

TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, NOVEMBER 18, 2010 – 7 PM.
ACADEMY BUILDING
MINUTES

Chairman Hackett called the meeting to order at 7:02PM
Members attending: Elizabeth Hackett, Carolyn Baldwin, Paul Levesque, and Wayne Gray (alternate)
Members not attending: Israel Willard & Ron LaBelle.
Also in attendance: Annette Andreozzi, Land Use Clerk.

The Chair made introductions and explained the ZBA procedures.

Public Hearing Case # 15-2010 Ronald Gurnon, owner applicant:

Request for Variance from Article IV Table 2 to place a shed six feet off the lot line, setback requires 20 feet. Property located at 75 Lakeshore Drive in the Rural Zone; Town Map/Lot # 133-49.

The Chair explained that 3 affirmative votes of the Board are required to grant a variance, and asked the applicant if he wanted to continue with only 3 board members in attendance or postpone. Mr. Gurnon said that he wished to continue.

Mr. Gray arrived at 7:05 PM.

Mr. Gray said that for the record he was friends with the applicant, but felt that he could be impartial. He would leave it to the Board's decision.

Mr. Gray was seated as full voting member for this session.

Mr. Gurnon stated that he has a small lot, which limits what can be done. His septic is in the middle of the lot. As the family has grown there are more toys and equipment. He thought that he could put up a 10' x 10' shed without a permit. He found out that was incorrect. There is only one place on the lot that the shed can go due to the placement of the septic. He prefers not to leave his stuff outside. The shed will be mostly hidden behind trees. A 20' set back would put the shed in the middle of the lot. The Shellcamp beach lot is next to where the shed will be.

Ms. Baldwin asked about the question on the application asking if there have been a previous application to the ZBA on the property. She remembered that there had been. She wanted to know what the other shed on the property was being used for. Mr. Gurnon said sports equipment and living stuff was stored there, because they have no basement. The ground floor is living space. A lawn mower or snow blower can't be maneuvered into the existing shed.

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Mr. Levesque moved to close Public Hearing Case #15-2010 Ronald Gurnon, owner applicant. Seconded by Mr. Gray. Motion passed unanimously.

DELIBERATIVE SESSION:

Case # 15-2010 Ronald Gurnon, owner applicant:

Ms. Baldwin stated her concern with how much of the lot is impervious surface. But noted that there is no longer an ordinance related to that.

Ms. Hackett noted that the lot slopes down so there is little area on which to put a shed.

Mr. Gray stated that the septic was designed to be asphalt on top so that water will run off to the side. He was not concerned with the location or size of the shed because the lot next to it is undevelopable.

Ms. Baldwin said she would like to see the lot neat and tidy.

Mr. Gray stated that he preferred the owner to have a shed then having stuff stacked and laying all over the lot. Since the Shellcamp Association, which is the abutter, received notice and did not comment, they must have no problem with the shed placement.

Ms. Hackett said that putting up a structure to enclose all the things makes the lot safer and cleaner.

MOTION:

Mr. Levesque moved to grant a variance in Case # 15-2010 Ronald Gurnon, owner applicant: Request for Variance from Article IV Table 2 to place a shed six feet off the lot line. Property located at 75 Lakeshore Drive in the Rural Zone; Town Map/Lot # 133-49.

- a. The granting of the variance would not be contrary to the public interest because there has been no stated objection;**
- b. The spirit of the Ordinance is observed because the ordinance allows for sheds and the abutting lot has no one living there;**
- c. By the granting of the variance, substantial justice will be done because the owner will be able to store things and keep the property in good order, which will be an asset for the beach next door;**

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- d. There was no evidence presented that granting the variance, would create diminution of value to the surrounding properties;
- e. Literal enforcement of the ordinance could result in unnecessary hardship to the property owner seeking it owing to the steep topography making no other place to put the shed.

Ms. Baldwin seconded. **Motion passed unanimously.**

APPROVAL OF MINUTES – October 21, 2010

MOTION: Ms. Baldwin moved to approve the minutes of the October 21, 2010 meeting as corrected, seconded by Mr. Levesque. Motion passed unanimously.

OTHER BUSINESS

The 2011 Schedule for meetings was noted.

Addition to ZBA Procedures.

MOTION: Ms. Baldwin moved to amend the ZBA procedures as printed in the October 21, 2010, minutes. Ms. Hackett seconded. Motion passed unanimously.

Discussion - possible changes to Zoning Ordinance.

There is nothing in the ZBA procedures to indicate how to handle a person wanting an extension after one year for a special exception or variance. The clerk was directed to research how this has been handled in the past.

Temporary buildings should be part of the zoning ordinance.

Agreement - that the ZBA application should be changed to read "Has a previous application/appeal been made with respect to this property?"

ADJOURNMENT: Motion made by Mr. Levesque and seconded by Ms. Baldwin to adjourn, vote passed unanimously. Meeting adjourned at 7:58 p.m.

Respectfully submitted,

Annette Andreozzi, Land Use Clerk