

The meeting was called to order at 7:35 p.m. Those attending were: Mike Iafolla, Chairman, Mark Johnson, Vice Chair, Bob Field, Dick Wollmar, Craig Kelleher, Alternate, and Tina Kinsman, Recording Secretary.

Mike began the meeting by reading a letter addressed to the Board from Attorney Donald Crandlemire, dated June 20, 2001. It was received earlier in the day by fax. He requested that since Jim Jones is in the process of preparing a site plan for 187 Lafayette Road, that he believed that many of the issues in the pending cases may be resolved or moot, and that he was requesting that 2001:13, 2001:21, 2001:22 and 2001:23 to be tabled, but not to a time and date certain. See attached letter for the record. A copy of this letter will also go to the Planning Board Chairman. He also announced that Case 2001:14, Jacki Walker, 132 Woodland Rd. for a special exception for a home occupation, a hair salon, had been withdrawn.

There was discussion on amendments to the minutes of May 16, a motion was made to accept with amendments by Bob Field, seconded by Mark Johnson, unanimous. Mark Johnson made the motion to accept the minutes of June 6, seconded by Dick Wollmar. There was discussion, an amendment, and the vote was 2-0 with Bob Field and Craig Kelleher abstaining.

Case 2001:20 – James & Deborah Hallinan, 8 Glendale Road, for a variance to Article IV, Section 406 for setbacks & Article V, Section 501.2 for expansion of nonconforming use for an addition of a family room & converting single stall garage to double garage, encroaching on side setback (leaving 6') where 25 feet is required

There was a request by James Hallinan to be heard first on the agenda; the Chairman agreed. Mike Iafolla read a letter submitted by the applicant stating their reasons for requesting the variance; he stated that he recently had had back surgery as a result of shoveling his driveway and that snow storage was an important factor in this request in order to enlarge the driveway. They also wanted to expand the single car garage, and add a family room. There were questions from an abutter, Rhonda Martin; she stated that she was not opposed to the plan, but she had questions concerning the remaining 6 foot setback where 25 feet is required. Since all of these lots are nonconforming, is this a compromise? Mr. Hallinan stated that since his back surgery was the day before and that he was still recovering, he requested to be continued. Craig Kelleher made the motion to continue to a time and date certain, July 18, seconded by Mark Johnson, unanimous.

Case 2001:16 – J. Merrill Lord, Mill Road (rear land with 63' frontage), Lots 012-035-000 & 013-038-000, for a variance to Article IV, Section 406, for a lot with 63' frontage where 175' is required.

Mike asked for a motion to bring Case 2001:16 off the table; Bob Field made the motion, seconded by Craig Kelleher, vote unanimous. Susan Manchester, attorney representing the applicant, made a brief presentation and stated that the cemetery reviewed the deeds and it was not included with the lot owned by Mr. Lord. It used to belong to the Fogg family but she didn't know who owns it now, but she felt that it was irrelevant. The owner would not be able to make use of the land, which is 14 acres without a variance for this lot. The applicant plans to build a single family home on this lot, but he needs frontage on Mill Road. Susan presented the five finding of fact that supported the request for the variance. The Board asked the applicant who owned the property directly next to the 14 acres, map 12-37, Mr. Lord said that he did. Bob Field asked Mr. Lord why he needs the variance if he owns the property next to it if this lot was 4 acres and has frontage on Mill Road. The Attorney stated that Mr. Field knows that if they had wanted to be sneaky, they could have created an LLC and that this would probably be a subdivision later

on. Mike stated that the Board needs to look at what the applicant is asking for, and what the applicant is trying to accomplish; these are two separate things. He thought that the applicant was trying to establish four separate lots and one pork chop lot and this is what needs to be discussed. Attorney Susan Manchester said that she knew that the applicant needed to go to the Planning Board for subdivision approval, and that this is not what the Board discussed last month. The Board was not too pleased with the idea of having a backlot subdivision. The Attorney asked if it would be better to hear this after a subdivision request from the Planning Board; Mike stated yes. Susan Manchester then withdrew the applicant's request for a variance; the applicant has definite plans for total use of the acreage and will return if he needs a variance.

Case 2001:18 – 51 Lafayette Road, Al's Seafood, Al Courchene, for a variance to Article IV, Section 409.8A to move existing septic system to a location that has a 50' setback to wetlands where 75' is required.

Jed Shepard from New Hampshire Soils stated that there were wetlands around the septic, but that the proposed area meets the State setbacks of 50 feet, and that it was a multi-level system and it would not be a replacement in kind, so it would need State approval. He stated that the existing system is much smaller than he needs and is closer to the water table; Al's would be expanding seating by increasing to an additional 25 seats and used year round, and that the canopy area would be closed in. Laura Simmons asked what the seasonal high water table would be; 41". Jed said that the proposed system is the smallest system available for this site. Bob Field asked if Al has exceeded capacity for this site; Al replied that the system is quite old and wants to replace it before it fails. Shirley Carter stated that the water in the area has shown signs of contaminants and needs to be tested. Harley Seaton, 53 Lafayette, wanted to know the elevation to the driveway from the property line is 4'. Paul Charron stated Al has an approved site plan for what is existing. Stan Knowles stated that he shares the same concerns as Shirley Carter that the source of the pollution needs to be identified. Mike then read the letter from the Conservation Commission that stated that as a result of a meeting with the Building Inspector, Lloyd Sullivan Laura Simmons, Planning Board Chairman and Mike Iafolla, that all building permits will be suspended pending the outcome of the water testing. Paul Charron stated that the reason for this was to suspend the digging in the area that might affect the water quality testing. Bob Field said that he didn't believe that Boards have jurisdiction over the Building Inspector; Mike stated that his participation in the meeting was purely personal and he supports what Henry Mixter said in the letter; the Board is free to make up their own minds. Jim Jones asked if Al was the source of the pollution, wouldn't replacing the system correct the problem? Mike said yes, but if he digs it up, it could prevent us from finding the real problem. The motion was made and then seconded by Mark Johnson that the effective date for approval will be after the Conservation Commission has completed water testing the effected area, which should be completed by August 31, 2001. No construction shall begin on site until the approval is effective, vote was unanimous.

Case 2001:19 – TSR Realty, Richard Sylvester, 10 Lafayette Road, for a variance to **Article IV, Section 405**, to allow storage units in the IB/R zone where such use is not permitted, **Article IV, Section 406.3** to allow an Industrial Business structure or use to be located and conducted closer than 35' to a lot line in the residential district, & **Article IV, Section 406.8** to allow a 7' landscape buffer where 10' is required.

Corey Colwell, of Millette Sprague & Colwell made a presentation to the Board and stated that the proposal was for a 6300 square foot storage building and shop space which was not a permitted use. He then presented the five findings of fact for requesting the variance. None of the Board members had any questions. Mark Johnson made the motion to grant the variances requested, seconded by Craig Kelleher, unanimous.

The meeting adjourned at 9:45 p.m.

ZBA Minutes
June 20, 2001

Respectfully submitted,

Tina Kinsman
Recording Secretary