

Zoning Board of Adjustment
June 2, 2022
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Chairman Frank Mai called the meeting to order at 4:30 PM.

Members Present: Frank Mai – Chairman, Barbara Hanson, Richard Mallion, Chuck Lockhart and Joyce McGee – Secretary.

Absent: Thomas Jackson

Public Present: Joseph Danz and Theodore & Teresa Jounakos

Chairman Mai read the following:

Public Hearing(s):

Variance:

#2022-001 Owner: Danz, Joseph – 237 Lancaster Road, Tax Map 219 Lot 035.01: who is/are requesting a Variance to build a 28'x 30' 2-story garage 6' from the property lines where 25' setbacks are required. Article XIII – Absolute Criteria for all Development: Site Design Standards – 6.29: Setbacks of the Development Code.

The facts of supporting requirements on the Variance Application were read (see file).

A motion was made by Chuck Lockhart to approve the Variance Application as complete, seconded by Richard Mallion. All in favor, motion carries. APPROVED

Mr. Danz approached the Board stating that 237 Lancaster Road is the main house with the small cabins next to it, it's part of the Whitefield Lakeside Condo Association. Rocks and vegetation are around the current garage. There is full support from the Association to take down the current garage and replace with the 2 story garage.

Chairman Mai asked if a letter of support was available from the Association and the abutter where the garage is being built closer too. Secretary McGee advised that she had sent out a certified letter to the abutter but never got the green card back. Mr. Danz stated that he did not have a letter from the Association but could get one. Chairman Mai also asked if the 2nd story of the garage would be used for sleeping. Mr. Danz advised no bedroom(s) at this time, it will be open like a loft area. A desk will be there and downstairs a pool table and workout area. Possibly a ½ bath at some point but don't think septic would allow it, more use on the system then designed for.

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Richard Mallion stated that anything is better than the current garage with the blue tarp on it, as part of the Byways Commission the new garage is welcomed! Barbara Hanson had no concerns as long as a letter is received from the Association.

The GIS map wasn't to scale, the Board wondered if another plan was available to review the boundary lines. Secretary McGee found a 1983 septic plan and also found a site plan from 1983 (PB #266). Both plans showed the setback area from the abutting property. No concerns were noted, no abutters present.

A motion was made Chuck Lockhart to approve the Variance to build 6' from the property line once a letter is received from the Association, seconded by Richard Mallion. All in favor, motion carries. APPROVED

Chairman Mai read the following:

Special Exception:

#2022-002 Owner: Jounakos, Theodore & Teresa – 11 Rigazio Lane, Tax Map 255 Lot 020: who is/are requesting a Special Exception to have a detached 1 to 2 bedroom ADU (Accessory Dwelling Unit). Article XVIII-Activity: Single Family Home – Section 12: Accessory Dwelling Unit (ADU) – 12.5 (e) of the Development Code.

The facts stating how the proposal meets the Special Exception were read (see file).

A motion was made by Chuck Lockhart to approve the Special Exception Application as complete, seconded by Richard Mallion. All in favor, motion carries. APPROVED

Mr. Jounakos approached the Board stating the current dwelling is where he and his wife have been living but would like to build a garage with an apartment. This would be where they will reside and the other dwelling will only be used for family twice a year for two weeks at a time. Each of the dwellings have their own separate septic system.

Chuck Lockhart stated that he felt there were tons around town and he would personally write it out of the zoning. Barbara Hanson asked how far away was it from the other dwelling? Mr. Jounakos responded that it was about 150', his lot is 5.3 acres. No other concerns were brought forward. No abutters were present.

A motion was made by Chuck Lockhart to approve the Special Exception to allow the detached ADU, seconded by Barbara Hanson. All in favor, motion carries. APPROVED

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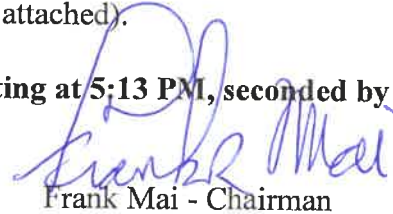
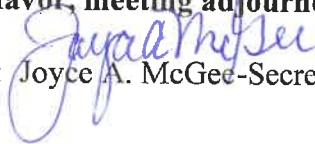
Other Business:

Minutes: A motion was made by Barbara Hanson to approve the December 20, 2021 minutes as written, seconded by Frank Mai. All in favor, motion carries. APPROVED

-Update of 2021 Summary Changes to the ZBA Handbook (see attached).

A motion was made by Chuck Lockhart to adjourn the meeting at 5:13 PM, seconded by Richard Mallion. All in favor, meeting adjourned.

Respectfully submitted by: Joyce A. McGee-Secretary



Frank Mai - Chairman

84 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision. Amend RSA 676:3, I to read as follows:

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. ***The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.*** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

85 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after paragraph VII the following new paragraph:

VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.