

# ***LYMAN ZONING BOARD of ADJUSTMENT MINUTES***

## ***June 18, 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, Patricia O'Brien

Absent – David Simpson

Alternates – None

**Meeting Minutes:**

The minutes for the May 8, 2019 regular meeting were reviewed. Patricia O'Brien motioned to approve the minutes as written, Michael O'Brien 2<sup>nd</sup>, all voted in favor.

The minutes for the June 12, 2019 regular meeting were reviewed. Robert Chenevert motioned to approve the minutes as written, Patricia O'Brien 2<sup>nd</sup>, all voted in favor.

**Correspondence:**

None

**Public Hearing:**

Chairman Robert Chenevert opened the public hearing at 6:15 pm to address the application for a variance received from Jeffrey L Winn for a property located at 32 Pine Spur, Map 219 Lot 058. The following people were present for the hearing:

Applicant: Jeffrey L Winn

Abutters: Leo Gobin

Other Attendees: Bryson & Joy Yawger, William Wetherbee, Zach Loughran, Bruce Beane, Selectmen Liaison Jim Trudell

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 701 – Minimum lot size, Article 7 Section 702 – Minimum road frontage, Article 7 Section 703 – Setback was read aloud by Patricia O'Brien.

Chairman Robert Chenevert opened the discussion up to Mr. Winn. Mr. Winn stated that he would like to construct a 24x34 ft home for his oldest daughter on this property. He stated that given the topography of the lot the proposed building site is the best option for this new build. He also expressed some frustration with the costly process of having to have a septic system designed before being able to submit an application to the selectmen to be denied.

Abutter Leo Gobin had concerns that issues already existing due to runoff could potentially worsen with a new build. He stated that driveway washouts are an issue currently and that his only concern with a new building being erected would be the

possibility of increasing runoff issues. Winn responded to his concerns stating that an opportunity to place a berm that might redirect any excess run off could be possible. Bryson and Joy Yawger were in attendance and stated concerns for surrounding properties that were not their own for potential run off from the roof. Winn stated that run off from the roof should be absorbed by the drainage system surrounding the foundation. William Wetherbee was also in attendance and asked Mr. Winn to describe the layout of the home in relation to the road. Mr. Winn stated that the first floor wall would fall approximately 4 ft below the current road with a full basement beneath. He also stated that the home would be comparable to already existing homes in Mountain Meadow.

Chairman Robert Chenevert reviewed the Statement of Reasons

1. Granting the variance WOULD NOT be contrary to the public interest because the building being proposed would be comparable to other homes and Article 7 Sections 701 & 702 are variances that multiple properties in the Mountain Meadows development would need. Due to the topography Patricia O'Brien stated that it seemed like the building site options for this lot would be very limited. The board agreed that the building site Mr. Winn presented would be the best option on this lot due to the topography.
2. The spirit of the ordinance WOULD be observed because the majority of properties located in Mountain Meadows would have these pre-existing issues. Robert Chenevert stated that the variances being granted would abide by the history of the subdivision.
3. Granting the variance WOULD do substantial justice because the concerns that were noted about potential run off issues for abutters have been addressed and a plan to limit these issues has been discussed. Larry Schieman expressed concern and suggested a possible condition be placed upon the approval of the plan. Patricia O'Brien agreed that a condition addressing possible runoff issues should be added. The other board members agreed that if Mr. Winn could mitigate the runoff there would be no other concerns.
4. For the following reasons, the values of the surrounding properties WOULD NOT be diminished because a new building would likely increase property values. Michael O'Brien discusses the building specs and states that given the surrounding properties a new building stands to raise property values within the development.
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 majority of the lots in the Mountain Meadows development would require these variances. Michael O'Brien stated that not granting these variances would essentially render the lot useless.
  2. The proposed use IS a reasonable one because the topography of the lot limits the potential building site. Patricia O'Brien states that it seems as if Mr. Winn is limited when it comes to building on this lot and therefore the proposed site seems like a reasonable one.

Chairman Robert Chenevert asked if anyone had any questions or concerns. There were none. Chairman Chenevert closed the public hearing at 7:18 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 that would abide by the history of the subdivision and potentially help to increase property values. Mr. Schieman reiterated his concerns with potential runoff issues. The board worked to add a condition to the notice of decision addressing runoff issues. Mr. Winn will make every effort to minimize runoff that could increase due to the new build.

Michael O'Brien motioned to accept the application for the variance as is, Larry Schieman 2<sup>nd</sup>, all voted in favor.

#### **Non Public:**

Robert Chenevert made a motion to enter non-public session per RSA 91-A:3, II(I) to consider advice received from legal counsel, 2<sup>nd</sup> by Patricia O'Brien, all in favor by roll call vote. Resumed public session. Chenevert made a motion to seal the minutes of the non-public session, 2<sup>nd</sup> by Michael O'Brien, all in favor following a roll call vote.

#### **Old Business:**

The board reviewed David Pratt's motion for a rehearing and appeal on the Loughran matter. Based upon discussion that took place during the nonpublic session Patricia O'Brien motioned to rehear the Loughran Variance Application, 2<sup>nd</sup> by Michael O'Brien, all voted in favor.

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. Mr. Trudell stated that the selectmen may have a potential candidate that was interested. The candidate would like more information about what is involved with the ZBA, what requirements the position would entail, and potential training. The chairman discussed a possibility of current and potential candidates attending training with Mr. Trudell.

#### **New Business:**

The need for a July meeting was discussed briefly. This meeting will take place should a Variance Application for a property located at Poulsen Point Rd. be received in a timely manner.

**Next Regular Meeting Date:** July 17, 2019

#### **Adjourn:**

Patricia O'Brien motioned to adjourn the meeting at 7:49 pm, Michael O'Brien 2<sup>nd</sup>, all voted in favor.

Approved Date: \_\_\_\_\_

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