

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

September 27, 2023

Members Present: Gil Morris, Loren White, Tom Bascom, Jarvis Adams and Sheldon Pennoyer

The Board reconvened to continue the Public Hearing for Case 2023-02 Cyrus Delay. This is for a Variance from Article D Section III of the Zoning Ordinance to permit an existing shed to be expanded to approximately 6' from the property line.

Gil said he had spoken to Town Counsel after a motion was passed to reconsider supporting Criteria 1, which originally failed. After reviewing the application, the minutes of August 23, 2023 and our Ordinance, Town Counsel had advised that granting the Variance was within the ZBA's power.

RSA 674:33,1(a)(2) provides the ZBA wide latitude in granting a variance from the Town's Zoning Ordinance, and this includes such provisions as follows: "There shall be between the nearest side of any public highway and the extreme front of any building, a yard having a minimum depth of one hundred (100') feet. There shall be between the nearest side and rear border of any lot a yard of not less than fifty (50') feet. There is, however, an exception to these setback requirements. For lots smaller than two acres in area and deemed conforming per the following paragraph 4, setback requirements will be reduced in proportion to the actual lot size divided by the minimum lot size, however, in no case will setbacks be less than thirty (30') feet at the front and twenty (20') feet at the sides and rear."

The Board revisited Criteria One, and Gil read aloud from the minutes of August 23rd. Tom said he'd done some research on the definition of "Public Interest" and he felt that granting this variance would not threaten the Public Interest. The meeting minutes show that the ZBA considered the 5 variance criteria and voted affirmatively on all but Criteria One; however, after further discussion, did move to reconsider because they found this variance was reasonable.

Tom moved to approve Criteria One based on Town Counsel's advice that we can give a Variance, and taking into consideration the small lot size. Jarvis seconded. All were in favor, motion passed.

Tom moved to approve the Variance and Jarvis seconded. All were in favor; motion passed. The Public Hearing was closed at 6:49 PM

Gil said that the Land Use Boards were invited to meet with the Town Counsel as a training exercise. Possible dates were discussed and will be sent over to the Planning Board.

Loren Moved to approve the minutes of August 23rd, amended to add an "s" to "Hanning", and Jarvis seconded. All were in favor; motion passed.

The Board agreed to level fund the budget for next year. Gil will communicate with Aaron Patt.

Sheldon moved to adjourn at 7:07 and Tom seconded. All were in favor; motion passed.