

**MINUTES OF THE MEETING  
LEE ZONING BOARD OF ADJUSTMENT  
Wednesday, November 8, 2017  
7:00 PM**

**MEMBERS PRESENT:** Jim Banks, Chairman; David Allan; Frank Reinhold, Alternate; Peter Hoyt, Alternate (no-voting); Craig Williams, Alternate & Don Quigley, Alternate.

**OTHERS PRESENT:** Bobby Callioras; Elaine Smith; Chris Berry, Berry Survey; Devon Fahie, Wayne Lucier, Jr.; Bill Booth, Building Inspector and Caren Rossi, Planning/Zoning Administrator.

The Board determined that Peter Hoyt would not be a voting member tonight.

**(ZBA1718-05)**

**Berry Surveying & Engineering, representing Peter and Elaine Irene Smith, are requesting a variance to Article XI, B1 & B3. They are proposing to subdivide a building lot of 8.34 +- acres from the original 16.01 +-acre parcel leaving the 4 unit residential apartment building on 7.68 +- acres where 20 acres is required. The request is to the 2017 Lee Zoning Ordinance. The property is located on 153 Stepping Stones Road, Lee NH and is known as Tax Map #10-01-00.**

Don Quigley, Clerked.

Chris Berry explained the application by reading the letter and narrative into the record. (See file) He also addressed the variance criteria by reading that narrative into the record as well. (In file)

Public comment

Elaine Smith spoke in favor of the application. By creating the new lot it will allow them to remain on the property and still retain the integrity of the property. It will help them financially be able to retire.

Floor closed

Caren Rossi asked Chris Berry to show where the new driveway will be located.

Chris Berry pointed out on the plan and its down near the south property line.

Jim Banks, Chairman asked Caren Rossi what the zoning was when they purchased the property 16 years ago.

Caren Rossi replied that it was as it is now.

Jim Banks, Chairman asked Chris Berry, so essentially what you are doing is making a non-conforming lot more non-conforming for a financial gain?

Frank Reinhold asked if there has been any historical granting of similar requests.

Caren Rossi replied no.

Frank Reinhold stated basically, the zoning hasn't changed since they purchased this property. They knew what they were buying when they bought it.

The Board had no further questions or discussion.

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 Frank, Craig & David**

2) Granting the variance would be consistent with the spirit of the ordinance. **No Frank; Don; Craig & David**

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

Chris Berry asked why the Board is continuing.

Caren Rossi explained that they will continue unless the applicant withdraws the application.

Chris Berry stated that they would like to withdraw the application with our prejudice.

The Board approved the request, application withdrawn.

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**(ZBA1718-03)**

**Robert & Barbara Callioras are requesting a variance to Article XVII, Signs – III-A, 1-5, as applicable & Article XVII, Signs II- H in that the applicant is requesting to allow an internally lit message board with a logo, the unit is approximately 3' x 4'. The request is to the 2017 Lee Zoning Ordinance. The property is located on Calef Highway, Lee NH, Tax Map #04-07-0500.**

Don Quigley clerked.

Bobby Callioras explained that he had this same type of message board before but he replaced it with this one not realizing that it needed approval because of the LCG logo. He wasn't aware of this until Caren Rossi explained that to him.

Caren Rossi explained that he has no other signage but this type of sign is needs a variance. He was ok to replace the grandfathered message board with the same kind but this is different as it has the logo. There is no other signage on the property, it's just the type it is that needs relief.

Public comment

None

Floor closed

The Board had no 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 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:**

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

B)

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

Craig Williams made a motion to approve the request from Robert & Barbara Callioras, requesting a variance to Article XVII, Signs – III-A, 1-5, as applicable & Article XVII, Signs II- H in that the applicant is requesting to allow an internally lit message board with a logo, the unit is approximately 3' x 4'. The request is to the 2017 Lee Zoning Ordinance. The property is located on Calef Highway, Lee NH, tax Map #04-07-0500.

Don Quigley second.

Vote: majority, motion carried.

Jim Banks explained the 30-day appeal process to the applicant.

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**(Z1314-14)**

**Robert Callioras has requested an extension on a Special Exception granted December 18, 2013.**

Caren Rossi read the letter requesting the extension into the record. She explained that the NH RSA changed a few years back and we amended are Rules of Procedure to reflect this change.

The Board had no issues with the request.

Don Quigley made a motion to grant the request.

Frank Reinhold second.

Vote: majority, request granted.

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**(ZBA1718-04)**

**Irving Oil, for property owned by Lee Circle Development, LLC is requesting a variance to Article XVII, Signs, Section III C, 4 a –h as applicable. To allow for 409.04 + - sq. ft. of signage as depicted on plan set submitted by Sebago Sign Works. This is a decrease of approximately 7 + - sq. ft. than what is now there. The property is located on 48 Concord Rd. and is known as Lee Tax Map #07-08-0100. This request is to the 2017 Zoning Ordinance.**

Don Quigley clerked.

Caren Rossi explained that the reason they are here is as like with US Gas, the sign package was approved to a specific plan. If they wish to change any of the approved signage, they have to come back to the ZBA because the package was approved plans specific.

Devon Fahie explained that they want to brand it with the Irving log. There is actually less signage than they currently have.

Public comment

None

Floor closed.

The Board didn't have any issues with the request.

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
6. To find that an "unnecessary hardship" exists, the Board must find:
  - There are special conditions on the subject property that distinguish it from other properties in the area; *and*
  - No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.
  
  - There are special conditions on the subject property that distinguish it from other properties in the area; *and*
  - No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

Don Quigley made a motion to grant the request from Irving Oil, for property owned by Lee Circle Development, LLC is requesting a variance to Article XVII, Signs, Section III C, 4 a –h as applicable. To allow for 409.04 +- sq. ft. of signage as depicted on plan set submitted by Sebago Sign Works. This is a decrease of approximately 7 +- sq. ft. than what is now there. The property is located on 48 Concord Rd. and is known as Lee Tax Map #07-08-0100. This request is to the 2017 Zoning Ordinance.

Frank Reinhold, second.



Vote: majority, motion granted

Jim Banks explained the 30-day appeal process to the applicant.

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**(Z1516-12)**

**Heiner & Ute Luxem request an extension of the variance approved Sept. 16, 2015.**

Caren Rossi read the letter from the Luxem's into the record.

The Board had no issues with the request.

Frank Reinhold made a motion to grant the request.

Craig Williams second.

Vote: all, motion granted.


MINUTES TRANSCRIBED BY:

  
\_\_\_\_\_  
Caren Rossi, Planning & Zoning Administrator

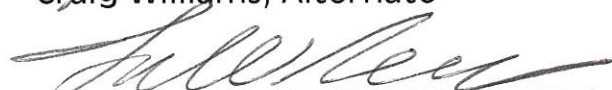
MINUTES APPROVED BY:

  
\_\_\_\_\_  
Jim Banks, Chairman

David Allen

  
\_\_\_\_\_  
Don Quigley, Alternate

  
\_\_\_\_\_  
Craig Williams, Alternate

  
\_\_\_\_\_  
Frank Reinhold, Alternate