

**Ashland Zoning Board of Adjustment  
Meeting Minutes  
Thursday, May 11, 2023**

CALL TO ORDER: Chair Charlie Bozzello called the meeting to order at 6:30 PM

MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, Tim Peters

OTHERS PRESENT: Bruce and Shannon LeRiviere, Andrew Fitch

DISPOSITION OF MINUTES

The Board reviewed the minutes of the Wednesday, April 19, 2023 meeting. Tim Peters made a motion to approve the minutes of Wednesday, April 19, 2023 as presented. Mardean Badger seconded the motion. The motion passed on a 3 yes roll call vote in the affirmative.

REVISION OF NOTICE OF DECISION FOR CASE 2023-02 (SULLIVAN) (T/M/L 102-007)

Mardean Badger made a motion: To amend the Notice of Decision for Case 2023-02 for (T/M/L 102-007) to insert the following into the first paragraph of the Notice of Decision: "...as shown in the site plan for T/M/L 102-007, prepared by Yerkes Survey Associated LLC and dated April 22,2022..." Tim Peters seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative.

PUBLIC HEARING

Charlie Bozzello made a motion to open the Public Hearing for Case 2023-04. Mardean Badger seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative. The Public Hearing opened at 6:40 PM. Mardean Badger made a motion to accept the application as complete. Charlie Bozzello seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative.

CASE2023-04 VARIANCE FOR RELAXATION OF SIDE SETBACK TO LOCATE A 10' X 12' PREFABRICATED SHED TO THE RIGHT OF THE EXISTING GARAGE FOR PROPERTY OWNED BY BRUCE AND SHANNON LARIVIERE 116 RIVERSIDE DRIVE, ASHLAND, NH (T/M/L 108-027) IN RURAL RESIDENTIAL ZONE IN SQUAM LAKE OVERLAY

Bruce and Shannon LaRiviere came before the Zoning Board of Adjustment to request a variance for the relaxation of the side setback in order to locate a 10' x 12' prefabricated shed to the right of the existing garage on the property owned by Bruce and Shannon LaRiviere located at 116 Riverside Drive, Ashland, NH (T/M/L 108-027).

Bruce LaRiviere made the following points about the request for a variance:

- The proposed shed is needed to store tools and other equipment on the property; the owners are unable to store any equipment in their basement due to constant water in the basement.
- The proposed shed will satisfy an aesthetic view of the property.
- To comply with the present setback requirements would put the proposed shed right next to the existing garage; this would make snow removal between the garage and shed difficult; if the proposed shed is placed close to the existing garage it would cause a hardship.
- Aesthetically the proposed shed will not work closer to the existing garage.
- The proposed shed placement would minimize the encroachment on the existing setback; it would put the proposed shed nearer the existing pool in the backyard.
- All abutters have been notified; there are no abutters or other interested parties speaking in

opposition to the proposed application.

Charlie Bozzello made a motion to close the Public Hearing. Tim Peters seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative to close the Public Hearing at 6:55 PM.

### **CRITERIA**

Criteria 1: **The variance will not be contrary to the public interest.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. I agree. There is no interference with traffic or with the neighbors. There is a tree line in place. It doesn't stand out but fits into the neighborhood.

Bozzello: Yes. I agree. It is not contrary to the public interest.

Peters: Yes. There is no change in the neighborhood.

Criteria 2: **The spirit of the ordinance is observed.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. The project is orderly and a planned development. The character of the neighborhood is maintained and preserved.

Bozzello: Yes. The project does not infringe on the character of the neighborhood.

Peters: Yes. I agree with those statements, and I have nothing to add.

Criteria 3: **Substantial justice is done.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. There is no injustice to the neighbors. There is nothing negative that outweighs this.

Bozzello: Yes. Justice is done in this case. The proposal looks at the function and aesthetics of the project.

Peters: Yes. There is no harm to anyone else.

Criteria 4: **The values of the surrounding properties are not diminished.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. I agree. The property values are not diminished. The project blends with the character of the neighborhood. The project does not diminish the property values of the neighborhood.

Bozzello: Yes. The neighbors' concerns about visual impact are addressed by the tree line. The property values are not diminished.

Peters: Yes. No property values are diminished.

Criteria 5: **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

Badger: Yes

Bozzello: Yes

Peters: Yes

Badger: Yes. This property is within the Squam Lake Overlay which requires a 25' setback. The project would be an eyesore if it is not set apart.

Bozzello: Yes. The enforcement of the provisions of the ordinance would require a redesign.

Peters: Yes. The closeness of the shed would impact the pool area of the property as well as snow removal. The proposed location is reasonable.

The vote on the variance:

Mardean Badger: Yes. The minimum requirements are met on all the criteria

Charlie Bozzello: I am saying yes.

Tim Peters: Yes. All criteria have been met.

Mardean Badger made the following motion Notice of Decision: To install a 10' x 12' shed to the right of the existing garage, with a side setback of no less than 6 feet from the side boundary line of T/M/L 108-027), a front setback from Riverside Drive of no less than that of the front of the existing garage, and a rear setback from the river of no less than the rear of the existing garage. Tim Peters seconded the motion. There were 3 yes votes on all criteria. The vote was unanimous on a 3-0 roll call vote in the affirmative. The variance is granted. The meeting closed at 7:10 PM

### **Appeal Procedure**

The Notice of Decision will be sent to the applicant. The applicant can request a rehearing within 30 days of the meeting. The ZBA will decide whether to rehear the appeal and if there are new grounds for a rehearing.

