

ZONING BOARD OF ADJUSTMENT

MINUTES

August 1, 2023

APPROVED: September 12, 2023

AGENDA: 23VAR08 - PHILLIPS - #224-034 – 170 CRESCENT STREET
23SPX09 - KELLY/BARNARD - #104-120 - 128-BROWN'S BEACH ROAD
23VAR06 - GOODRUM - #219-028 – 179 TEN MILE BROOK ROAD (Continued from July 11th)

ATTENDING: Alan DeStefano (Chair), Richard LaFlamme (Vice Chair), Larry Denton, Lorraine Bohmiller, Melody Mansur and Shaun Lagueux (Select Board Chair)

OTHER: **Staff:** Christina Goodwin (Town Administrator) Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant) **Applicants & Public:** Noreen Richards, Jeff Goodrum, Zachary Robison, and Linda and Gary Phillips

Chairman Alan DeStefano called the meeting to order at 6:00 pm with a quorum present in the room.

NONPUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II (c)

Mr. Denton motioned to go into non-public session pursuant to NH RSA 91-A:3, II (c) at 6:01 pm. Ms. Bohmiller seconded. The motion carried by roll-call vote 5-0-0.

Ms. Mansur motioned to return to public session at 6:20 pm. Mr. Denton seconded. The motion carried by roll-call vote 5-0-0.

Mr. LaFlamme motioned to seal the non-public minutes indefinitely because it is determined that divulgence of this information likely would adversely affect the reputation of any person other than a member of this Board. Mr. Denton seconded. The motion carried by roll-call vote 5-0-0.

RESIGNATION:

Chair DeStefano resigned his position on the Zoning Board of Adjustment effective immediately and left the meeting room.

Vice Chair LaFlamme took over as acting chair.

NEW BUSINESS:

CASES:

Acting Chair LaFlamme stated for the public and the Board that any applicants before the Board tonight have the option to ask for a continuance in the absence of a full Board to act on their applications.

Discussion followed between applicants and the Board regarding the timing of continuances, the implication of any vote that evening with a majority vote needed to approve any applications and that a 2 to 2 tie vote would result in a denial. With this in mind, the applicants were asked their preference for continuance to September 5th or action on their applications this evening.

23VAR06 - GOODRUM - #219-028 – 179 TEN MILE BROOK ROAD (Continued from July 11th)

Mr. Goodrum requested a continuance due to lack of full Board. Mr. Denton motioned to continue Case #23VAR06 to September 5, 2023. Ms. Mansur seconded. The motion carried by roll call vote 4-0-0.

ZONING BOARD OF ADJUSTMENT

MINUTES

August 1, 2023

23VAR08 - PHILLIPS - #224-034 – 170 CRESCENT STREET

Mr. and Mrs. Phillips opted to move forward with their Variance application.

Ms. Sullivan read the Variance application #23VAR08 to keep an existing shed located within the 15 foot setback on their property. She stated that 5 abutters were notified and read the names into the record. She added that notices were posted and advertising was done. She stated that no comments or questions were received from the abutters or the public. She added that Departments were notified and no comments were received.

Mr. Phillips was asked to present his application for the Variance. He stated that the shed is in the only location usable on his lot due to lot size, existing buildings, water, slope and other issues.

The Board reviewed the application with the checklist to determine if it was complete. Ms. Mansur motioned to accept the application as complete. Ms. Bohmiller seconded. The motion carried 4-0-0.

The Board reviewed the photos and property drawing with the applicants. Ms. Mansur stated that the shed looked to be in the tree line along the lot line. Mr. Phillips stated it was put there to avoid electrical lines, and sewer lines and still give good access for storage.

Mr. Denton asked about moving the shed to behind the barn. Mr. and Mrs. Phillips noted the stone walls being too close to the barn on far side and that behind the barn would not work due to topography, water flow/run off and access issues.

With no other questions from the Board, Acting Chair LaFlamme asked the applicant to read the Criteria questions and responses of the application into the record.

Mr. Phillips read the criteria and his responses for the record. Acting Chair LaFlamme asked if there was anyone present in the audience that wanted to speak in favor of the application. Hearing none, he asked if anyone would like to speak against the application. No one spoke against it. Mr. Denton asked if there was any correspondence from any abutters. Ms. Sullivan replied that nothing was received. Mr. Zachary Robison of 140 Crescent Street stated that he was an abutter on Crescent Street but is not impacted by and has no objection to the shed and its location.

