

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, February 17, 2016
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John A. Hutton; Tobin Farwell; David Allen; & Frank Reinhold, Alternate (Non-voting) Craig Williams, Alternate, Roy Wilson, Alternate and Peter Hoyt, Alternate.

OTHERS PRESENT: George Trojan; Polly Saltmarsh; John and Sarah Dawson; Perry Bryant; Toni Hartgerink; and Caren Rossi, Planning/Zoning Administrator.

Jim Banks, Chairman stated that they need to decide for the record who will not be voting tonight as we have one extra member.

Craig Williams, Roy Wilson and Peter Hoyt will not be voting.

(ZBA1516-09)

An application made by Dan Gabriel Inc. The property is located at 71 Calef Highway and is known as Lee Tax Map # 04-07-0600. The applicant is requesting the following Variances to the of the 2015 Town of Lee Zoning Ordinance. The applicant is requesting a variance to Article XVII; Signs, Section C-4 Commercial Signs; item h to allow an additional building sign of 20 + -sq. ft.

Frank Reinhold, Alternate clerked.

Caren Rossi explained that she errored and the size of the sign is 6 + - sq. ft.; not the noticed 20 + -sq. ft.

Polly Saltmarsh explained that as shown on the submitted drawings, the sign is for the 24 hour ATM. It is as stated, only 6 sq. ft. The lighting from the sign will actually add some security lighting on this side of the building.

Frank Reinhold asked what the layout on the building is.

Caren Rossi explained that the drawings are in the packet.

Public Comment

None. Floor closed.

Tobin Farwell replied that he didn't have any issues with the request. The other board members agreed.

The Board determined the Following Findings of Fact.

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes all**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 1) Granting the Variance will not be contrary to the public interest. Yes majority

- 2) Granting the variance would be consistent with the spirit of the ordinance. Yes majority

- 3) In granting the variance, substantial justice is done. Yes majority

- 4) In granting the variance, the values of surrounding properties are not diminished. Yes majority

- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to applicant. (A)Yes Majority

A) To find that an "unnecessary hardship" exists, the Board must find:

- o **There are special conditions on the subject property that distinguish it from other properties in the area; and**
- o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

John Hutton made a motion to grant the request made by Dan Gabriel Inc. The property is located at 71 Calef Highway and is known as Lee Tax Map # 04-07-0600. The applicant is requesting the following Variances to the of the 2015 Town of Lee Zoning Ordinance. The applicant is requesting a variance to Article XVII; Signs, Section C-4 Commercial Signs; item h to allow an additional building sign of 6 + -sq. ft.

David Allen second.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal period to the applicant.

(ZBA1516-08)

The Town of Lee Zoning Board of Adjustment will conduct a public hearing on Wednesday, February 17, 2016 at a meeting starting at 7:00 pm regarding an application made by Ellen Trojan. The property is located on Osprey Lane and is known as Lee Tax Map # 29-02-0100. The applicant is requesting the following Variances & Special Exceptions to the of the 2015 Town of Lee Zoning Ordinance.

A Variance to Article XV, Section F-2 Wet Soils to allow the construction of a house to be located 27' + - (at its closest point) from wet soils where 75' feet is required.

A Variance to Article XV, F-1 Wet Soils to allow the construction of a septic system and associated items ns no closer than 73' + - where 125' is required

A Special Exception to Article XV, F-1 Wet Soils to allow the construction of an access way, utility right-of way and associated items no closer than 27' + - where 75' is required.

Frank Reinhold, Alternate clerked.

George Trojan explained that he purchased this lot many years ago with hopes to either build a house for himself, a family member or sell it. He has lived in town for 30 years and does not plan on moving out of town. He had the soils delineated by Joel Noel. There is a knoll that meets the state requirements for

the septic but not the towns. This is due to a small pocket of wet soils. He provided a map of the soils on the lot and a plan showing the proposed buildings, septic and associated items. He wants to disturb the least amount of area as possible, he wants to be as environmental friendly as possible. Many years ago when Georgia Nugent owned the property, she went to the ZBA and received approval to build on it.

Jim Banks, Chairman asked to see this.

