

Town of Fitzwilliam
Zoning Board of Adjustment
May 12, 2020

Note: Due to the COVID-19 pandemic, the Zoning Board of Adjustment met remotely via phone/video conferencing, as allowed under NH Executive Order 2020-04, Emergency Order #12.

Members Present: Dan Sutton, Acting Chairman; Bob Handy, Vice Chair; Chad Beede; and Dan Baker, Selectmen's Representative.

Members Absent: Susan Massin

Staff Present: Lori Nolan, Land Use Coordinator

Guests Present: Bob McGongale; Pat English; John Kadlik; and Kevin Anderson

Call to Order: The Chair called the meeting to order at 7:04 PM.

Public Hearing: Case #20-2 – Application for a Variance per Section 127 Appendix A for Kevin and Erin Anderson to build a 20x24 foot barn within 50 feet of the road and a 10x24 foot lean-to in a rural zone, located at 154 Gap Mountain Road, Tax Map 15, Lot 44.2.

Chairman Sutton opened the public hearing introducing the board to the applicant, Kevin Anderson, and the applicant's representative, John Kadlik, and reviewed the application. He requested the applicant amend the application to include missing details and also resubmit the barn drawing to include dimensions. Kadlik will work with the LUC to finalize the application and supporting documents.

Sutton explained that the ZBA had a required quorum but only three members are in attendance. An applicant has the right to be heard by a full board of five members or waive that right and continue the hearing. Sutton also explained that if the applicant chose to continue without a full board, the applicant can appeal but not on the basis that there was not a full board present. Anderson, the applicant, agreed and chose to continue with the hearing with three members present.

Kadlik explained to the board the reasoning behind the location of the barn. They looked at locations outside of the set-back but other locations would cause water movement issues and would require re-building the driveway. The proposed location is best economically, more visually appealing, and convenient for accessing equipment. Kadlik sought opinions of two builders in town, and both agreed the proposed location is the best place.

Handy indicated that a site walk is needed. Mr. Sutton explained that a site walk is normal. Kadlik told the board the barn location has already been roughly staked out.

The board agreed to hold a site walk on Friday, May 22 at 4:30pm.

Sutton thanked Anderson and Kadlik for their time, and at this time they leave the meeting.

Approval of Minutes

Sutton motioned to approve the minutes of March 22, 2020 as written. Beede seconded. Motion passed unanimously.

Yes: 3 [Sutton, Handy, Beede]; No: 0; Abstained: 0

Public Hearing: Case #20-3 – Application for a Variance per Section 127 Appendix A for Thomas Anderson to build a 4x12 ft front deck within 71 feet of boundary line in a rural zone, located at 62 Keene Avenue, Tax Map 25, Lot 13.

Sutton welcomed Pat English, applicant's representative, to the meeting. Sutton explained that the ZBA had a required quorum but only three members are in attendance. An applicant has the right to be heard by a full board of five members or waive that right and continue the hearing. Sutton also explained that if the applicant chose to continue without a full board, the applicant can appeal but not on the basis that there was not a full board present. English, the applicant's representative, agreed and chose to continue with the hearing with three members present.

English began his presentation explaining that the property currently has a 4x6 foot porch. They are proposing demolishing the porch and rebuilding as a 4x12 foot porch. Sutton requested the application be amended to say removal of porch with replacement.

English stated that construction has begun. The old porch has been removed and the new porch footprint is there. The reason behind the larger porch is that the front door was moved and the original porch location would not extend far enough. He further explained that he has an approved building permit for windows and doors.

Sutton brought up the history of DES complaints on the property, explaining that the complaints are related to the property and not the owner. All open complaints must be resolved first. English replied that it is understood the former owners paid a \$300 fine to resolve the issues, but that is only hearsay. Sutton requested the applicant to find out if the DES complaints have been resolved or are still open.

The board determined a site walk is needed before proceeding further with this case. A site walk was scheduled for May 22 at 5:30pm.

English asked what the next steps are following the site walk. Sutton explained the ZBA will reconvene the public hearing the second week of June to finish the hearing and vote on the variance.

Sutton thanked English for his presentation and at this time English left the meeting.

Other Business

With no further business to discuss, Handy motioned to adjourn the meeting. Sutton second. Motion passed unanimously.

Yes: 3 [Sutton, Handy, Beede]; No: 0; Abstained: 0

The meeting was adjourned at 7:52 PM.

Respectfully Submitted,

Lori Nolan

Land Use Coordinator

Minutes approved as written on June 9, 2020