With no other questions or comments, Acting Chair LaFlamme closed the public hearing portion of the meeting.

The Board moved on to deliberation and decision on the application. Acting Chair LaFlamme read the criteria questions line by line and asked for a motion and reason for each.

#1 - Mr. Denton motioned that the applicant **met** criterion #1 because the shed location is screened well by trees and there are no objections from abutters. Ms. Bohmiller seconded. The motion carried 4-0-0.

#2 - Mr. Mansur motioned that the applicant **met** criterion #2 because the applicant is limited as to where he can locate the shed due to adverse conditions, services locations, and lack of accessible space. Mr. Denton seconded. The motion carried 4-0-0.

#3 - Ms. Denton motioned that the applicant **met** criterion #3 because there are limitations with the lot has proposed best option for the shed. Ms. Mansur seconded. The motion carried 4-0-0.

#4 – Ms. Bohmiller motioned that the applicant **met** criterion 4, because the existing shed is screened by trees. Ms. Mansur seconded. The motion carried 4-0-0.

ZONING BOARD OF ADJUSTMENT

MINUTES

August 1, 2023

23VAR08 - PHILLIPS - #224-034 – 170 CRESCENT STREET - continued

#5 A1 - Ms. Bohmiller motioned that the applicant **met** criterion #5 A1 because the applicant is very limited by the lot conditions of slopes, services, existing stone walls and buildings. Mr. Denton seconded. The motion carried 4-0-0.

#5 A2 - Mr. Denton motioned that the applicant **met** criterion #5 A2 because the use remains the same and the has located the shed very discreetly and reasonably considering limitation issues on the property. Ms. Mansur seconded. The motion carried 4-0-0.

#5 B - Ms. Mansur motioned that the applicant **met** criteria 5 B because the current topography, waterflow and lack of space available for shed location on this property. Ms. Bohmiller seconded. The motion carried 4-0-0.

Mr. Denton motioned to approve Variance #23VAR08 because the topography, water-flow, service lines and lack of space on the property does not allow for shed to reasonably be located anywhere else and it is screened by trees, not unsightly and not readily seen by any neighbors. Ms. Mansur seconded. The motion carried 4-0-0.

The Variance was approved, the Notice of Decision will be forthcoming, and the applicant was cautioned that there would be a 30-day appeal period.

23SPX09 - KELLY/BARNARD - #104-120 - 128-BROWN'S BEACH ROAD

Ms. Sullivan read a request from Mr. Matt Barnard, agent for Mr. Kelly for continuance of this application to September 5, 2023 so that the Shoreland and State Septic Approvals are received.

Mr. Denton motioned to continue application #23SPX09 to the September 5, 2023. Ms. Bohmiller seconded. The motion carried 4-0-0.

MINUTES:

The Board reviewed the minutes of July 11, 2023. Mr. Denton motioned to approve the minutes as written. Ms. Mansur seconded. The motion carried 5-0-0.

COMMUNICATIONS:

Ms. Goodwin read an email received from Mr. DeStefano explaining his reasons for resignation.

OTHER BUSINESS:

Ms. Bailey updated the Board about Mr. Andrew Litz submitting his volunteer application and being scheduled to meet with the Select Board for appointment to the Zoning Board. Ms. Goodwin added that Mr. Litz was originally looking to be an alternate, but with the resignation of Mr. DeStefano, he will be appointed full member. She added that the Board will have to consider electing new officers at the next meeting.

LAND USE:

Ms. Bailey stated that the new fee schedule was posted in the lobbies of both Town Offices and on the website and will go into effect on September 1, 2023. At present any new applicants picking up applications are told about this and encouraged to get applications in before the new fees go into effect.

ZONING BOARD OF ADJUSTMENT

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NEXT MEETING: September 5, 2023

Ms. Sullivan stated that the September meeting Agenda will include several cases and the continuances voted tonight so it will be a full agenda. Acting Chair LaFlamme asked about receipt of additional materials for case #23VAR06 application. Ms. Goodwin stated these would be available for the meeting.

ADJOURNMENT:

With no other business before the Board, the meeting adjourned at 7:10 pm with a 4-0-0 vote.

Respectfully submitted,

Janet F. Cote
Land Use Associate