

LYMAN ZONING BOARD of ADJUSTMENT MINUTES

July 27, 2022

Call to Order: Chairman Stephen Moscicki called the meeting to order at 6:04 pm.

Roll Call:

Members – Stephen Moscicki, , Greg Harville , Richard Hubbard, Larry Schieman Diana McGrath(Asst. PB Coordinator)

Absent –Mark Draper

Meeting Minutes:

The minutes for the March 16, 2022 meeting were reviewed. G Harville motioned to accept the minutes as written, 2nd by S Moscicki, all voted in favor.

Correspondence:

NH Town and City magazine for July/August 2022 and EMSWORLD was provided for the board. The magazines will be available for review in the Selectman's office should any Board members wish to review it.

Old Business:

G Harville presented a draft letter to the Lyman Planning Board to consider changing the Lyman Zoning Ordinance to specifically address Mountain Meadows Sub-division. The Board accepted the letter and McGrath will put the letter on letterhead for the next Planning Board Meeting scheduled for August 3, 2022.

Public Hearing:

Chairman Stephen Moscicki opened the public hearing at 6:15 pm to address the application for a variance submitted by William and Brenda Minot, for a property located at Dodge Pond Road, Map 216, Lot 028. The following people were present for the hearing:

Applicant: William Minot

Brenda Minot

No Abutters present

The hearing was noticed in the Courier, on the Town of Lyman Website, and posted at the Lyman Town Hall. Abutters were noticed via certified mail.

Chairman Moscicki addressed William and Brenda Minot and explained that they did not have a full board as only four members were in attendance. The Minots' stated they were fine in proceeding without a full board.

Chairman Moscicki asked the Minot's to present their case. W. Minot explained that the reason for the proposed shed is to store tools and such that they would use to maintain their property. W. Minot stated that even though their property is rather small and does not meet any of the Lyman Town Ordinances, placement of the shed would not interfere with the town's winter plowing.

Harville motioned to close the public meeting, 2nd by Schieman, all voted in favor

The Board began deliberation on each of the 5 criteria for each variance request:

The application for the following variance in the Lyman Zoning Ordinance: **Article 7, Section 701** was read in its entirety by Chairman Moscicki.

1. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT be contrary to the public interest. The board agreed that granting the variance, albeit how small the lot size would not be contrary to public interest. Harville stated that there are plenty of similar lots in the area of Dodge Pond with similar utility sheds. The camp was there before the zoning ordinance.
2. Chairman Moscicki asked if the spirit of the ordinance WOULD or WOULD NOT be observed. The board agreed that granting the variance would not threaten the public health, safety or welfare of Lyman residents.
3. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT do substantial justice. By granting the variance, the board agreed that there is no benefit to the public that would outweigh the hardship to the applicant.
4. Chairman Moscicki asked if the values of the surrounding properties WOULD or WOULD NOT be diminished. The board agreed that the surrounding lots would not be diminished.
5. Unnecessary Hardships:
 - a(i). Chairman Moscicki asked if there IS or IS NOT a fair & substantial relationship between the general public purpose of the ordinance provision and the specific application of the provision to the property. The board considered that this lot and similar lots existed in the Dodge Pond area, prior to the Town of Lyman enacted zoning. However, Harville also noted that Article 7 creates specific impact in and around Dodge Pond that generally does not burden other lots in the Town of Lyman.
 - (ii)Chairman Moscicki asked if the proposed use IS or IS NOT a reasonable one. All the board members agreed that it was reasonable.

The Board discussed that granting the variance would be similar and consistent with the use of other surrounding lots in similar size, in the area of Dodge Pond. Mosicke made a motion to approve the applicants request for a variance from article 7, section 701 of the zoning ordinance to permit a shed on land shown on tax map 216 , lot 028 with .12 acres when 2.07 acres is required. 2nd by Hubbard, all voted in favor.

The application for the following variance in the Lyman Zoning Ordinance: **Article 7 Section 702** was read in its entirety by Chairman Moscicki.

1. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT be contrary to the public interest. The board discussed that the request for variance would not alter the essential character of the neighborhood and would properly store tools and supplies used to maintain the applicants property. Harville stated that many lots in the Dodge Pond area have less than 250' road frontage.
2. Chairman Moscicki asked if the spirit of the ordinance WOULD or WOULD NOT be observed. The board agreed that granting the variance would not threaten the public health, safety or welfare of Lyman residents.
3. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT do substantial justice. By granting the variance, the board agreed that there is no benefit to the public that would outweigh the hardship to the applicant. By granting the variance, Moscicki stated, it allows the applicant the ability to use the property the way they want.
4. Chairman Moscicki asked if the values of the surrounding properties WOULD or WOULD NOT be diminished. The board agreed that the surrounding lots would not be diminished.
5. Unnecessary Hardships:
 - a(i)Chairman Moscicki asked if there IS or IS NOT a fair & substantial relationship between the general public purpose of the ordinance provision and the specific application of the provision to the property
 - (ii)Chairman Moscicki asked if the proposed use IS or IS NOT a reasonable one. All the board members agreed that it was reasonable.

