

**ZONING BOARD OF ADJUSTMENT**  
**MAY 7, 2019 DRAFT MEETING MINUTES**

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**Present:** Jack Dearborn, Chairman; Michael Meyer, Vice-Chairman; Malcolm Wright, Member; Marc Morette, Member; Gary Shelto, Alternate; Bobbi Jo Plamondon, Alternate; Chip Meany, Land Use Coordinator.

**Guests:** Paul M. Janelle, Gary Shelto, Alex Heafield, Eldon Townes, James Franciscovich.

Chairman Jack Dearborn called the meeting to order at 7:31 PM.

**I. INTRODUCTION/ADMINISTRATIVE ITEMS**

Chairman Dearborn asked all members present to introduce themselves. Continuing, he read through the agenda and then explained how the meeting will be run. He will read the outline of the case at hand, then ask the Board for a motion to accept the application, making sure the application is complete. Upon getting a motion and a second, and after discussion, a vote will be made. Only then will the Board hear the case. If at any point during the hearing there is a discrepancy with the application, the Chair will stop the meeting and ask for clarification, and if need be, the hearing will be continued, so the applicant has a chance to return with the additional requested information. Once the Board has accepted the application and the Chair has read the case in more detail, the applicant will be asked to come forward to read the five points of hardship out loud, both the question and the answer. This is necessary as only the Board has the application in front of them to refer to. The applicant must read to the group because it benefits not only the listening audience but provides the opportunity to read the it into the record. After the applicant has had the opportunity to speak, the Chair will ask the applicant to sit down and request that approving abutters, disapproving abutters, public at large and other boards come forward to speak. The applicant would then come back up and refute anything necessary. The process will be repeated, with the close the public hearing just after. The Chair then will ask for a motion to accept (he stated that the reason is yes means yes, and no means no). From that perspective, all five points of hardship of the variance, each individually, shall progress with a motion, a second, a discussion, and then a vote. After the fifth point is read, in order for the variance to carry, the applicant will need to have all five points pass with at least 3 positive affirmations. For example, if you get four points to pass, and one point gets only two or one positive votes, the whole variance fails. In this case, the only action for the applicant would be a re-hearing before the Board, taken on advisement, resulting in a vote on whether the Board wants to hear the case again or not. Additionally, in the case of a special exception, the applicant must meet seven (7) mandatory conditions in the positive, per Article 6, Section 6.1.4 of the Zoning Ordinance.

**II. PUBLIC HEARINGS**

Ms. Plamondon was seated at the table for the first case.

**a. Case #0419 Special Exception** A request was made to allow an attached accessory dwelling unit at 18 Birchwood Drive, Tax Map #409, Lot #68 in a Residential Zone per Paul and Tina Janelle. The Chair read through details of the application, referenced Article 6, Section 6.1.3 and confirmed all necessary required documentation from checklist had been included in the application. Mr. Wright moved, Mr. Morette seconded, to accept Case #0419. No discussion was given. All were in favor; 5-0. The applicant rose and read thru the 7 conditions to be met for the record.

The undersigned hereby request a special exception as provided in *Article 19, Section 19.1.10* of the Zoning Ordinance. The following seven (7) conditions per *Article 6, Section 6.1.4* of the Zoning Ordinance must be met in the positive to warrant the granting of a special exception.

1. Yes, the in-law apartment will be constructed above the newly constructed 3-stall garage which will be connected to the existing structure by a breezeway and mudroom. New construction will be in a cape-style building as is the current structure with matching siding and windows.
2. It will not adversely affect the current neighborhood but in fact should increase the value of the current homes with the garage addition, mudroom, new siding and new windows.
3. There will be no nuisance or hazard with this new addition nor will it affect vehicular or pedestrian traffic.
4. No additional services will be required or needed by the municipality.
5. There will be adequate parking with the addition of a 3-vehicle garage.
6. Additional buffering will not be required considering the current tree and shrubs that border the property.
7. I am very happy to comply with the recommendations, restrictions and suggestions provided by the Zoning Board of Adjustment.

The Chair stated a new septic design will be needed because of a new regulation or will need to add an additional tank. Mr. Meyer then read thru the Zoning Ordinance description of accessory dwelling units and asked appropriate questions to the applicant. Vice-chairman Meyer stated all seven points were fulfilled. The chair asked the applicant to sit down.

Chairman Dearborn asked for approving abutters. there were none.

Chairman Dearborn asked for disapproving abutters; there were none.

Chairman Dearborn asked for other boards; there were none.

Chairman Dearborn asked for public-at-large; there were none.

At 7:49 PM the public hearing closed.

The Chair asked for a motion in the affirmative. Mr. Morette moved, Mr. Wright seconded, to grant the special exception for Case #0419. There was no discussion. All were in favor; 5-0.

**b. Case #0519 Variance Article 17.2** Eldon Townes proposes to add a landscaping business to a grandfathered gravel pit in a Residential Zone at Tax Map 201, Lot 112, off Grandview Road.

The Chair read thru the application details, then noted that the required document checklist was in completion. Mr. Morette moved, Mr. Wright seconded, to accept Case #0519. There was no discussion. All were in favor; 5-0.

The Chair addressed the applicant and explained that if this case passed, it would be an increase of non-compliance use, and more so, an extra use than that of the grandfathered use. There must be an explanation of hardship and then an approval by the Board for granting of a variance. Unless there is a hardship shown, you will have difficulty here. Continuing, the way Article 3.1.1 is written, you can only have one use per lot. A variance is needed for this use, and you cannot continue without one. The

application is for 17.2, not 3.1.1 that is required. The accessory use must be yours; this is not the case; you would be leasing the property. It is a change of use from what your designated grandfathering is. The Chair also explained that should the applicant go forward, and the Board does not grant the case, the applicant cannot come back to Board unless the variance reason is different. He told the applicant that this information is fully disclosed, and then asked if the applicant if he wished to withdraw the application. The applicant stated he was expecting this roadblock and confirmed that he is retracting his application. The Chair then stated that the application will go on the record for withdrawal. Mr. Morette moved, Mr Meyer seconded, to grant the withdrawal for variance request Case #0519. Withdrawal approved; 5-0.

### **III. RETIREMENT**

The Chair graciously took a minute to thank and recognize Chip Meany's hard-work and dedication to the Board and to the Town of Weare. Best wishes into retirement and congratulations were offered by all.

### **IV. MINUTES**

March 5, 2019 Draft minutes; Mr. Meyer moved, Ms. Plamondon seconded, to approve and all were in favor, 5-0.

### **V. UPCOMING MEETINGS**

\*Tuesday, June 4, 2019

Adjournment was called at 8:41 PM.

*Respectfully submitted,*

*C. Provencher*  
*Transcribed from notes*