

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

June 17, 2020

Members Attending: Gil Morris, George Rainier, Jarvis Adams, Loren White, Sheldon Pennoyer and Steve Atherton attended from the Town Offices.

Public attending: Nathan Lechman via Zoom

Meeting opened at 7:00 PM

Gil called the meeting to order and read the disclosure for holding a virtual public meeting as outlined by Governor Sununu in Emergency Order #12 pursuant to Executive Order 2020-04. A roll call attendance was taken and all present stated whether or not anyone else was present in the room with them. **Gil noted that we have 6 board members present.** It was stated that Gil would not be voting tonight. All votes will be taken by Roll Call.

ZBA Case 2020-03 Continued

The application was submitted by Nathan and Nicole Lechman, 121 East Road, Lot R5-34-1 who are requesting a Variance from Section XIV Special Event Facility Ordinance of the Zoning Ordinance, Paragraph 4.b. to permit a maximum of 35 events up to 125 attendees.

Nathan said because of COVID 19 they have been devastated. They'd missed half of their season, had to give out refunds for the cancellations, and had to take out significant loans which will impact them for years to come. Its been an incredibly stressful time.

Gil asked for confirmation that we had already given a Variance for 22 events up to 125 attendees. The original zoning ordinance allowed a maximum of 10 per year. Sheldon asked Nathan to explain the shift in numbers. Nathan said before the last Variance the original ordinance allowed a certain number of events based on numbers. However, it became impossible to book events in the lower amount of attendees range. Sheldon asked if they still fill the 25 or less weddings. Nathan said they'd only done 3 of those since they'd been in town.

Jarvis asked about the range of wedding dates – 35 seems like a lot. Nathan said they will need to book Fridays and Saturdays. They try to book from the beginning of May through the end of October.

Correspondence was read regarding this Case:

The Code Enforcement Officer stated he was in support of the increase.

The Police Chief said he is fine with it; it has almost no impact on the GPD

A letter was received from Larry Hill of 14 East Road who Opposes this change. He says he opposed the venue from when he first found out about it, which was too late. They don't abut the property, but they do live on East Road and said the events create a great deal of traffic and noise. He said he's lived here for 20 years and there are 5 businesses on East Road. He said he will look for a legal way to fight this.

42 He said he was also told that there would be police presence and that the events would end at 10:00
43 PM; neither have happened.

44 An email was received from Bow Smith who feels that the venue is an added value to the Town. He says
45 they are always well run and managed. He is in support of this change.

46 **Jarvis moved to go into deliberative session. This was seconded by Sheldon. A roll call vote was**
47 **taken and all were in favor; motion passed.**

48 Sheldon asked for a Board discussion. Gil asked for Steve's input on this as he lives at the top of East
49 Road. Steve said he'd been in favor of a responsible use for that venue since the beginning. Yes, there is
50 an increase in traffic. This also happens when folks come to the Greenfield State Park. He is in support
51 of this. Jarvis asked about the fireworks mentioned in Larry Hill's letter. Nathan said the only fireworks
52 on that property since they've owned it was last 4th of July and it was his own family party. There are
53 fireworks coming from East Road, but not from his property.

54 Sheldon said that as a Board they will be looking at: Is this a detriment to the neighbors, and would it be
55 a hardship to deny it? He feels a wedding event venue fits in with our Master Plan and he is in support
56 of this. Nathan clearly has a hardship here with COVID-19.

57 Jarvis concurred with that, and said he was glad to hear that the Building Inspector and Police Chief
58 were in favor. Also, it keeps the rural character of this area. Sheldon noted that the subdivision down
59 the road will have a greater impact than this. Jarvis said as Nathan had pointed out, if you send out 125
60 invitations, not all 125 people will show up. Sheldon said he's always felt that the 125 people limit was a
61 hardship on the business; 125 is on the small side.

