

ALSTEAD ZONING BOARD OF ADJUSTMENT
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MEETING MINUTES
April 5, 2021

Note: These minutes are furnished for public inspection in accordance with RSA 91-A:2 and are unapproved until offered for disposition by the Board at a regular meeting. **ACCEPTED AS CORRECTED 5/3/21.**

ZBA Members present via In-person (IP), Google Meet (GM) or Teleconference (TC): Dennis Molesky/Chairman (IP), Joe Levesque (GM), Kevin Clark (IP), Mike Rau (IP), Joe Cartwright (GM) and David Konesko/Alternate Member (GM). Allan Kauders/Zoning Officer (GM) was also present.

Molesky opened the meeting at 7:35PM. The 3/1/21 Minutes were reviewed. A Motion (Clark/Rau) was made to accept them as read. Motion passed. *Marsden to re-email the 1/11/21 Joint Minutes to Members Rau and Levesque for their approval outside of a Meeting – *they are to let Marsden know if they have any changes.

At 7:45PM the John and Amanda Lyman Variance Public Hearing was opened, regarding property located on 57 Griffin Hill Road, Alstead, Tax Map 9, Lot 12, concerning Article III Section E3c and Article VII A1a. Abutters Richard Beringer and Barbara Porter were present (IP), and Amanda and John Lyman were present via (GM). Member Clark was recused from being a voting Member, as he is a neighbor. Member Konesko was appointed Full Member for the purposes of the Hearing. The Lymans presented an overview of their desire to keep their animal structure (the carport which they have enclosed with sides for their goats) in the location it is erected. Levesque stated that he had talked with Prescott Trafton/Road Agent and he requested it get moved back 30-feet (or at the minimum 20-feet).

Molesky asked the Abutters present if they had any comments. Porter had no comment; Beringer stated he spoke to Trafton/Road Agent about a week earlier about this, and stated Trafton wanted the fence moved, but had no problem with the structure location. Beringer stated he had no problem with the structure. Porter added that the Town's big plow can't maneuver around the corner anymore. Cartwright stated he felt the site map the Applicant drew was not complete. The Lymans explained that they have 4 structures on their property – 3 sit on top of a steep bank, and the 4th (and newest) structure sits closest to the traveled Right-of-Way. They also clarified that plowed snow on the west side goes down over the bank; but on the east side, it goes toward the structure. A. Lyman pointed out that for the past 2 winters there has not been a significant accumulation of snow; Levesque agreed that the past 2 winters have been mild, but expressed a concern about the possibility of damage occurring in the event of the need for a lot of snow removal. The Lymans stated they are willing to sign a waiver regarding that issue. Rau asked if the location of the structure is affecting how the Town plows – taking more time? Having to do it differently?, etc.

Cartwright asked for clarification regarding the Right-of-Way on the Application. A. Lyman explained that 3.1-acres of their lot has the house and accessory structures on it; but they also own .2-acres across the traveled way – which abuts Gary Gendron's property, that they have a garden on. She explained that the Town has always maintained the Right-of-Way. Brief discussion about if the traveled way referred to was a Right-of-Way vs. a town road. Molesky looked at the Town Tax Maps – and the section referred to as the Right-of-Way is labeled as Griffin Hill Road. J. Lyman stated they have a Deed that lists the Right-of-Way as being turned over to the Town to maintain in 1979 from the previous landowner. Konesko asked if the Town voted to accept it – that was not known. The Lymans *to provide us with a copy of the Deed showing this transaction.

J. Lyman explained that the leach field and septic tank are located close to the carport structure in question. Cartwright asked if snow piles up on both sides of the road near the barn – A. Lyman stated that snow never piles up behind the barn (carport).

Kauders directed the questioning back to if the liability issue discussion was finished. Both the Lymans reiterated that they would be willing to sign off on the liability regarding damage. Levesque stated that issue has never been discussed at a Select Board's meeting – he just thought it could be a reasonable solution.

Molesky stated the Application is requesting to keep the structure where it is currently located, and under Criterion 2, he does not feel this request meets that criterion. Cartwright also stated that hardship refers to the land not the owner (in Criterion 5). J. Lyman stated that they could not move it 20 feet now because it would end up into the house, or too close to the road or on the septic/leach field. He asked if the sides were removed if it could still be used as a carport. Molesky stated that even without the sides it is considered a structure and a Variance is required.

*Molesky stated further discussion was needed with the Road Agent, and the issue of the Right-of-Way needed to be looked into, as far as what the Town's responsibility is to maintaining it. *Trafton to be asked to attend the meeting. Overall, additional information was determined to be needed. A Motion (Levesque/Cartwright) was made to continue the Hearing to May 3, 2021 at 7:45pm. Motion passed.

Old Business: Kauders stated he had reached the Whittakers about one of their Building Permits that was approved too close to a side setback – and they are willing to move it to the required 30-feet to meet setback requirements. The Driveway Permits discussed at the last meeting are all set-Cartwright's question was answered. A brief discussion about a pool requiring a Building Permit took place – it is considered a structure so a Building Permit is required.

Marsden stated she had been contacted by Ken Vivo Amore regarding Map 9 Lot 2A on Griffin Hill Road. He bought the property and is looking to replace the existing trailer that is in bad shape. He was inquiring if he could go with a bigger size mobile home; he also inquired if he could use the lot to rent storage pods. He stated he has a shared well across the road. The Board looked up the property on the Tax Maps, and it appears to be a .2-acre lot with 85-feet of road frontage. Discussion ensued and it was determined that this could pertain to Article VI F – Non-Conforming Buildings. Cartwright asked if this was an Article VI B issue - Abandonment of Non-Conforming Uses. The Town auctioned off the piece of property last summer. Molesky stated it was still a Lot of Record – even though no one was living in it; and that the Use had not been abandoned. Cartwright pointed out Article VI E stated a Non-Conforming Lot can still be built on.

A. Lyman returned to the Meeting and said they will drop off a copy of the Deed and the corrected check with the Fees to the Town Offices the following day.

At 8:55PM a Motion (Clark/Rau) was made to adjourn the meeting. Motion passed.

Respectfully Submitted,

Melanie Marsden/Admin. Assistant

The next regular meeting is on Monday, 5/3/21 at 7:30PM via Google Meet, Teleconference or in-person.