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WEARE ZONING BOARD OF ADJUSTMENTS
MEETING MINUTES
March 5, 2024

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PRESENT: Chairman Jack Dearborn; Vice Chairman Michael Meyer; Marc Morette, Member; Malcolm Wright, Member, Bobbi-Jo Plamondon, Member

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EXCUSED:

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Town Administrator: Naomi Bolton

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GUESTS: Marge Burke

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Chairman Jack Dearborn called the meeting to order at 7:30 PM.

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I. INTRODUCTION/ADMINISTRATIVE ITEMS: Chair Dearborn explained the process of the Variance and how the meeting would be conducted.

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II. PUBLIC HEARINGS:

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Case #01-2024: The Bishop of the Protestant Episcopal Church of New Hampshire (owner); Holy Cross Church and Community Center (applicant); 118 Center Road; Tax Map 202-135; Residential Zone; Special Exception – Article 19, Section 19.1.8. The applicant is applying for a special exception to permit a daycare center to operate a portion of the Holy Cross Church building.

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Morette motioned to accept the application as complete. Seconded by Wright. Motion passed 5-0-0.

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1. The specific site is an appropriate location for such use or uses in terms of overall community development: The applicant said the lack of children's daycare centers in private schools for children and toddlers is one of the elements adversely affecting employment in NH and providing a Montessori school daycare center for toddlers at this location is advantageous in terms of overall community development. Recent studies show a lack of available Childcare impacts the economy of families.

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2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: The applicant stated this will not adversely affect the neighborhood and should produce no significant reduction in real estate values in the neighboring community. The sighting of a preschool and daycare center for toddlers. The children will be supervised by staff at all times.

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3. **The proposed use will not be a nuisance or serious hazard to vehicular traffic or residents:** The applicant stated that cars and other vehicles will be completely off the road when dropping children off at the site in the morning and picking them up in the afternoon.
 4. **The proposed use will not cause an undue burden on the Town through the provision of basic services:** The applicant stated the number of vehicles anticipated should have no impact on basic town services. The area of the building used by the daycare center will be subject to a real estate tax assessment and will benefit rather than burden the Town of Weare.
 5. **Adequate off-street parking will be provided if determined necessary by the Zoning Board:** The applicant stated the property has a large off-street parking lot that will accommodate the proposed use. It is anticipated no more than four or five cars will be using the parking lot during the hours of operation for the daycare center.
 6. **A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees:** The applicant said the abutters are screened from the proposed use by naturally occurring shrubs and trees.
 7. **The Zoning Board of Adjustment, in granting any special exception, may include restrictions or conditions to ensure compliance with this section:** The applicant stated the Zoning Article 19 section 19.18 of the Weare New Hampshire Zoning Ordinance permits private schools and daycare centers in excess of four children by special exception in the residential zone.

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Chair Dearborn opened the public hearing.

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Christina Valente, owner of Cover Bridge Montessori School said that the school is a school year-only program and it is half day as it stands right now. The State of NH has approved the school for ten children and could be approved for up to twelve.

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Morette motioned to accept Case 01-2024. Seconded by Plamondon. Motion passed 5-0-0.

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Case #02-2024: Dustin Cheney (Owner & Applicant); 173 South Sugar Hill Road; Tax Map 403-184; Commercial Zone; Variance – Article 24, Section 24.6.2. The applicant is looking for relaxation of the setbacks where 30’ are required for the side and rear setbacks.

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Motion made by Morette to accept the application. Seconded by Vice Chair Wright.

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Chair Dearborn said there was an encroachment on the side existing lot before zoning.

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Motion passed 5-0-0.

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1. **The Variance will not be contrary to the public interest because:** The applicant stated that it will not change anything because there are preexisting structures and a business there.
 2. **Describe how the spirit of the ordinance is observed:** The applicant stated that the new building will not change anything except to store cars and trucks inside instead of outside which will give the outside appearance a cleaner look.

