

LYMAN ZONING BOARD of ADJUSTMENT MINUTES

May 8, 2019

Call to Order: Chairman Robert Chenevert called the meeting to order at 6:00 pm.

Roll Call:

Members – Robert Chenevert, Larry Schieman, Michael O'Brien

Absent – David Simpson, Patricia O'Brien

Alternates – None

Meeting Minutes:

The minutes for the January 16, 2019 regular meeting were reviewed. Michael O'Brien motioned to approve the minutes as written, Larry Schieman 2nd, all voted in favor.

Correspondence:

NH Town and City May/June 2019 was provided. Chairman Robert Chenevert looked at the publication quickly and will try to review any pertinent information in preparation for the June 2019 meeting.

The Annual Planning and Zoning Board Conference will take place on June 1st at the Grappone Conference Center. The event sold out quickly this year so the Chairman, Robert Chenevert, has been placed on a waiting list to attend. Should a ticket become available he will attend this conference.

Old Business:

The need for ZBA alternates was discussed briefly. The Chairman addressed the people who were there to attend the upcoming hearing to share some information on the duties and responsibilities of ZBA members. He stated the need for ZBA alternates is great. Two of the residence in attendance did show some interest in this opportunity. The board will continue efforts to find ZBA alternates.

New Business:

Members and all of their contact information have remained the same.

Every board member in attendance received the updated copy of the Planning & Land Use Regulation 2018-2019 book. The absent members will receive their copies at the June 2019 meeting.

The need for a June meeting was discussed briefly. This meeting will take place should a potential Variance Application for a property located at 3 Cabin Rd. be received.

Public Hearing:

Chairman Robert Chenevert opened the public hearing at 6:15 pm to address the application for a variance received from Michael & Mary Loughran, Trustees of the

Loughran Family Trust of 2018 for a property located at 250 Wilderness Acres Rd, Map 209 Lot 020. The following people were present for the hearing:

Applicants: Michael & Mary Loughran

Abutters: David Pratt

Other Attendees: Zach Loughran, Roland Bosse, Stephen Delfino

Selectmen Liaison Bruce Beane

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. The application for the following variances in the Lyman Zoning Ordinance: Article 7 Section 704 - Side and Rear Yards and Section 705:2 - Height Standard was read aloud.

Chairman Robert Chenevert opened the discussion up to Mr. Loughran. He stated that the existing wind generator in question is a single tower that is well hidden among the trees and he didn't believe that the value of any surrounding properties would be diminished in any way. He also brought up an agreement for a Grant of Easement Release that Mr. Pratt signed in 2016. The Chairman immediately addressed that although this private agreement may be valid it would not factor into the board's decision and does not pertain to the ZBA variance process. Mr. Loughran also stated that the wind generator is a main source of power along with four solar panels and that the removal of the wind generator would cause a huge expense as he would then need to run approximately 400 yards of electrical line to get power to his property.

Abutter, David Pratt, stated that the wind tower is located approximately 5-7 feet from his property line and isn't properly installed and rather is only tethered to a tree and leaning. He presented a property survey map to show the location of the structure. Pratt expressed his concerns that the structure may fall on his property and has the potential of injuring family. Loughran addressed this concern and presented the board with photos of the cable that was previously securing the structure to a nearby tree. He stated that the cable was recently cut in the past month and that he has delayed re-securing the structure to be sure that he would not need to remove the structure. He assured the board that pending approval he would secure the structure again.

Chairman Robert Chenevert reviewed the Statement of Reasons

1. Granting the variance WOULD NOT be contrary to the public interest because the variance for height standards isn't an issue as the structure blends in with its surrounding and can't be seen easily. Mr. Schieman stated concerns with the setback variance due to the proximity of the structure to the abutter's property line and the stability of the structure.
2. The spirit of the ordinance WOULD be observed because it will have no effect on the abutters views and Mr. Loughran explained that due to the slop and the direction that the structure is currently leaning if it were to fall it would likely fall on his property and not on the wooded lot of the abutter.
3. Granting the variance WOULD do substantial justice because this structure provides a significant portion of the energy needed for the applicants house.

4. For the following reasons, the values of the surrounding properties WOULD NOT be diminished because it was very difficult for the board members that were able to do a site visit to find the structure as it blended in with the surrounding trees.
5. Unnecessary Hardships:
 1. There 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 because the removal of the structure would mean that a costly installation of a power source would need to be installed.
 2. The proposed use IS a reasonable one because the structure provides a substantial source of energy and is a main source of power for the property.

Chairman Robert Chenevert asked if anyone had any questions or concerns. There were none. Chairman Chenevert closed the public hearing at 7:05 pm.

The board discussed the application further before making a decision. Mr. O'Brien stated that this request for a variance was a reasonable one as the removal of the structure, which was determined to be unobtrusive, would cause undue expense to the applicant and leave them without a significant power source. Mr. Schieman stated his concerns with the setback due to liability issues should the structure fall. The Chairman stated that the liability would fall to the property owner just as if a tree that might fall would.

Michael O'Brien motioned to accept the application for the variance as is, Robert Chenevert 2nd, all voted in favor.

Next Regular Meeting Date: June 12, 2019

Adjourn:

Larry Schieman motioned to adjourn the meeting at 7:12 pm, Michael O'Brien 2nd, all voted in favor.

Approved Date: _____

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