

Final



WEARE ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
October 5, 2021

**PRESENT:** JACK DEARBORN, CHAIRMAN; MICHAEL MEYER, VICE CHAIRMAN; BOBBI-JO PLAMONDON, MEMBER; MARC MORETTE, MEMBER; NAOMI BOLTON, INTERIM LAND USE COORDINATOR

Absent: MALCOLM WRIGHT, MEMBER

**GUESTS:** Guiseppe Puglisi, Elayne Trudel

Chairman Dearborn called the Town of Weare Zoning Board of Adjustment October 5, 2021 meeting to order at 7:30 pm.

**I. INTRODUCTION/ADMINISTRATIVE ITEMS:**

The Chair stated there is one case before the Board, Case #16-2021. He then asked the Board to introduce themselves. Chairman Dearborn asked Guiseppe Puglisi, Project Coordinator/Designer, Right-Trak Design, Goffstown, NH., for a signed authorization to represent the homeowner, Gregory Hartshorn. Alternatively, Gregory participated via cell phone.

**II. PUBLIC HEARING**

**A. Case #16-2021:** : Gregory Hartshorn (owner) 140 Old Town Road, Tax Map 109 Lot 033, Residential Zone Variance – Article 3, Section 3.5.1 Applicant is seeking a variance for the addition of a garage that has 142 square feet of the proposed footprint over the 15 foot side-yard setback.

The Chair read the agenda, went through the application for completeness and asked for a motion to accept. **Marc Morette moved, Bobbi-Jo Plamondon seconded to accept ZBA Case #16-2021.** Discussion: Being none. **Passed 4-0-0.**

Chairman Dearborn asked if the Board had any questions for the applicant. Being none, the applicant, Guiseppe Puglisi & Gregory Hartshorn (via phone), stepped up to the microphone to read the five points of hardship with answers.

Gregory began by stating he and his wife Joyce have owned the house since 1983. In 1985, he was called into ministry and has plans to retire in three and a half years. In addition to housing his vehicle, the addition will be for future family gatherings.

Guiseppe proceeded with the five points of hardship as follows:

**1. The Variance will not be contrary to the public interest:** *The proposed addition does not encroach into the front yard setback due to its substantial distance from the existing roadway, and it does not bring the house any closer to the lake. In addition, it does not make the house any more visible from either of these directions. The new addition does not encroach any closer to the side yard boundaries than the existing structures already do.*

**2. Please describe how the spirit of the ordinance is observed:** *As stated above, the proposed addition does not change the relationship of this residence with the lake and complies with the required setback at the road. These facts will preserve the character of the neighborhood and the integrity of the adjacent properties. At the northern side-yard setback, the new addition does not encroach any closer to the boundary than the existing structure.*

**3. Please describe how substantial justice is done; benefits to the applicant must not be outweighed by harm to the general public:** *The Owner's property holds a historical record of being original to the intentions of zoning in an outdated context, thereby in stark contrast with the modern practices of zoning and its subsequent allowances. Due to the nature of the parcel, the land is, by modern standards, non-standard and inherently presents issues to site development/expansion. In addition, allowing the addition will have no impact on the general public as the front and lake side setbacks remain unaffected. The impact on the two abutters is being kept to a minimum by maintaining the existing setback with those properties.*

**4. Please describe how the values of surrounding properties are not diminished:** *The primary value of the adjacent property views is in the views of the lake. This addition in no way impacts those views, and in fact, is only visible from those houses as they enter their respective driveways.*

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;**  
**A. Please describe the special conditions of the property that distinguish it from other properties in the area, explain any details of the property, structure, that are different from surrounding properties such as slopes and wetlands:** *The narrow design of this lot, coupled with the shared right-of-way with the southern neighbor, and the recent septic redesign (2018) and subsequent relocation of the leach field, severely limit the building lot size to accommodate the proposed addition.*

