioned that criterion #5 regarding excessive or undue burden on Town services **was met** as the container has been in use at its location for a few years and has not required any Town services. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

#6 - Ms. Mansur motioned that criterion #6 regarding no significant effect upon public health, safety and general welfare of the neighborhood **was met** because the location of container is far enough away causing no issues. Mr. Denton seconded. The motion carried by roll call vote 4-0.

Following review, Mr. Denton motioned to grant the Special Exception because the applicant has met all the criteria. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano stated the Notice of Decision would be processed and would be available from the Land Use Office in a few days.

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23SPX05 – PATRICK ROSE – 35 SILVER SHORES DRIVE - #111-020

Mr. DeStefano asked Ms. Sullivan to read the application into the record.

Ms. Sullivan read the Special Exception Application 23SPX05 requesting to replace an existing shed with a larger one which is one foot higher than the existing shed. She noted notifications to abutters, advertising and postings done as required. She read the names of abutters that were notified. She stated that one phone call was received from Doug Wilton stating he had no concerns if it was in keeping with the heights of other sheds in the area. There were no written inquiries received regarding this application and that Department Heads were notified with no comments submitted.

Mr. LaFlamme motioned to accept the application as complete. Ms. Mansur seconded. Mr. Denton asked for clarification of the location of the lot and buildings in reference to the application plans. Motion carried by roll call vote.

Mr. Rose was asked to speak about his application. He stated that he was looking to replace an existing shed in the same location. Mr. DeStefano asked for clarification regarding the location and if the existing shed was there. Mr. Rose stated that it was not, he had already removed it and started the replacement thinking he was placing a new shed on the same footprint and did not need a Special Exception permit. He found out the height change did require a Special Exception so what is on the lot right now is the start of the new shed for this application.

Mr. Rose was asked to address his answers to the criteria questions which he read into the record. Mr. DeStefano asked if the Board had any questions. Mr. Denton asked about the permission from the Homeowners Association to build the shed and if it had a height restriction. Mr. Rose replied he had approval and there was no height restriction.

With no more questions from the Board, Mr. DeStefano asked if there was any one in the audience that wished to speak in favor of the application. Hearing and seeing no one, Mr. DeStefano asked if anyone wished to speak against the application. With no one responding, Mr. DeStefano closed the public portion of the hearing and moved to Board deliberations.

The Board reviewed application criteria questions.

#2 – Mr. Denton motioned that criterion #2 regarding appropriate location and size **was met**. He stated that the size and location was approved by the Silver Shores Association, it will be on the same footprint as previous shed and height will be in keeping with other sheds in the area. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0

#3 – Ms. Mansur motioned that criterion #3 concerning adverse impact to character of the area **was met** because applicant will be replacing an existing shed on the same footprint and height is like other sheds in the area and not impeding any views. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#4 – Mr. Denton motioned that criterion #4 addressing nuisance or hazard to pedestrians or vehicles **was met** because the location of this shed is in area of other sheds and far away from roads, pedestrians, and vehicles. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

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23SPX05 – PATRICK ROSE – 35 SILVER SHORES DRIVE - #111-020 - continued

#5 – Ms. Mansur motioned that criterion #5 regarding excessive or undue burden on Town services **was met** because the use, footprint and location will not change, and it requires no services. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#6 - Mr. Denton motioned that criterion #6 regarding no significant effect upon public health, safety and general welfare of the neighborhood **was met** because it is a shed, meets the standards of the Silver Springs Association and there is no significant change except height to its use and location. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

Following review, Ms. Mansur made a motion to grant the Special Exception 23SPX05 as presented because the criteria is met for reasons stated. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano stated that the Special Exception is granted, that there is a 30-day right to appeal and the Notice of Decision will be processed and available in a few days.

23SPX06 – LESLIE PAPALASKAS – 711 SOUTH MAIN STREET - #227-006

Ms. Sullivan read the Special Exception Application 23SPX06 requesting permission to keep the storage container on the property. She noted notifications to abutters, advertising and postings done as required. She read the names of abutters that were notified. She stated that no phone calls and no written inquiries were received regarding this application and that Department Heads were notified with no comments submitted.

Ms. Mansur asked if she would need to recuse if she is purchasing lot 701. Mr. DeStefano stated she has disclosed this and if no one has an issue with it and she is ok with it she would not need to recuse. There were no issues brought up.

