

Zoning Board of Adjustment
September 13, 2021
4:15 PM
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Chairman Frank Mai called the meeting to order at 4:14PM.

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

Members Absent: Barbara Hanson

Public Present: Lewis Niles, Penny (Niles) Dodge and Troy Dodge, Randall Nearing, David Scalley, Chris & Becky Matthews and Richard Harris Sr.

Chairman Mai read the following:

Public Hearing(s):

Appeal from an Administrative Decision:

#2021-004: Owner/Applicant – Niles, Lewis & Dodge (Niles), Penny – 102 Spencer Road, Tax Map 255 Lot 026: who is/are requesting an Appeal from Administrative Decision on replacing a dwelling lost in a fire in April 2018 as it does not meet Article XII – Non Conforming Uses “Grandfathering” Section 5.8 Discontinuance of the Development Code.

Chairman Mai read the letter from Lewis Niles on why the decision was appealed. Secretary McGee advised that she checked with Fire Chief John Ross Jr. and the date of the fire was April 2018 not 2019 as stated in the letter. The Non-Conforming Uses “Grandfathering”: Section 5.8 Discontinuance and 5.9 Change were read as well (see attached).

Thomas Jackson thought the discontinued or abandoned period of time of (12) months is impossible to meet when you factor in cleaning the site, contacting the insurance etc. I am in favor of allowing him to rebuild.

Lewis Niles was present and stated he replaced and filled the heat damaged concrete blocks and poured a new concrete floor in the basement in the Spring of 2018 which was within the twelve months. In 2020 it was capped.

Chuck Lockhart wondered what the 2nd home known as the mother in-law cottage would be used for. Mr. Niles stated that from time to time a family member would use it, if not approved I would take the building down and it would be removed from the tax role.

Richard Mallion felt it didn't interfere with much. Chuck Lockhart agreed with Thomas Jackson on the 12 months not being enough time. Maybe we should suggest to change that period of time to the Planning Board.

Chairman Mai asked if any abutters had a concern.

Randall Nearing an abutter was present, doesn't have any problems, the sewer problem was corrected but he has dogs that attacked him. Mr. Niles will address the dog issue. Mr. Nearing wondered if the other home is being rented out. Mr. Niles stated, No the new home will be for his son. Then I'm not against it.

No other abutters were present.

A motion was made by Thomas Jackson to accept the application as complete, seconded by Chuck Lockhart. All in favor, motion carries. APPROVED

Richard Mallion asked if the work was going to be done by winter. Mr. Niles stated it would be closed in by then.

A motion was made by Richard Mallion to grant the Appeal from an Administrative Decision to allow the non-conforming house as work had begun within the time frame of 12 months under Section 5.8 of Discontinuance, seconded by Chuck Lockhart. All in favor, motion carries. APPROVED

Secretary McGee advised that the Development Application had to be brought back before the Planning Board tomorrow night.

Chairman Mai read the following:

Variance:

#2021-005: Owner/Applicant – Matthews, Christopher & Becky – 30 Union Street, Tax Map 103 Lot 017: who is/are requesting a variance to construct a 12'x30' 5 ½ "single story addition to the front of the house which will be 5' from the State ROW where setbacks are 10' (Article XIII- Absolute Criteria for all Development: Site Design Standards – 6.29: Setbacks) of the Development Code.

Chairman Mai also read the Variance Application the owners were advised that there are no districts in Whitefield. Mr. Matthews had stacked out the area in front for a better visual of what they were asking for.

Chris and Becky Matthews were present. Abutter David Scalley owner of 28 Union Street was present and had no problems, it met the town aspect with storefront and would make it appear more business like!

Frank Mai thought the State was looking at making this area two lanes at some point. David Scalley thought it was the hill going up to the Elementary School but not enough room.

Thomas Jackson wondered if the Matthews had talked with the State. Mr. Matthews stated, a while ago they advised the ROW was 24.7'. David Scalley stated that there are other businesses that are closer than the 10' from the road ROW. Ms. Matthews stated that the ROW and Town setbacks confused her.

Richard Mallion thought the side entrance was a good idea. Ms. Matthews agreed as an increase in speed by the house, they should have electronic speed signs going out of town!

The Board had no other questions.

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

A motion was made by Chuck Lockhart to approve the 5' Variance from the State ROW as requested, seconded by Richard Mallion. All in favor, motion carries. APPROVED.

Secretary McGee advised that the Development Application had to be brought back before the Planning Board tomorrow night.

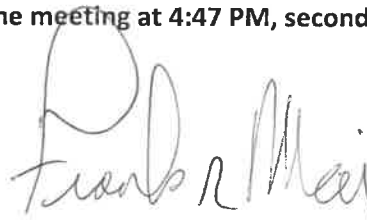
Other Business:

Minutes: A motion was made by Richard Mallion to approve the minutes of July 12, 2021 as written, seconded by Chuck Lockhart. All in favor, motion carries. APPROVED

A motion was made by Chuck Lockhart to adjourn the meeting at 4:47 PM, seconded by Thomas Jackson. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee – Secretary


Frank Mai - Chairman