

ZONING BOARD OF ADJUSTMENT
October 6, 2020 MEETING MINUTES - FINAL

Present: Jack Dearborn, Chairman; Marc Morette, Member; Bobbi-jo Plamondon, Alternate; Gary Shelto, Alternate and Kelly Dearborn-Luce. Land-Use Coordinator.

Guests: Alex Heafield, Jeffrey Ardini, Mr. and Mrs. Ardini, Sandra Martel, Scott Martel, Erin Lambert.

Chairman 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.⁵⁴

II. PUBLIC HEARINGS

a. VARIANCE APPLICATION - CASE #08-20 (part one)

Jeffrey Ardini for an Accessory Dwelling Unit (ADU) in accordance with Article 19.1.10., located on 8 Greenwood Road [412/82] in the Residential Zone. The applicant seeks to increase the size permitted, allowing an 855 square foot ADU instead of the 750 square feet, which is permitted. The chair checked completion items within the application, and recognized RSA 674:33 – Powers of the Zoning Board of Adjustment were included in the application for the variance.

Mr. Shelto **moved**, seconded by Ms. Plamondon, to accept the application as complete. There was no discussion. All were in favor, 4-0.

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.

Public hearing was closed, and then the board granted the variance by voting the following:

Point #1: Mr. Shelto **moved** to approve point #1; Ms. Plamondon seconded. Vote: 4-0

Point #2: Mr. Morette **moved** to approve point #2; Mr. Shelto seconded. Vote: 4-0

Point #3: Mr. Morette **moved** to approve point #3; Ms. Plamondon seconded. Vote: 4-0

Point #4: Mr. Morette **moved** to approve point #4; Mr. Shelto seconded. Vote: 4-0

Point #5: Mr. Morette **moved** to approve point #5 in its entirety; Ms. Plamondon seconded. Vote: 4-0

b. SPECIAL EXECPTION CONTINUATION - CASE #08-20 (part two)

Owner Jeffrey Ardini requests an ADU in accordance with Article 19.1.10., allowed by Special Exception. The property is at 8 Greenwood Road, Tax Map 412, lot 82 in the Residential Zone. The applicant would like to construct an addition for an ADU. Mr. Shelto, seconded by Mr. Morette, **moved** to accept the application as complete, 4-0. No discussion needed.

Special exception application points included, as read by Mr. Ardini:

- 1. The specific site is an appropriate location for such a use or uses in terms of overall community development:** Yes, the proposed in-law apartment is in a residential area which is appropriate for community development.
- 2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring areas:** The proposed use will not adversely affect the neighborhood. It should increase the value of real estate in the neighboring area.
- 3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians:** The proposed use will not be a nuisance or a serious hazard to vehicular traffic or pedestrians.
- 4. The proposed use will not case and undue burden on the Town through the provision of basic Town services:** No additional services will be required or needed by the municipality.
- 5. Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment:** There will be adequate parking spaces for two cars with no new curb cut.
- 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:** Additional buffer will not be required.
- 7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to ensure compliance with the section:** We are happy to comply with any restrictions or conditions provided by the Zoning Board of Adjustment.

The chair nor the board members had questions for the applicant.

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.

The chair then closed the hearing at 7:53 PM. Mr. Shelto moved, seconded by Mr. Morette, to accept with no additional requirements. All were in favor, 4-0.

c. CONTINUATION of Application for a variance – Case# 09-20

Sandra and Scott Martel for a variance at 124 East Shore Drive [104/12] in the Residential Zone. Request is for a required front setback distance, per Article 3, Section 3.5.1 (Non-conforming use setbacks). The applicant would like to construct a new two car garage to be no closer than 13 feet from front setback where a 30-foot setback is required. The chair reviewed the application, making sure all checklist items were complete, then asked the board if they had any questions. After there were none, Mr. Shelto, seconded by Mr. Morette, accepted the application as complete. All were in favor, 4-0.

Mrs. Lambert, representative for the Martel's, spoke to the board, briefly describing the property, and then read thru the 5 points of hardship. There were no questions from the board.

Chairman Dearborn asked for approving abutters. there are three abutter consent letters to be included in the application.

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.

Public hearing was closed by the chair at 8:07 PM. The board granted the variance by voting the following:

Point #1: Mr. Shelto **moved** to approve point #1 with condition of NH disclaimer from registry if property is sold, per RSA 674.4; Ms. Plamondon seconded. Vote: 4-0

Point #2: Mr. Shelto **moved** to approve point #2; Mr. Morette seconded. Vote: 4-0

Point #3: Mr. Shelto **moved** to approve point #3; Mr. Morette seconded. Vote: 4-0

Point #4: Ms. Plamondon **moved** to approve point #4; Mr. Shelto seconded. Vote: 4-0

Point #5: Mr. Morette **moved** to approve point #5 in its entirety; Mr. Shelto seconded. Vote: 4-0

d. SPECIAL EXCEPTION Case # 10-20

Alex Heafield for residential use in the commercial district. Article 3.4.2 allows the Zoning Board to permit the resumption of said non-conforming use by public hearing special exception. The property is on 197 South Sugar Hill Road [406/4] in the Commercial Zone. The chair read through the application, then Mr. Morette, seconded by Ms. Plamondon, moved to accept the application as complete. All were in favor, 4-0.

Mr. Heafield read through the seven points in the application.

- 1. The site is an appropriate location, as there is an existing house already on the property that blends with the overall characteristics of the existing homes in the neighborhood. It is the intent to return the house back into a residential home as it was in the past.*
- 2. The use of the property for residential and commercial will not reduce real estate values in the surrounding neighborhood because the property is already used for commercial purposes and the additional use of residential is consistent with the surrounding residential neighborhood.*
- 3. The addition of residential use to the property is consistent with the residential use in the surrounding neighborhoods and the additional residential use will not increase vehicular or pedestrian traffic on South Sugar Hill Road.*
- 4. Residential use will not increase the basic town services the property already requires.*
- 5. No off-street parking will be needed for the proposed use.*

6. *There already is adequate screening buffers of fences, trees, and shrubbery along all property lines,*
7. *The owner wishes to return the property to its original use of a commercial property with a single-family residence occupied by the business/property owner.*

There were no questions from the board. Mr. Morette moved, seconded by Ms. Plamondon, to accept Case #10-20. All were in favor, 4-0.

III. VARIANCE EXTENSION REQUESTS

Requests received to extend variances; Case #2504 and #4002

Ms. Plamondon moved, seconded by Mr. Morette, to extend both variances, Cases #2504 and #4002. All were in favor, 4-0.

IV. MINUTES

September 1, 2020

V. ADJOURNMENT AT 8:24 PM MM GS 2ND K ALL IN FAVOR.

Mr. Morette moved, seconded by Mr. Shelto, to adjourn at 8:24 PM. All were in favor, 4-0.

Respectfully submitted,

C. Provencher

Transcribed from notes