

**MINUTES OF THE MEETING  
LEE ZONING BOARD OF ADJUSTMENT  
Wednesday, July 18, 2018  
7:00 PM**

**MEMBERS PRESENT:** Jim Banks, Chairman; Frank Reinhold, Alternate; Craig Williams, Alternate; Shawn Banker, Alternate & Peter Hoyt, Alternate.

**OTHERS PRESENT:** George & Ellen Trojan; Rick Cote; Toni Hartgerink, Conservation Commission; John Hodge; Bill Booth, Building Inspector and Caren Rossi, Planning/Zoning Administrator.

**(ZBA1718-17)**

**Applicant, George Trojan is appealing an Administrative Decision in relation to New Hampshire Revised Status Annotated (NH RSA) 674:41 to permit the issuance of a building permit for residential purposes on property identified by Lee Tax Map #29-06-00 and located on Osprey Lane, a private road.**

Craig Williams clerked.

Caren Rossi provided the board with an email for their review on the procedure for this request.

George Trojan read into the record his application addressing the criteria.  
(in file)

Public comment

Rick Cote, 6 Owl Lane spoke against the application. He doesn't want another house in the neighborhood, like it as it is. Spoke with concerns of the increase to the road.

Floor closed

Caren Rossi explained if you choose to overturn my decision, please specify in the decisions that the deed is to reference no bus pickup and that the town is not responsible for road maintenance.

Jim Banks, Chairman stated that they felt he addressed the criteria well in his application (in file).

The other members agreed.

The Board had no further questions.

Shawn Banker made a motion to overturn my decision and allow the issuance of a building permit for residential purposes on property identified by Lee Tax Map #29-06-00 and located on Osprey Lane, a private road subject to the following conditions:

- Before any permit is issued, the owner of the lot in question must show proof in the form of both a recorded deed and affidavit that shows that the property owner will share responsibility with other property owners along Osprey Lane for all costs and maintenance of the private road known as Osprey Lane.
- Further, the Town shall not incur any liability for any damages whatsoever resulting from the use of this private road.
- That the property owner assumes responsibility for transporting their children to the nearest regular school bus stop.

Craig Williams second.

Vote: all, motion carried.

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

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**(ZBA1718-18)**

**John & Kate Hodge request a variance to Article V, Section B-2, Setbacks to construct a shed approximately 10' x 10' + - , 25' + - from the front property line and a variance to Article XV, F-2, Wet Soils to construct said shed 10' + - from wet soils. The request is to the 2018 Zoning Ordinance. The property is located on 38 Jenkins Road and is known as Lee Tax Map #14-01-0300**

Craig Williams clerked.

John Hodge explained that he would like to build a shed for storage of his outside items. It's a very small shed, only approx. 100 sq. Ft. He has 2 young children and needs more room. He meet with the conservation commission and they are in support of this request.

Toni Hartgerink replied that's correct.

Caren Rossi explained that when this lot was developed, variances were granted for a much larger house and attached garage, about 50% more. If that had actually been constructed, there might not be a need for this but also would have been more impact to the wet that this shed.

Public comment

None

The board agreed that this was not an impact and had no issues with the request.

Peter Hoyt made a motion to do both findings and motions as one.

Craig Williams second.

Vote: all, motion carried.

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 Yes majority

ordinance.

- 3) In granting the variance, substantial justice is done. Yes majority
- 4) In granting the variance, the values of surrounding properties are Yes majority not diminished.
- 5) Literal enforcement of the provisions of the ordinance would result (A)Yes majority in an unnecessary hardship to applicant.
  - 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 grant the requests John & Kate Hodge request a variance to Article V, Section B-2, Setbacks to construct a shed approximately 10' x 10' +- , 25' +- from the front property line and a variance to Article XV, F-2, Wet Soils to construct said shed 10' +- from wet soils. The request is to the 2018 Zoning Ordinance. The property is located on 38 Jenkins Road and is known as Lee Tax Map #14-01-0300.

Shawn Banker second.  
Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal process.

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**(ZBA1718-16)**

**The Board will consider a motion for rehearing filed by Sean McGann relating to a Special Exception decision that was denied to his property. The property is located on 13 Chestnut way and is known as Lee Tax Map #1-07-2200. Although this is a public meeting, the Board will not take any input from the public while deliberating on this matter. Motion for rehearing is on file with the Office of Planning & Zoning.**

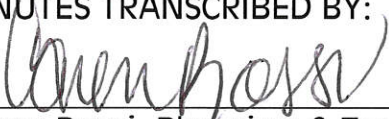
The Board reviewed the request. They determined that they did not see any new evidence or a reason to rehear the request. However, if he does indeed have a plan with an expert, they would allow him to reapply.

Frank Reinhold made a motion to deny the request for a rehearing.

Peter Hoyt second.

Vote: all, motion carried.

MINUTES TRANSCRIBED BY:

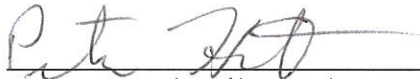


Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:



Jim Banks, Chairman



Peter Hoyt, Alternate



Shawn Banker, Alternate



Frank Reinhold, Alternate



Craig Williams, Alternate

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