**i. Owing the special conditions identified above, please indicate how no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property:** *Given the size of many of the lots in the vicinity, and the fact that many were developed before the current zoning, the side-yard setbacks are not nearly as important to the character of the neighborhood as the front and lake side setbacks.*

**ii. Owing to the special conditions identified above, please indicate how the proposed use is a reasonable one; (explain how the special conditions of the property and the zoning restriction interferes with the reasonable use of the property):** *To preserve the feel and integrity of the existing property, both for the public and for the abutting neighbors, the setback of the existing structures should be maintained in order to accommodate the new addition.*

Chairman Dearborn asked how the above bathroom and bedroom would be accessed. Would there be a passageway from the second story or enter by way of the breezeway. Guiseppe replied the existing house has a spiral staircase, not considered by code, a reasonable egress needed. They are going to redesign the access to the second floor. A primary staircase in the middle connecting section near the front, utilizing existing window headspace. This will allow for a mezzanine connecting the second story of the garage with access to the garage itself.

The Chair asked if there were any questions from the Board. There was none.

The Chair asked approving abutters to speak. Elayne Trudel, 138 Old Town Road, asked to see the rendering. She approves.

The Chair asked disapproving abutters to speak. There was none.

The Chair asked the public at large to speak. There was none.

The Chair asked other boards to speak. There was none.

The Chair asked the applicant if he would like to speak. Guiseppe stated he takes the site and specific location seriously. The newer septic is rated for three people. The area has a positive curb appeal, the desired placement makes sense in keeping the view open to the lake.

The Chair asked for a second round of speakers. There was none.

The Chair closed the hearing at 7:50pm and asked for a motion to approve point 1.

Case #16-2021

Board Deliberation

**Point 1: Vice Chairman Meyer moved, Marc Morette seconded to accept point one of the five points of hardship for Case 16-2021.** Discussion: Chairman Dearborn stated this is not approved for an Accessory Dwelling Unit, no kitchen. **Passed 4-0-0**

**Point 2: Vice Chairman Meyer moved, Marc Morette seconded to accept point two.** Discussion: none. **Passed 4-0-0**

**Point 3: Vice Chairman Meyer moved, Marc Morette seconded to accept point three.** Discussion: Vice Chairman Meyer stated it is a non-standard lot, not many other opportunities, doing justice to be able to add the garage and fix existing issues with the second floor stairway and egress, reasonable. Chairman Dearborn stated after visiting the site, vehicles already parked there so not changing actual use, a shell for parking. Marc Morette stated he is aware of the location, and has no problem. **Passed 4-0-0**

**Point 4: Vice Chairman Meyer moved, Marc Morette seconded to accept point four.** Discussion: Chairman Dearborn stated this would not bother the abutting neighbors, setting has treed border. Bobbi-Jo Plamondon stated no interference with the lake view. **Passed 4-0-0**

**Point 5: Vice Chairman Meyer moved, Marc Morette seconded to accept point five in its entirety.** Discussion: Chairman Dearborn stated a residence having a place for vehicle storage is a reasonable use. Not outside of the scope of zoning. It would be an unnecessary hardship should it not be granted. Marc Morette agreed. Interim Land Use Coordinator Naomi Bolton commented on the conditions. **Vice Chairman Meyer moved to accept article five in its entirety amended with the conditions: (1) no part of the structure will be closer to 10 feet from the north property line. (2) not approved for accessory dwelling unit. Marc Morette seconded. Passed 4-0-0**

The variance was approved.

#### **IV. MINUTES:**

September 7, 2021 Minutes: **Chairman Dearborn moved, Vice Chairman Meyer seconded to accept the minutes of September 7, 2021 as written, passed 4-0-0.**

#### **V. NEXT MEETING:**

November 2, 2021

**Being that there was no more business to come before the Board, Vice Chairman Meyer moved, Marc Morette seconded to adjourn the meeting at 7:58 pm., passed 4-0-0.**

#### **ADJOURNMENT**

A True Record.

*Karen Nelson*

Karen Nelson transcribed from

You Tube recording & TA Bolton notes