62 Loren asked what we were ultimately trying to do. Is it to provide temporary relief or would this be a
63 permanent change? The Lechmans are looking for this to be a permanent change. Gil said he has done
64 some research and when this ordinance first came out the requirements for events was arbitrary.

65 Gil read through the 5 conditions.

66 Facts in support of granting the variance were read and discussed; each one was voted on separately.

- 67 1. Sheldon moved that granting the variance would not be contrary to the public interest; Steve
68 seconded. A roll call vote was taken, and all were in favor; motion passed 5-0.
- 69 2. Sheldon moved that if the variance were granted, the spirit of the ordinance would be observed;
70 based on input from the Code Enforcement Officer and Police Chief. Jarvis seconded. A roll call
71 vote was taken and all were in favor; motion passed 5-0.
- 72 3. Steve moved that granting the variance would do substantial justice; Sheldon seconded. A roll
73 call vote was taken and all were in favor; motion passed 5-0.
- 74 4. Sheldon moved that If the variance were granted, the values of surrounding properties would
75 not be diminished; Jarvis seconded. A roll call vote was taken, and all were in favor except Loren
76 who abstained; motion passed 4-0-1.
- 77 5. Jarvis moved that denial of the variance would result in unnecessary hardship; Sheldon
78 seconded. Discussion: Loren said he doesn't disagree that there is a hardship this year, but his
79 concern is that Nathan is asking for a variance that will be forever; it will go beyond the issues of
80 COVID-19. Sheldon asked how the numbers were decided in the first place; George said it was

81 based on parking. Sheldon said he doesn't criticize the Planning Board but he never felt there
82 was enough basis for the number restrictions. He feels we have a business that has been run, its
83 been successful, and they are just trying to survive. He believes that we as a town need to
84 support this business. Steve said he understands that Loren's concern is that the justification
85 behind granting this Variance is temporary while the effects would be permanent. Jarvis
86 paraphrased what Sheldon said: 125 people and parking is not arbitrary. The number of events
87 that can be held is arbitrary. Maybe this Board should talk to the Planning Board about changing
88 this. Sheldon noted that we might get another venue in town which would not be run as well,
89 so he would not encourage the Planning Board to make any changes. Gil asked if the Lechmans
90 sold the business would the Variance stay with the business? Could we grant the Variance just
91 for that business? Jarvis said he would not agree with that. George said that the ordinance
92 states that Site Plan Approval is only valid for 3 years. The Ordinance was read and discussed.
93 George asked if the COVID-19 thing hadn't popped up, would he be in a financial crisis? Nathan
94 said they were almost fully booked for this year and for part of next year. Now they are lucky to
95 have 7 weddings booked.

96
97 A motion was made to move the question by Sheldon, seconded by Loren. A roll call vote was
98 taken and all were in favor except George who abstained; motion passed 4-0-1.

99
100 A motion was made by Steve that denial of the variance would result in unnecessary hardship.
101 This was seconded by Jarvis. All were in favor except George who abstained, motion passed 4-0-
102 1.

103
104 Sheldon made a point for the minutes that he had been monitoring the public who might want
105 to join the meeting via Zoom, and no one else had asked to join.

106 All of the criteria were met. The Board's decision was to **grant** the variance.

107 The Public Hearing was ended at 8:05 PM

108 The Board reviewed the minutes from their last meeting held on June 10, 2020. Sheldon **moved to**
109 **approve the minutes as written, and George seconded. All were in favor except Steve who abstained;**
110 **motion passed.**

111 Gil said he had a call regarding a possible garage or carport. He was surprised it was in the Rural Ag
112 district because the lot was so small. Apparently, the property owner is trying to put the garage in the
113 side lot, and the Building Inspector referred him to the ZBA. We'll keep an eye out for this possible case.

114 Having no further business to discuss, George **motioned to adjourn the meeting, and Sheldon**
115 **seconded. All were in favor, motion passed, and the meeting adjourned at 8:13 PM.**