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3. **Describe how substantial justice is done:** The applicant said that the building will not harm or alter anyone's well-being in the neighborhood. Chair Dearborn asked who the building would do substantial justice for. The applicant said he and his daughter are in the future.
 4. **Describe how the values of the surrounding properties are not diminished:** The applicant said it will not diminish the values because it has been an establishment. It will not alter the surrounding property and will not be a public nuisance.
 5. **Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:**
 - a. **Describe the special conditions of the property that distinguish it from other properties in the area:** The applicant said there is nowhere else on the property he would be able to put it on the property. Vice Chair Meyer asked what is the challenge of putting it in another spot of the property. The applicant said wetlands and then the land drops off.
 - b. **Owing to the special conditions identified above, indicate how no fair and substantial relationship exists between the general public purpose of the ordinance and the specific application of the provision to the property:** The applicant stated the business already exists and he is not asking to start another business, the building is to clean up the cars and put them inside. Chair Dearborn asked if cars were already being stored where the building was being proposed. The applicant stated he does park cars there on occasion.
 - c. **Owning the special conditions identified above please indicate how the proposed use is a reasonable one:** The applicant said the proposed building will not alter anything it would be a positive, especially for anyone in the neighborhood because he will have things stored inside versus possibly overflowing the outside. The current building he has is full and needs more room for his business.

127 Wright asked what type of impact on the abutting property. The applicant said that he feels there
128 will not be any impact because he has been working with the butter. It will now not be as much of
129 a wetland because some trees have been removed that tend to make it mushy.

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131 **Chair Dearborn opened the Public Hearing.**

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133 Alex Hayfield who owns the abutting property stated that he has no issues if he is building on his property
134 and the water naturally drains out back and works grade-wise, he is fine with the building.

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136 The applicant said that he has been in Town for eighteen years now and wants to improve the town. It is
137 very seldom that anyone just drops by to look at the vehicles. He said he sells cars all over the United
138 States.

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140 Chair Dearborn closed the Public Hearing at 8:04 PM.

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142 **Motion made by Wright to accept point one. Seconded by Morette.**

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144 Chair Dearborn said per his site lane no closer than ten feet to his abutter. Chair Dearborn said the applicant
145 is not encroaching on the front. The applicant is trying to make the best of the property of what is left of
146 the buildable area, and it unfortunately encroaches into the sideline. The neighbor seems to be okay with
147 it. Morette said he agreed. Vice Chair Meyer said that looking at the satellite view the neighbor doesn't
148 have any structures next to the area and it is not creating any hazardous items.

149 **Motion passed 5-0-0.**

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Wright motioned to accept prong two. Seconded by Plamondon.

Chair Dearborn said that he is not asking for a use change. He is trying to enhance the area by putting vehicles in the building.

Motion passed 5-0-0.

Motion made by Vice Chair Meyer. Seconded by Wright.

Chair Dearborn said he doesn't think that there is injustice done to the Town or Neighbors because he will be moving the cars inside the building, and it will improve the look of his property.

Motion passed 5-0-0.

Motion made by Morette to accept prong four. Seconded by Plamondon.

Chair Dearborn said that he does not think this is going to diminish anyone's property. Morette said it would not diminish the values because it would be cleaning up the property.

Motion passed 5-0-0.

Vice Chair Meyer motioned to accept prong five in its entirety. Seconded by Plamondon.

Chair Dearborn said it would be an unnecessary hardship because it would improve the business and would be no detriment to anyone because it improves the property. Chair Dearborn said he thinks he is making the best use of the property. Morette said the neighbor did not mind.

Motion passed 5-0-0.

Request for Renewal of Special Exception: Jack Dearborn; Tax Map 411-098; 162 Gould Road; current special exception expired on January 10, 2024. The request was filed timely and received on 12/15/23, but there have been no hearings until this month.

Chair Dearborn stepped down as chair. Vice Chair Meyer became acting Chair.

Vice Chair Meyer said the request was timely filed before the expiration. Wright said because it was filed timely, he has no issues granting the exception.

Wright motioned to grant the extension. Seconded by Morette. Motion passed 4-0-0.

Chair Dearborn returned to the meeting as the acting Chair.

Request for extension – Cases #10A-2021(Article 17.1.1) and #10B-2021 (18.2.1), Jordan Estrada, Bart Clough Road, Tax Map 409-020. The current extension of the variance expires on April 23, 2024.

Vice Chair Meyer said it expires on April 23rd and was submitted promptly.

Motion made by Wright to grant the extension. Seconded by Plamondon. Motion passed 5-0-0.

Minutes from 12-5-2023: Morette motioned to approve the December 5th, 2023, minutes as written. Seconded by Wright. Motion passed 5-0-0.

203 **The motion to adjourn made by Chair Dearborn at 8:15 p.m. was Seconded by Vice Chair Meyer.**
204 **Vote passes 5-0-0.**

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206 **ADJOURNMENT**

207 A True Record.

208 *Kearsten O'Brien*

209 Kearsten O'Brien, Minute Taker