

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, December 14, 2016
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; Don Quigley, Alternate & Peter Hoyt, Alternate.

OTHERS PRESENT: James Cummings; Greg Blanchard; Paul Goodwin; (this first are from memory); John Mathews, Market Basket; Paul Martin, Barlow Signs and Caren Rossi, Planning/Zoning Administrator.

A request for a motion to rehear the variances granted on November 2, 2016 to Tuck Realty Group, representing Maple Heights Realty LLC; Equine Properties LLC; Heather & Daniel Couture; Vilicus Homes Inc.; Bonza Builders LLC; Edward Sunshine & Elizabeth & Michael Vardaro. The request is to 2008 Building Regulations, Article IX, E -Wells, as applicable. The properties are known as Lee Tax Map #01-07 sub lots - 01; 02; 03 04; 05; 06; 07; 08; 09; 10; 11; 15; 16; 17; 20; 21; 25; 26; 27 & 28 all are located on Chestnut Way. Please note, while this is a public meeting that is subject to the minimum posting requirements as set forth in the Right to Know Law it is not a public hearing and no formal notice is required to either the applicant or abutters.

Jim Banks, Chairman explained to the audience that there is not a full board of members tonight. The application can go forward with just the three members but if they do not get the outcome they wish, a lack of a full board is not an excuse for an appeal.

Jim Cummins representing the motion for rehearing stated he wished to go forward with a full board.

The Board rescheduled the request to January 4th at 7pm.

****Note:** The next day, when Caren Rossi went to schedule the meeting as stated above, there was not a meeting room available for this night. The meeting was re-scheduled to January 18, 2017 and it was re-noticed. Courtesy notices were mailed to all that sign the original motion for rehearing.

A continued application for, applicant Jenn Robichaud representing Barlow Signs for property owned by DSM MB LLC (Market Basket). They are requesting a Variance to Article XVII, Signs #4, a-h, as applicable. The request is to replace/expand the existing signs. The property is known as Lee Tax Map #04-02-0000 and is located on Concord Rd & Calef Highway. This request is to the 2015 Town of Lee Zoning Ordinance.

Jim Banks, Chairman explained to the applicants that there is only a board of three members tonight.

John Matthews, representing Market Basket agreed to continue with the three members.

Paul Martin, Barlow Signs explained the proposal as submitted. He also reviewed the Findings of Fact as submitted in the application.

The Board did not have any questions.

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 majority**

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.

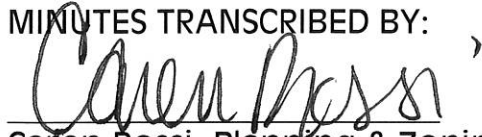
Peter Hoyt made a motion to approve the request from applicant, Jenn Robichaud representing Barlow Signs for property owned by DSM MB LLC (Market Basket). They are requesting a Variance to Article XVII, Signs #4, a-h, as applicable. The request is to replace/expand the existing signs. The property is known as Lee Tax Map #04-02-0000 and is located on Concord Rd & Calef Highway. This request is to the 2015 Town of Lee Zoning Ordinance.

Don Quigley second.

Vote: all, motion carried.

Chairman Banks explained the 30-day appeal process.

MINUTES TRANSCRIBED BY:



Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman



Don Quigley, Alternate

Peter Hoyt, Alternate