

Final



WEARE ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
September 7, 2021

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

GUESTS: Suzette Masewic

Chairman Dearborn called the Town of Weare Zoning Board of Adjustment September 7, 2021 meeting to order at 7:32 pm.

I. INTRODUCTION/ADMINISTRATIVE ITEMS:

The Chair stated there is one case before the Board, Case #15-2021. He then asked the Board to introduce themselves. Chairman Dearborn explained all questions come through the Chair. He will ask for a motion to accept the application making sure there is adequate information to proceed. Clarification will be made on any missing information and he will ask the Board if they have any questions. The applicant will then come forward and read the five points of hardship with answers. The Chair will again ask the Board if they have any questions. He will then ask for approving/disapproving abutters, public at large or other boards to speak. The applicant can rebut and then a second round of abutters, public at large and other boards. The Chair will then close the hearing and the Board will deliberate and vote.

II. PUBLIC HEARING

A. Case #15-2021: Gregory & Suzette Masewic (owner) 19 Craig Road, Tax Map 107 Lot 005, Residential Zone Variance – Article 18, Section 18.2.3 Applicant is seeking a variance to place an 8' x 10' garden shed on their property, no closer than 8' from the boundary.

The Chair asked for a motion to accept the application. **Vice Chairman Meyer moved, Marc Morette seconded to accept ZBA Case #15-2021, passed 5-0-0.**

Chairman Dearborn read through the application and clarified the property line in the pictures with the applicant, Suzette Masewic, and then asked her to proceed with the five points of hardship as follows:

1. The Variance will not be contrary to the public interest: *The proposed 8' x 10' garden shed is characteristic of the backyard residential area for safe storage of usual landscaping and house hold tools and small machinery ie. lawnmower, weedwacker, rake, etc.*

2. Please describe how the spirit of the ordinance is observed: *The proposed 8' x 10' garden shed will provide storage with a design that is attractive and complementary to our home and other residential homes surrounding.*

3. Please describe how substantial justice is done; benefits to the applicant must not be outweighed by harm to the general public: *The proposed 8' x 10' garden shed is conducive to the surrounding residential living area.*

4. Please describe how the values of surrounding properties are not diminished: *The proposed 8' x 10' garden shed will not impact any surrounding area as neighbors have affirmed in conversation.*

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: *Residential area with rock wall surrounding. No view or impact on neighbors in the area.*

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: *A garden shed 8' x 10' in our backyard.*

B. Please describe the special conditions of the property that distinguish it from other properties in the area; *It is a residential backyard and looking to place a 8' x 10' garden shed within 12 - 14 feet of neighbor on 21 Craig Road who is in complete compliance with it.*

Owing to the special conditions identified above, please indicate how the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it: *Close proximity and neighbor is ok with it who is within 8 - 10 feet. All other neighbors are not even visibly close or concerned.*

Chairman Dearborn asked why the shed could not be placed somewhere else on the property. Suzette Masewic responded personal preference and any other place would impact the hardscape.

Vice Chairman Meyer verified which house was hers on google maps. This delineated just how tight the area is, understanding the perspective, showing the existing rock wall.

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

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

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 she would like to speak. She was all set.

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

The Chair closed the hearing and asked for a motion to approve point 1.

Case #15-2021

Board Deliberation

Point 1: Vice Chairman Meyer moved, Marc Morette seconded to accept point one of the five points of hardship for Case 15-2021. Discussion: Chairman Dearborn stated having a garden shed for storage is not contrary, but setbacks are. Due to the nature of the .47 acre lot and hardscape it would be difficult to site this elsewhere. Vice Chairman Meyers concurred and mentioned the steepness of the grade. **Passed 5-0-0**

Point 2: Marc Morette moved, Vice Chairman Meyer seconded to accept point two. Discussion: Marc Morette stated the lot is nicely manicured with significant hardscape that would not be easy to alter. Vice Chairman Meyer agreed and stated the spirit of the ordinance would not be getting in the way. **Passed 5-0-0**

Point 3: Marc Morette moved, Vice Chairman Meyer seconded to accept point three. Discussion: Chairman Dearborn stated it is substantial justice to the applicant with no impact to the town or neighbors. Bobbi-Jo Plamondon stated a garden shed is a reasonable use. **Passed 5-0-0**

Point 4: Vice Chairman Meyer moved, Marc Morette seconded to accept point four. Discussion: Chairman Dearborn stated this would not bother the neighbors. Marc Morette agreed, adding, the area is well kept.

Passed 5-0-0

Point 5: Marc Morette moved, Vice Chairman Meyer seconded to accept point five in its entirety. Discussion: Chairman Dearborn stated it would be an unnecessary hardship for the landowner. It is a reasonable use for the property. Bobbi-Jo Plamondon stated based on the layout of the lot it is the only logical place for the shed. **Marc Morette moved to amend his motion for point five with the understanding no closer than eight feet. Vice Chairman Meyer seconded. Passed 5-0-0**

The variance was approved.

III. EXTENSIONS

1. Cindy Rooney - Variance #2707, Tax Map 108-041, 67 Pondview Drive, due to expire September 1, 2021, request to extend for one year. **Vice Chairman Meyer moved, Marc Morette seconded to extend the variance #2707 for one more year.** Discussion being none, **passed 5-0-0.**

2. Carl D. Landon – Tax Map 103-018 & 103-035 – Russell Drive, received on August 2, 2021, requests for variance renewal extension, Article 17, Section 17.1.1. **Marc Morette moved, Vice Chairman Meyer seconded to accept the extension.** Discussion being none, **passed 5-0-0.**

3. Sharon Boisvert & Eric Geissenhainer – Tax Map 103-033, Russell Drive, received August 12, 2021, requests renewal extension. **Marc Morette moved, Bobbi-Jo Plamondon seconded to grant extension.** Discussion being none, **passed 5-0-0.**

IV. MINUTES:

August 3, 2021 Minutes: **Marc Morette moved, Malcolm Wright seconded to accept the minutes of August 3, 2021.** Discussion: Bobbi-Jo Plamondon corrected page 5. **Marc Morette moved, Vice Chairman Meyer seconded to accept the minutes of August 3, 2021 as amended, passed 5-0-0.**

V. NEXT MEETING:

October 5, 2021

Being that there was no more business to come before the Board, Marc Morette moved, Chairman Dearborn seconded to adjourn the meeting at 8:00 pm., passed 5-0-0.

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

You Tube recording & TA Bolton notes