Caren Rossi provided minutes from the last meeting.

Public comment

Jim Banks, Chairman asked if there was anyone who wished to speak in favor of the application.

None

Jim Banks, Chairman asked if there was anyone who wished to speak against the application.

John Dawson spoke that he just saw the revised plans tonight and he has not had a chance to review them. He spoke with concern of the property lines being accurate along his strip that provides access to his lot and the Williams lot. He feels that the distance is off by approximately 10 + - feet. If this is true, he feels that the proposed septic location will not meet the required state setback. He also spoke with concerns that the plan does not show the culverts on the lot and that they are not show and there is a lot of water that goes thru them and where does the water go? Will the construction of the lot change the water path?

David Allen asked if the property has been surveyed.

Tobin Farwell replied it is not a surveyed plan.

John Hutton stated that he is not comfortable until you can get a definitive of where the lot line is.

Frank Reinhold asked if the water flow would be an issue.

Tobin Farwell stated that it would be good if Joel Noel could be here to answer the water/soil questions. He too has concerns with the rate of flow etc.

Roy Wilson stated he felt it would be good if the soils scientist and the survey could be here for the next meeting.

John Dawson stated he also has issues with the wet soils setbacks.

Jim Banks, Chairman asked if there was any other comments.

Greg Poitras asked what the changes were to the plans.

Caren Rossi explained that the original plans show the driveway location different when the driveway was laid out in the field so the plans were amended to accurately reflect where the driveway will be. The notice didn't reference any plans and or date of plans so the updating of the plans was not an issue.

Greg Poitras continued that whereas the variance request states that there shouldn't be contrary to the public interest, the negative impact to the Lamprey River is the public interest. You should fit a project into the ordinance not an ordinance into a project.

Perry Bryant spoke that he felt the requests were reasonable and as we all know that the road is a private road and another house will contribute to the maintenance of the road.

George Trojan spoke that he doesn't feel this is an unreasonable request it is 1.1 acres out of the 10 +/- acres. He doesn't feel like what he is asking is unreasonable, he will not disturb the ROW to the Dawson's.

Tobin Farwell stated that he felt that all of the requests were to the setbacks of wet soils and not the setbacks to property lines. He was fine with continuing on with the requests.

John Hutton stated he was pretty stubborn on the ROW boundary/ property line, he wants to know the exact location.

George Trojan asked if they would like anything other than the boundary issue and having Joel Noel here if possible.

The Board felt that if they wanted the line surveyed along the ROW and have Joel Noel present to answer the water flow questions.

George Trojan requested to continue the meeting to April 20th, 2016

The Board agreed.

Caren Rossi explained to Mr. Trojan that she will be requesting the Board to have an As Built plan as a condition if the requests are approved. Therefore the plans must be exactly as he wants to build because there will be no changing them once the approvals are/if granted.

(ZBA1516-10)

An application made by Kevin Crawford representing Spring House Management. The property is located at 455 Calef Highway and is known as Lee Tax Map # 19-07-0800. The applicant is requesting the following Variances & Special Exceptions to the of the 2015 Town of Lee Zoning Ordinance.

The applicant is requesting a variance to Article XVII; Signs, Section III- Permitted Signs, section C-5 Special Exception Signs; items c and e for the following;

Item c, to allow sign of approximately 6 feet by 6 feet (6' x 6' +/-) with supporting post to also include an attached interchangeable sign being hung at the bottom of the main sign of approximately 1 foot by 5 feet (1' x 5' +/-) for a total aggregate square footage of approximately 41 square feet (+/-) where only eight (8) square feet is allowed.

Item e, to allow the top of such sign (if granted) to be approximately twelve feet (12' +/-) in height measured from the crown of the road (Route 125) where only eight feet (8) is allowed.

Note: The Board may act on each of the above listed items or combine the two during this meeting.

Caren Rossi explained that she received an email from the applicant requesting to be continued to the next meeting as he is ill.

John Hutton made a motion to continue the meeting to March 16, 2016.

David Allen second.

Vote: all meeting continued to March 16, 2016.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

John Hutton

David Allen

Tobin Farwell

Frank Reinhold
