

**Ashland Zoning Board of Adjustment
Draft Meeting Minutes
Thursday, February 11, 2021**

CALL TO ORDER: David Toth, Chair of the Board, called the meeting to order at 6:30 PM. The meeting was conducted via Zoom video and teleconference.

MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, David Toth, Alan Cilley (alternate)

OTHERS PRESENT: *Paula Hancock*, ZBA Secretary
Muriel Benton, Owner -- Brian T. Benton Revocable Trust; Muriel M. Benton, Trustee
Matt Barnard, B.A. Barnard Enterprises Inc.
Eli Raymond, Capital Well Clean Water Center
Kathleen DeWolfe

RIGHT TO KNOW LAW: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

David Toth, Chair of the Board, appointed Alan Cilley as an alternate and a voting member of the Zoning Board of Adjustment for this meeting.

DISPOSITION OF MINUTES

Mardean Badger made a motion to approve the Thursday, January 14, 2021 minutes. Alan Cilley seconded the motion. The motion passed by a 4-0 roll call vote.

PUBLIC HEARING ON CASE 2021-01 APPLICATION FOR VARIANCE IN SQUAM OVERLAY 316 SCENIC VIEW ROAD (T/M/L 023-003-003-002)

David Toth, Chair of the Ashland Zoning Board of Adjustment opened the Public Hearing on Case 2021-01, an Application for a Variance in the Squam Overlay 316 Scenic View Road, Ashland at 6:34 PM. Mrs. Muriel Benton, owner of the property, came before the Zoning Board of Adjustment to request a variance. She is proposing to construct a two floor garage and connecting breezeway from her garage to her home at 316 Scenic View Road in Ashland, in addition to drilling a well and constructing a sewage disposal system.

Mardean Badger made a motion to accept the Application for Variance in the Squam Overlay as complete. Charlie Bozzello seconded the motion. The motion passed on a roll call vote of 4-0.

David Toth advised Muriel Benton that the Zoning Board currently has a 4-member board. He inquired if she would accept this four-member board to decide her variance. She accepted the size of the board.

The following points were made relative to the property:

- The garage and breezeway project falls within the Squam Overlay, as does the well and septic system
- The lot is 25,390 square feet and is a non-conforming lot
- A minimum lot size is 2 acres in the Squam Overlay district with 35' front setback, 50' rear setback and 25' side setback.
- The lot is within the 150' shoreline protection area

- The garage and breezeway is beyond the 50' required rear setback
- Socks (bags of chips) will be used to protect the lake during construction; water will be able to go through the socks; no fertilizer is used on the property.
- The leach field filtering system overlaps a portion of the abutting DOT right of way; the DOT will not be impacted by this project; there is a Temporary Use Agreement dated August 24, 2020 between DOT and the property owner and is on file at the Registry of Deeds
- Mrs. Benton has received State approval for a leach field, a septic system, new well and a breezeway as well as the garage
- This proposed project will increase the nonconformity of the property
- The second floor of the new garage will be used as office space

APPLICANT DISCUSSION OF VARIANCE CRITERIA

Variance will not be contrary to public interest.

1. Land area of concern is currently used as a driveway, therefore, there will be minimal change in the percentage of impermeable surface (existing 15.9%, proposed 16.3%).
2. There will be no change to public road access.
3. There will be no increase to public services.
4. The garage and breezeway will blend with the natural environment.

Spirit of the ordinance is observed.

1. The garage and breezeway will be a standard residential building, customary to surrounding properties.
2. The color and design will match the house in unobtrusive brown with green trim.
3. Great attention to detail has been given to the size, fundamental needs and awareness of its impact on neighbors, the town and the environment.

Substantial justice is done.

1. The property is improved with the addition of a garage and breezeway. It looks cleaner without the need of tarps during the winter.
2. The tax base is increased with the added structures.
3. The builder, Clay Mazur, is local and known for his thorough planning and outstanding construction. He built the house in 2015.
4. Building materials will be locally sourced from Ashland Lumber.
5. It is my goal to preserve the natural environment.

The value of surrounding properties is not diminished.

1. There will be no encroachment on any other property.
2. There will be no increase in land traffic on the property.
3. Public road access is unchanged.
4. Height of the garage will be limited to two floors.
5. The natural appearance will be preserved and conditions noted in the Shoreland Permit will be followed.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

1. Without a garage and breezeway, I am worried about falling during inclement weather.
2. I would be unable to fully utilize the property as I age.
3. Storage and protection of my car would be in jeopardy without a garage.
4. Garages and breezeways are typical in nearby homes. It is a reasonable and customary use, even

to a non-conforming lot like mine.

David Toth closed the Public Hearing at 7:06 PM.

The Zoning Board vote was as follows:

VARIANCE CRITERIA

Variance will not be contrary to public interest.

- The applicant's design is respectful of the area, the nature of the lot and the neighbors.

Mardean Badger – yes Alan Cilley – yes Charlie Bozzello – yes David Toth - yes

Spirit of the ordinance is observed.

- It is appropriate to the purpose of the zone and is a well thought-out design.
- The septic design is well thought-out and is the best use of space available.

Mardean Badger – yes Alan Cilley – yes Charlie Bozzello – yes David Toth - yes

Substantial justice is done.

- It is an appropriate use of the property and well thought-out.
- It enables a reasonable use of the property.

Mardean Badger – yes Alan Cilley – yes Charlie Bozzello – yes David Toth - yes

The value of surrounding properties is not diminished.

- There is no detriment to any surrounding properties.

Mardean Badger – yes Alan Cilley – yes Charlie Bozzello – yes David Toth - yes

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- It is an appropriate, well planned use of the property.
- It enables the owner to make reasonable use of the property.

Mardean Badger – yes Alan Cilley – yes Charlie Bozzello – yes David Toth – yes

Mardean Badger made a motion: To approve the variance from Section 2.3c of the Zoning Ordinance, for the location of a garage, breezeway, well and septic system on the lot. Charlie Bozzello seconded the motion. The motion passed on a 4-0 roll call vote. The variance was approved.

Mardean advised that in the Notice of Decision for this variance that it note the other approvals from the State of NH.

NEXT MEETING

The next meeting of the Ashland Zoning Board will be Thursday, March 11, 2021 at 6:30 PM.

ADJOURNMENT

David Toth made a motion to adjourn. The motion was seconded. The motion passed. The meeting adjourned at 7:19 PM.

DRAFT