### **PUBLIC HEARING**

Charlie Bozzello made a motion to open the Public Hearing. Tim Peters seconded the motion. The motion passed unanimously on a 3-0 roll call vote. Charlie Bozzello opened the Public Hearing at 7:10 PM.

Mardean Badger made a motion to accept the application as complete. Tim Peters seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative.

### **CASE 2023-05 VARIANCE FOR RELAXATION OF FRONT SETBACK DUE TO TOPOGRAPHY TO LOCATE A 10' X 16' POLE BARN TO STORE SNOW REMOVAL TRACTOR FOR ACCESS ON PROPERTY OWNED BY ANDREW FITCH AND PATRICIA DUNLAP 265 NORTH ASHLAND ROAD (T/M/L 207-013) IN RURAL RESIDENTIAL ZONE**

Andrew Fitch has come before the Zoning Board of Adjustment to request a variance to relax the front setback. The applicant wishes to build a 10' x 16' pole barn within the setback. Andrew Fitch made the following points:

- The 10' x 16' pole barn will need to be built to house a tractor for snow removal and other property maintenance.
- The requirement in the ordinance requires a 35' setback from the road; the applicant would like

a variance to reduce the 35' requirement to 3' from the State easement.

- The proposed barn will be placed at the bottom of the existing driveway; the driveway is extremely steep.
- There is an existing State of NH right of way of 75' on the property.
- If the ordinance is adhered to the tractor will need to be placed over the other side of an existing hill on the property; this would make it difficult to get the tractor up and over the hill.
- The proposed barn will be within the present setback; there is no other place to build the barn given the present topography of the property.

The abutters to the property were notified of the Public Hearing. There were no abutters or other interested parties in attendance to speak in favor of or in opposition to the application.

Charlie Bozzello made a motion to close the Public Hearing. Tim Peters seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative. The Public Hearing was closed at 7:25 PM.

### **CRITERIA**

Criteria 1: **The variance will not be contrary to the public interest.**

Badger: Yes                      Bozzello: Yes                      Peters Yes

Badger: Yes. I agree. The proposal does not interfere with the present traffic flow.

Bozzello: Yes. I agree. The project does not affect anything or the public.

Peters: Yes.

Criteria 2: **The spirit of the ordinance is observed.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. This is an effective use of the property. It does not impinge on the neighbors or the public.

Bozzello: Yes. Mitigating circumstances dictate the location that is not contrary to the ordinance's intent.

Peters Yes. I agree. It is the only location for the barn that makes sense.

Criteria 3: **Substantial justice is done.**

Badger: Yes                      Bozzello: Yes                      Peters Yes

Badger: Yes. Justice has been provided to applicant and does not outweigh any justice to the public.

Bozzello: Yes. The project benefits the maintenance of the property. The proposed location is the best location.

Peters: Yes. I agree on all those points.

Criteria 4: **The values of the surrounding properties are not diminished.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. The variance does not impinge on the property values.

Bozzello: Yes. The property values are not diminished.

Peters Yes. No property values are diminished.

**Criteria 5: Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

Badger: Yes

Bozzello: Yes

Peters: Yes

Badger: Yes. The topography dictates that is the only place to put the structure reasonably.

Bozzello: Yes. To enforce the ordinance will cause hardship.

Peters: Yes. I agree.

The vote on the variance:

Mardean Badger made the following motion: To construct a 10' x 16' pole barn on (T/M/L 207-013), parallel to North Ashland Road, with a front setback of 3' from the front property line and side setback 14' from the side boundary line with (T/M/L 207-013). Tim Peters seconded the motion. The motion passed unanimously on a 3-0 roll call vote in the affirmative.

**Appeal Procedure**

The Notice of Decision will be sent to the applicant. The applicant or any party can request a rehearing within 30 days of the meeting. The ZBA will decide whether to rehear the appeal and if there are new grounds for a rehearing.

**REVIEW OF RULES OF PROCEDURE**

The Board briefly discussed proposed changes to the language in their Rules of Procedure. The Board decided that more discussion and review need to be continued. The review will continue at future scheduled meetings.

**CORRESPONDENCE**

The Zoning Board of Adjustment received correspondence relative to a request by a property owner to come before the Zoning Board of Adjustment for a variance on Thursday, May 25, 2023. After a brief discussion the Board decided that the Board will meet with the property owner on Thursday, May 25, 2023 at 6:30 PM at 6 Collins Street.

The Board made the decision to keep the Thursday, June 8, 2023 ZBA meeting on the calendar.

**ADJOURNMENT**

Charlie Bozzello made a motion to adjourn at 8:05 PM. The motion was seconded. The motion passed unanimously on a 3-0 roll call vote in the affirmative. The next meeting of the Ashland Zoning Board of Adjustment will be Thursday, May 25, 2023 at 6:30 at 6 Collins Street.

*Minutes submitted by Paula Hancock*