Mr. DeStefano asked for a motion for complete application. Ms. Mansur motioned the application is complete. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano asked the applicant to present her application request. Ms. Paplaskas explained she purchased the property in 2010 and there was an existing storage container located to the rear of the property. This is used for hay for horses, but it became difficult for trucks delivering hay in its original location, so they moved it to where it is now and are still using it for hay storage. They would like to keep it there long term.

Mr. DeStefano asked Ms. Paplaskas to address the criteria responses of her application. She read these into the record.

Mr. DeStefano asked if there were any questions from the Board. Mr. Denton asked if she only stored hay in the container. She responded that sometimes they may store wet horse blankets or some grain at times, but it was used mostly for hay. No hazardous materials are stored there.

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23SPX06 – LESLIE PAPALASKAS – 711 SOUTH MAIN STREET - #227-006 - continued

Hearing no more questions from the Board, Mr. DeStefano asked if anyone from the public would like to speak in favor of the application. Hearing and seeing none, he asked if anyone would like to speak against the application. Hearing and seeing none he closed the public portion of the hearing and the Board moved to deliberations.

The Board reviewed the application criteria questions.

#2 – Mr. Denton motioned that criterion #2 regarding appropriate location and size **was met**, stating that the storage container meets the setbacks and is screened by fencing. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#3 – Ms. Mansur motioned that criterion #3 concerning adverse impact to character of the area **was met** because the location of the container is screened by a fence and unit cannot be seen from the road. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#4 – Mr. Denton motioned that criterion #4 addressing nuisance or hazard to pedestrians or vehicles **was met** as the location of storage container is out of the way of pedestrians and vehicles. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#5 – Ms. Mansur motioned that criterion #5 regarding excessive or undue burden on Town services **was met** as the container use does not require any Town services. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0=0.

#6 - Mr. Denton motioned that criterion #6 regarding no significant effect upon public health, safety and general welfare of the neighborhood **was met** because the use for hay storage would not cause any issues. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

Following review and all criteria being met, Ms. Mansur motioned to grant the Special Exception 23SPX06 as presented for the reasons stated. Ms. Denton seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano stated the Special Exception is granted, there is a 30 day right of appeal, and the Notice of Decision would be processed and would be available from the Land Use Office in a few days.

23VAR05 – DEL WOODWARD - 890 LAKE STREET - #216-098-001

Mr. DeStefano asked Ms. Sullivan to read the next case into the record.

Ms. Sullivan read Variance Application #23VAR05 for Del Woodward to build an accessory building with 23 feet and 9 inches in height exceeding the height restrictions per Article 4.1a of the Zoning Ordinance. She noted notifications to abutters, advertising and postings done as required. She listed the abutters notified. She stated that no phone calls or written inquiries were received for this application. Department heads were notified, and no comments were received from them.

Mr. DeStefano asked the Board to review the checklist for a motion for complete application. Mr. Denton asked for clarification of height notations on the plans.

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23VAR05 – DEL WOODWARD - 890 LAKE STREET - #216-098-001 – continued

Mr. Denton motioned to accept the application as complete. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano asked for a brief presentation of the application from the applicant, Del Woodward.

Mr. Woodward indicated that he was looking to add a garage with a storage loft to his property for storage and vehicles. He was applying for a Variance because the height of the building needed would exceed the height limitations. He stated that the neighborhood has other garages at similar heights. Mr. Denton asked if there was a way to get the storage space needed and stay in keeping with the height limits. Mr. Woodward replied that he does not have basement storage and this storage space was needed, so the design was to maximize the upper-level space with standard ceiling height.

With no other questions at this time from the Board, Mr. DeStefano asked Mr. Woodward to address the application criteria. Mr. Woodward read his responses to the criteria question into the record.

Mr. DeStefano asked the Board if they had further questions. Mr. Denton asked Mr. Woodward to expand on the topography issue mentioned in your criteria responses. Mr. Woodward explained that where the house sits there are steep banks that limit him from building an attached garage and the site chosen for the detached garage is further away than he would like but is the only place that it could go based on topography, State of NH right of way and setbacks.

With no further questions from the Board, Mr. DeStefano asked if any member of the public wished to speak in favor of the application. Mr. Steve Coffill of 866 Lake Street was recognized. He stated he was in favor and saw no issues with the application. Russell Hertrich of 865 Lake Street also spoke in favor of the application stating he was curious about the project, and he had no problems with the garage or application.

