



*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 – MARCH 4, 2014 FINAL MEETING MINUTES**

**Present:** Chariman Jack Dearborn, Vice Chairman Forrest Esenwine, Member Stu Richmond, Member Malcolm Wright, Member June Purington, Alternate Marc Morette, Alternate Don Rogers, Code Enforcement Officer Chip Meany, and Recording Secretary Wendy Stevens.

**Guests:** Mike Pelletier, Art Siciliano

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

The meeting was called to order by Mr. Jack Dearborn at 7:32 pm.

### **II. PUBLIC HEARINGS**

CASE #0813, Continuation Linnea Hargraves 176 Russell Road VARIANCE to article 28.9. Disturbing a wetland buffer.

Mr. Siciliano presented the board with maps which showed the buffers and he stated he made them clearer. Mr. Siciliano shared an email conversation between himself and Craig Day of NH DES. Mr. Day's email back stated the approved shoreline permit for Hargraves was approved with the condition that the area will be restored with vegetation within the project. The email also gave approval for working below the 659.

Mr. Siciliano discussed the maps, they showed the high water mark at Horace Lake, the 25 foot buffer, and a crosshatch area where work is being done and the area that will be disturbed. The board had no questions regarding the map.

Mr. Pelletier stated that the construction and improvements to the building as required in attached drawing. A portion of the existing structure to be imprvoed is located closer than 25' from the wetland setback. He then stated his five points of hardship:

1. The granting of a variance will not be contrary to the public interested because: The existing structure predates the ordinance, and the proposed improvements will not be located outside of this existing footprint and any closer to the wetland setbacks.
2. The variance requested will not be contrary to the spirit of the ordinance because: We are not looking to expand into the area being regulated by this ordinance. We are only trying to improve and maintain the structure. I do not believe this ordinance was created to disallow property owners from maintaining and replacing existing structures.
3. That through the granting of relief by variance substantial justice will be done because: It will allow the property owner to maintain and improve the property in question, rather than to allow it to fall into disrepair.

4. That by granting the variance, the values of surrounding properties will not be diminished because: By allowing the improvements to take place the surrounding property values in theory would increase. To not allow the repair to take place the structure could fall into disrepair, and in theory this would only diminish abutting property values.
5. A. This existing property was built in closer proximity to wetlands than today's standards would allow, thus creating hardship in cases like this. Most of the abutting properties are set back from the wetlands far enough to do these type of improvements.

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to that property: The general public purposes of the ordinance were created to only stop further encroachment into this setback area.

(ii) And how the proposed uses is a reasonable one: The proposed use of the property will not change. It will be used for residential purposes only.

B. The existing property was built in closer proximity to wetlands than today's standards will allow, thus creating hardship in cases like this. Most of the abutting properties are set back from the wetland far enough to do these types of improvements.

Vice Chair Esenwine moved that the variance be approved. Mrs. Purington seconded. Vice Chair Esenwine stated the main thing they needed was the clarification letter from DES. Plot plan 21914 amended 12/9/13. Chairman Dearborn noted the DES revised letter was dated 12/30/13. Chairman Dearborn clarified that the approval was specific to these documents.

Mrs. Purington moved to accept point 1. Mr. Richmond seconded. The vote was unanimous.

Mrs. Purington moved to accept point 2. Mr. Richmond seconded. The vote was unanimous.

Mrs. Purington moved to accept point 3. Mr. Richmond seconded. The vote was unanimous.

Mrs. Purington moved to accept point 4. Mr. Richmond seconded. The vote was unanimous.

Mrs. Purington moved to accept point 5, parts A and B. Vice Chair Esenwine seconded. The vote was unanimous.

### **III. OTHER BUSINESS**

Chairman Dearborn asked about the Feb. 4<sup>th</sup> minutes. Mr. Esenwine moved to approve the second draft copy of Dec. 3<sup>rd</sup> minutes. Mrs. Purington seconded. 5-0-0.

Mr. Dearborn reviewed the Jan 7<sup>th</sup> minutes. Mrs. Purington moved to accept the minutes of January 7<sup>th</sup>. Mr. Richmond seconded. 4-0-1. Mr. Esenwine abstained.

### **IV. ADJOURNMENT**

Mrs. Purington made a motion to adjourn the meeting at 7:53pm. Vice Chair Esenwine seconded. The vote was unanimous.

A true record,

*Wendy J. Stevens*