The Board discussed that granting the variance would be similar to and consistent with the use of other surrounding lots of similar frontage, in the area of Dodge Pond. Again, the Board agreed that Article 7 of the Lyman Town Ordinance creates specific impact to lots in and around Dodge Pond that generally does not burden other lots in the Town of Lyman. Hubbard made a motion to approve the applicants request for a variance from article 7, section 702 of the zoning ordinance to permit a shed on land shown on tax

map 216 , lot 028 with frontage less than 250 feet on a state, town or private road. 2nd by G. Harville, all voted in favor.

The application for the following variance in the Lyman Zoning Ordinance: **Article 7 Section 703** was read in its entirety by Chairman Moscicki.

1. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT be contrary to the public interest. Since the shed would not be 65' from center of line of the right – of – way of Dodge Pond Road, Harville was concerned on the difficulty of ploughing the road. The applicant had stated that the shed will be placed in a spot where it will not interfere with the town ploughing the road.
2. Chairman Moscicki asked if the spirit of the ordinance WOULD or WOULD NOT be observed. The board agreed that granting the variance would not threaten the public health, safety or welfare of Lyman residents.
3. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT do substantial justice. By granting the variance, the board agreed that there is no benefit to the public that would outweigh the hardship to the applicant.
4. Chairman Moscicki asked if the values of the surrounding properties WOULD or WOULD NOT be diminished. The board agreed that the surrounding lots would not be diminished.
5. Unnecessary Hardships:
 - a(i)Chairman Moscicki asked if there IS or IS NOT a fair & substantial relationship between the general public purpose of the ordinance provision and the specific application of the provision to the property. By not granting, Moscicki reiterated that it denies the applicant from using their property the way they want .
 - (ii)Chairman Moscicki asked if the proposed use IS or IS NOT a reasonable one. All the board members agreed that it was reasonable.

Moscicki made motion to approve the applicants request for a variance from article 7, section 703 of the zoning ordinance to permit a shed on land shown on tax map 216 , lot 028 with setback less than 65 feet from the center line of the right-of-way of state, town or private road. 2nd by Schieman, all voted in favor.

The application for the following variance in the Lyman Zoning Ordinance: **Article 7 Section 704** was read in its entirety by Chairman Moscicki.

1. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT be contrary to the public interest. Schieman was concerned that the shed was too close to the property line. Moscicki suggested granting with conditions. Harville argued that allowing the downsizing from 30 feet from side and rear property lines would have a “cumulative impact” with other lots of similar size. He was concerned of the eventual overcrowding in the area of Dodge Pond.
2. Chairman Moscicki asked if the spirit of the ordinance WOULD or WOULD NOT be observed. The board was not in total agreement that granting the variance would not threaten the public health, safety or welfare of Lyman residents. Harville argued that even though the lot is consistent with other lots in the Dodge Pond area, the purpose of the Lyman Zoning Ordinance is to prevent the eventual overcrowding in the area of Dodge Pond. Moscicki proposed moving the shed to a reasonable distance from the property lines of more than 10 feet requested by property owner and less than 30 feet which is required.
3. Chairman Moscicki asked if granting the variance WOULD or WOULD NOT do substantial justice. By granting the variance with conditions, the board again was not in total agreement that there is no benefit to the public that would outweigh the hardship to the applicant.
4. Chairman Moscicki asked if the values of the surrounding properties WOULD or WOULD NOT be diminished. The board was in agreement that the surrounding lots would not be diminished, that the lot was consistent with other lots in the area of Dodge Pond.
5. Unnecessary Hardships:
 - a(i)Chairman Moscicki asked if there IS or IS NOT a fair & substantial relationship between the general public purpose of the ordinance provision and the specific application of the provision to the property. By not granting, Moscicki reiterated that it denies the applicant from using their property the way they want.
 - (ii)Chairman Moscicki asked if the proposed use IS or IS NOT a reasonable one. Not all the board members agreed that it was a reasonable.

Moscicki made a motion to approve the applicants request for a variance from article 7, section 704 – Side and Rear Yards of the zoning ordinance to permit a shed on land shown on tax map 216 , lot 028 shall be at least 20 feet from the side and rear property lines where 30 feet is required. 2nd by Schieman, 3 to 1 in favor.

New Business:

McGrath presented the Board with last updated version of “Rules of Procedure for Board of Adjustments.” The board decided to set a date for public meeting August 24, 2022 at 6PM to review and discuss in detail the Procedures.

McGrath presented the Board with an Application for variance for Donovan Family Trust of 2015 with proposed hearing date scheduled for August 31, 2022.

Next Meeting Date: August 24, 2022

Adjourn:

Schieman motioned to adjourn the meeting at 6:56 pm, 2nd by Hubbard, all voted in favor.

Approved Date: _____

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