With no further comments in favor, Mr. DeStefano asked for anyone that had comments against the application to speak. Hearing no responses, he asked the Board if they had any further comments or questions. Mr. Laflamme asked about the sitework necessary and if it would cut into the slopes. Mr. Woodward stated that he did not anticipate any excavation of the banking area.

Mr. Denton asked to confirm the location of the lot and the intended garage in respect to the location of neighbors Mr. Hertrich and Mr. Coffill. Following this, Mr. DeStefano closed the public portion of the hearing and moved on to Board deliberations.

#1 - Mr. DeStefano read the criterion and the applicant's response for the Boards consideration. Mr. Denton motioned that the applicant **met** the criterion of #1 as there is no public interest impact in building the garage and the location hardship is well noted by the topography of the site. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#2 - Mr. DeStefano read the criterion and the applicant's response for the Boards consideration. Mr. Denton motioned that criterion #2 regarding the spirit of the ordinance being observed has been **met** because it is not an unreasonable increase of height to accommodate a two-story garage. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

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23VAR05 – DEL WOODWARD - 890 LAKE STREET - #216-098-001 – continued

#3 - Mr. DeStefano read the criterion and the applicant's response for the Boards consideration. Ms. Mansur motioned that criterion #3 concerning granting the variance would do substantial justice **was met** because there are other accessory buildings in the area with similar or higher heights. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

#4 - Mr. DeStefano read the criterion and the applicant's response for the Boards consideration. Ms. Mansur motioned that criterion #4 addressing diminished value to surrounding properties **was met** because the proposed garage is well designed, good looking and should not diminish the value of surrounding properties. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

Unnecessary Hardship

#5-A-I - Mr. DeStefano read the criterion and the applicant's response for the Board's consideration. Mr. Denton motioned that hardship # 5-A-1 **was met** because the applicant proved his need for storage space and the size of the home, topography, and right of way issues create hardship for location. Mr. LaFlamme seconded. The motion carried by roll call vote 4-0-0.

#5-A-II – Mr. DeStefano read the criterion and the applicant's response for the Board's consideration. Mr. LaFlamme motioned that hardship # 5-A-II **was met** because the applicant demonstrated the need for storage and topography and right of way limitations were addressed with proposed location and design of garage. Mr. Denton seconded. The motion carried by roll call vote 5-0-0.

#5-B - Mr. DeStefano read the criterion and the applicant's response for the Board's consideration. Mr. Denton motioned that hardship #5-B **was met** because the applicant has demonstrated his need for a garage and has proposed a reasonable design and reasonable height to address his storage needs and allow reasonable pitch to shed snow. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

With all criteria and hardship questions addressed, Chair DeStefano stated that the applicant has met criteria for consideration of the Variance. Ms. Mansur motioned to **grant** Variance **#23VAR05** as presented for the reasons stated. Mr. Denton seconded. The motion carried by roll call vote 4-0-0.

Mr. DeStefano stated the Variance is granted and the Notice of Decision will be issued in the next few days and there is a 30 day right of appeal, so applicant is advised not spend any money before the appeal period has ended.

MINUTES:

The Board reviewed the minutes of April 4, 2022. Ms. Mansur motioned to approve the minutes as written. Mr. LaFlamme seconded. The motion carried 4-0-0.

COMMUNICATIONS:

Ms. Sullivan stated that there was a resignation email received from John Miller stating that he would like to resign as an alternate to the Zoning Board as he was now serving as Vice Chair with the Planning Board. This was noted and will be processed.

She also updated the Board about the new policy for handling draft minutes. These are no longer being posted to the website and she added that draft minutes will be sent with meeting materials electronically

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COMMUNICATIONS: - continued

as before, but paper copies will not be available for those who pick up meeting materials prior to meeting. Paper copies will be available at meetings in the meeting folders, but these will be collected from members at the end of meetings and destroyed. Only approved minutes will be posted, and they will be provided to Boards once updated as approved.

Ms. Sullivan added that there were efforts ongoing to encourage and recruit new Board membership. She indicated that there was a brochure in the Board packets that the Office is reviewing, and the Board was encouraged to recruit.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

OTHER BUSINESS: Mr. DeStefano informed the Board of a personal family health issue that may affect his participation on the Board.

NEXT MEETING: June 6, 2023

ADJOURNMENT:

With no other business before the Board, Mr. Denton motioned to adjourn. Ms. Mansur seconded. The motion carried 4-0-0. The meeting adjourned at 7:34 pm.

Respectfully submitted,

Janet F. Cote
Land Use Associate