



ZBA MEETING/HEARING MINUTES
December 1, 2016

ATTENDANCE: ZBA Board- Paul Tremblay, Frank Frazier, Ernest Brown, Richard Mauser, Susan Weiske, Jessica Robischeau, Secretary, Public in attendance- David Guttadauro, Ken Premo, Richard Guttadauro, Marci Guttadauro, Diane Smith, Rob Collins, Richard Zacher, Rose Zacher, Selectman Rep William Nelson

Meeting called to order- 6:00pm

Roll Call was taken.

Chairman Paul Tremblay opened the meeting to public input. After public input, the applicant explained the reason for the request of variance or special exception. With no further input from the public, the Board went into deliberation.

The Board first discussed if the application qualifies as a variance or a special exception. Mr. Brown thought it was a variance but after much discussion, it was decided upon as a special exception. After this discussion, Board Member Ernest Brown made a motion:

Motion:

Ernest Brown made a motion to accept the application as a variance to the Brookfield Zoning Ordinance. Susan Weiske seconded the motion. All in favor. The motion passes.

David Guttadauro of Zip Tie, LLC presented information to the board as to why the board should grant a variance or exception for the subject case of Zip Tie, LLC, 78 Mead Dam Road Brookfield NH Map 28 Lot 3. The plans for the proposed property plan was laid out for the public to view, in which Mr. Guttadauro referred to. The board agreed, based on the fact that this involves two non-conforming lots, merged to create one larger lot, that the application should be for a special exception and a variance based on specific guidance in the Brookfield Zoning Ordinance, rather than the previous motion for a variance.

Motion:

Susan Weiske made a motion to accept the application as a special exception to the Brookfield Zoning Ordinance. Frank Frazier seconded the motion. All in favor. The motion passes.

Mr. Guttadauro continued to explain the reason he is seeking an exception. The current cabin is proposed to be demolished and then a new home rebuilt 52' away from the shoreline instead of the zoning requirement of 75'. The reason for this is due to the terrain issue in the rear and the layout of a proposed well, an existing well and the proposed septic tank. The Board as well as the public further questioned why the house couldn't go back another 23'. The Board reviewed the zoning ordinance IV A#2 and IV A #1B. There was a question if the stairs would be accounted for in the setback footage. It was later determined that it was not there for changing the proposed house setback as 68' which was then 7' off from the zoning requirement.

In the discussion, based upon the proposed plan merging two non-conforming lots to make a larger lot for the proposed house and that the applicant went through exceptional lengths to improve the land, a motion was made:

Motion:

Frank Frazier made a motion to grant the special exception sought by Zip Tie, LLC, 78 Mead Dam Road Brookfield NH Map 28 Lot 3 based upon the proposed plan. The proposed project has met the criteria and the construction complies with the spirit of the zoning ordinance of the Brookfield Zoning Ordinance under Article IV A: 1 a & b- Non-Conforming Lots & IV B: a, b & c Non-Conforming Use and does not adversely affect the character of the area as defined in the above paragraph. In addition, the special exception is contingent upon recording the deed for the lot merger.

The motion was seconded by Ernest Brown. All in favor and the motion carries.

Motion:

Frank Frazier made a motion to adjourn the meeting. Susan Weiske seconded the motion. All in favor and the motion carries.

Meeting adjourned 8:00pm.

Respectfully Submitted,

Jessica Robischeau
ZBA Secretary