

**Ashland Zoning Board of Adjustment
Meeting Minutes
Thursday, May 25, 2023**

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

MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, Tim Peters

OTHERS PRESENT: David Lee, owner of 56 Winter Street, Devon Thibeault, Building Inspector, Tim and Judy Smith, abutters

DISPOSITION OF MINUTES

The Board reviewed the minutes of their Thursday, May 11, 2023 meeting. Charlie Bozzello made a motion to accept the minutes of Thursday, May 11, 2023 as written. Mardean Badger seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative.

Charlie Bozzello advised David Lee, owner of the property at 56 Winter Street that he had the right to postpone the hearing until a 5-member board can be convened. Ashland currently has a 3-member board. David Lee advised that he would accept the decision of the 3-member board.

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

PUBLIC HEARING

Charlie Bozzello made a motion to open the Public Hearing. Mardean Badger seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative. The Public Hearing opened at 6:32 PM.

CASE 2023-06 EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS APPLICATION
56 WINTER STREET, ASHLAND, NH (T/M/L 110-071)

David Lee, owner of 56 Winter Street, Ashland, NH (T/M/L 110-071) came before the Zoning Board of Adjustment to request an Equitable Waiver of Dimensional Requirements for front setback in order to complete construction of a landing and set of steps for the front door entrance of his residence; further he will meet current building and safety codes.

David Lee advised the Zoning Board that the previous Building Inspector had given him a building permit. With construction underway Devon Thibeault, the current Building Inspector completed a second inspection. At that time Devon Thibeault advised David Lee that the new entryway landing and steps being constructed would not meet the current setback requirements.

David Lee made the following points about his proposed project:

- Construct a landing and a set of adequate steps outside one of the front entrances to his residence.
- The proposed landing and steps if constructed as proposed would encroach on the front setback of the property
- The front door will open into the existing addition and includes a window to increase light in the area
- The construction will not change in any way the present contour of the exterior of the building
- The present steps leading to the present entryway of the residence were pre-existing when

David Lee purchased the property some years ago.

- David Lee would like to receive an Equitable Waiver of Dimensional Requirements which will allow him to continue the construction of the outside landing and steps within the front setback of the property.

Tim and Judy Smith, abutters, at 47 Winter Street spoke in favor of the project and support the project. The construction would not infringe in any way on their property. David Lee has spoken with four additional abutters about the impact of his project on their abutting properties. David Lee advised that all four abutters spoke to him in support of the project, although they were not present at the Public Hearing.

Devon Thibeault, current Building Inspector, advised David Lee to come before the Zoning Board of Adjustment and request an Equitable Waiver of Dimensional Requirements to establish documentation that the encroachment into the front setback had received a waiver. The documentation could be used if there were any future challenges to this project.

Charlie Bozzello, Chair of the Zoning Board, made a motion to close the Public Hearing. Mardean Badger seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative. The Public Hearing closed at 6:45 PM.

Mardean Badger advised the Board that the reworking of the entryway doesn't change the neighborhood and blends in with the existing house. There is no fault of the present owner for the previous approval that missed the issue of the setback. This was merely an error.

Mardean Badger advised that in the Zoning Board Handbook are four criteria that pertain to an Equitable Waiver of Dimensional Requirements as follows:

- The violation was not discovered by the owner
- There was no misrepresentation of fact
- The project is not a nuisance, and no property value is diminished
- The waiver is used to fix certain circumstances
- This is a request for a waiver; it is not a variance

Charlie Bozzello and Tim Peters each agree with Mardean Badger's definition of a waiver and its necessity in this case.

Mardean Badger made the following motion: To grant the Equitable Waiver of Dimensional Requirements at 56 Winter Street to complete the construction of the entryway which depicts encroachment into the setback. Tim Peters seconded the motion. The motion passed on 3 yes votes.

ADJOURNMENT

Charlie Bozzello, Chair, made a motion to adjourn. Mardean Badger seconded the motion. The motion passed. The meeting adjourned at 6:50 PM. The next meeting of the Ashland Zoning Board of Adjustment is Thursday, June 8, 2023 at 6:30 PM at 6 Collins Street.

Minutes submitted by Paula Hancock