



*Town of Weare*  
*Zoning Board of Adjustments*  
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**Zoning Board**  
Jack Dearborn, Chairman  
Forrest Esenwine, Vice Chair  
Stu Richmond, Member  
June Purington, Member  
Malcolm Wright, Member  
Neal Kurk, Alternate  
Donald Rogers, Alternate  
Marc Morette, Alternate

## **ZONING BOARD – JANUARY 7, 2014 FINAL MEETING MINUTES**

**Present:** Jack Dearborn, Chip Meany, Malcolm Wright, June Purington, Stu Richmond, Don Rogers, Mark Morette.

**Guests:** Mike Pelletier, Ray Johnson and Robert Smith.

### **I. CALL TO ORDER**

The meeting was called to order by Mr. Jack Dearborn at 7:30 pm.

### **II. PUBLIC HEARINGS**

CASE #0813, Continuation for Variance  
Linnea Hargraves, 176 Russell Rd. Weare NH

Mr. Wright stepped down as he was not at the previous meeting. Mr. Dearborn mentioned that Mr. Pelletier presented the board with maps and invited him to the podium. He summarized that last month we did hear opening remarks and accept the application, and Mr. Pelletier was asked to get some additional information on the details of the design and what the requests were.

Mr. Dearborn asked about the map not showing the 25 foot setback. Mr. Pelletier responded that he is running into the same problems, that if this is 50 feet, then it has to correspond with the 659 high water mark. It doesn't show it correctly. Mr. Pelletier said he will ask DES to be more specific. Mr. Meany recommended that he let DES know that this is hung up with the zoning board, and to ask them to be more specific. Mr. Dearborn suggested a letter to DES that the Town of Weare is having an issue with the plan. Mr. Dearborn summarized that if you read the two page language, he cannot see where the state is approving what he is asking for, that the language only gives permission for the garage. He asked that the language specifically give permission to go below the 659 water mark. Mr. Dearborn asked Mr. Pelletier if he would like to continue the variance, and he replied yes. Mr. Pelletier will attempt to return for the February 4th meeting and if he cannot make it, he will likely send Art.

Ms. Purington made a motion to continue Case #0813. Mr. Richmond seconded. The vote was unanimous.

Mr. Wright was called back into the meeting.

Case #0913 Application for a Variance  
Robert E. and Janet L. Smith, Owner/Trustees  
29 Thurmer Rd. Weare, NH (Thurmer & Dudley Brook Roads)  
Map 105, Lots 2&4

Mr. Dearborn noted the parcel was zoned Residential, and that this case was to allow for a lot to become less compliant. Mr. Smith stated that this came about because a barn was built on or over the line 30 or 40 years ago. Mr. Meany stated that the Planning Board has approved this intention upon the Variance. Mr. Meany stated there was a copy of the settlement decree. Mr. Dearborn reviewed the application and noted it was for a lot line adjustment. Mr. Dearborn made a motion to accept the application, Mr. Richmond seconded, the vote was unanimous.

The board proceeded to hear the case. The board had no questions for Mr. Smith. Mr. Dearborn invited abutters in attendance to speak. Ray Johnson, abutter, stated in Rhode Island after five years, nothing can be done. Mr. Dearborn replied that in NH the time frame is 20 years and referred to it as Quiet Title. Mr. Dearborn summarized the courts have spoken, both parties have settled, and the planning board is happy, and that this is a public hearing. Mr. Dearborn clarified that whatever the Zoning Board decides tonight, it has to be defensible by the Town of Weare. He asked if there were any disapproving abutters that wished to speak. There were none. Mr. Dearborn asked for any further comments, and then closed the public hearing.

Ms. Purington made a motion to accept Article 1. Mr. Richmond seconded. There was no discussion. The vote was unanimous. Ms. Purington made a motion to accept Article 2. Mr. Richmond seconded. The vote was unanimous. Ms. Purington made a motion to accept Item 3. Mr. Richmond seconded. The vote was unanimous. Ms. Purington made a motion to accept Item 4. Mr. Richmond seconded. The vote was unanimous. Ms. Purington moved to accept Point 5 in total. Mr. Richmond seconded. The vote was unanimous. Mr. Smith asked for paperwork, and Mr. Meany said he needed some items from the surveyor, and would be in the office tomorrow and could chat.

### **III. OTHER BUSINESS**

Mr. Dearborn pointed out that Mr. Esenwine was not present for the meeting and he suggested tabling of approval of minutes until the next meeting.

### **IV. ADJOURNMENT**

Ms. Purington made a motion to adjourn the meeting. Mr. Richmond seconded. The vote was unanimous.

A true record,

*Wendy J. Stevens*