

**APPROVED**  
**TOWN OF PELHAM**  
**ZONING BOARD OF ADJUSTMENT**  
**November 14, 2022**

Chairman Dave Hennessey called the meeting to order at approximately 7:02 pm.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT ROLL CALL:** David Hennessey  
Jim Bergeron  
David Wing  
John Westwood  
Jeff Caira – left after Case #ZO2022-00019  
Alternate Shaun Hamilton  
Alternate Ken Stanvick  
Planning Director/Zoning Administrator Jennifer Beauregard  
Recording Secretary Jordyn Isabelle

**ABSENT:** None

**MINUTES**

**September 19, 2022**

**MOTION:** (Wing/Westwood) To approve the September 19, 2022, meeting minutes as written.

**VOTE:** (5-0-0) The motion passes.

**October 17, 2022**

**MOTION:** (Wing/Westwood) To approve the October 17, 2022, meeting minutes as written.

**VOTE:** (5-0-0) The motion passes.

**REQUEST FOR REHEARING**

**CASE #ZO2022-00017**

**Map 41 Lot 6-137**

**VEILLETTE, Brian T. & Nancy L. – 8 Pulpit Rock Road – Map 41 Lot 6-137 – REGARDING THE DENIED APPEAL VOTED ON BY THE ZBA on Sept. 19, 2022 concerning: Planning Board decision rendered on 6-20-2022 in case #PL2022- 00023, regarding the minor site plan review to request a change in the hours of operation and to allow wood splitting on site, also a review of the code enforcement officers decision relating to the interpretation and enforcement of the provisions of the Zoning Ordinance. Per New Hampshire Revised Statutes Annotated, Chapter 677, request for reconsideration of Zoning Board decision rendered on August 8, 2022 requested by David Hennessey, Chairman of the Zoning Board of Adjustment.**

Mr. Hennessey explained that this is a request for a reconsideration of the Zoning Board decision on August 8, 2022, that upheld the decision of the Planning Board. He stated that he was the one that requested the

August rehearing of the case, because when he looked back on meeting and reviewed the zoning ordinance, he felt that the Board erred in their decision. He continued that the site is in the industrial zone and was granted a variance for the size of the lot and usage. He stated his opinion was that there was light industrial use on the lot, which is allowed in the industrial zone. He asserted that his findings of fact for the case was that it was a conforming use within the zone. He stated that this had to be reconsidered by the Planning Board to come up with a proper site plan. He explained that the Board voted in the affirmative to uphold the Planning Board's decision.

Mr. Hennessey explained that they were to take a "yes" or "no" vote to rehear the case. He explained that a "yes" vote would mean that the Board felt it erred in their last decision to uphold the Planning Board and need to rehear the case. He continued that a "no" vote would mean that they were upholding the Planning Board's decision and that this is a proper use in the district. He stated that their decision should be rooted on if this is a valid use in the district.

**Case #ZO2022-00017**

**ROLL CALL VOTE:**

Mr. Caira	–	Yes
Mr. Westwood	–	No
Mr. Wing	–	No
Mr. Bergeron	–	No
Mr. Hennessey	–	No

(1-4-0) The motion failed.

**REQUEST FOR REHEARING DENIED.**

***FINDINGS OF FACT:***

Mr. Hennessey stated that abutters can go to the Planning Board for review of the site plan issue, but the Board feels that they were correct that the usage that is being done is proper under the light industrial zone.

**CASE #ZO2022-00007(2)**

**Map 31 Lot 11-269**

**CAMPBELL, Ronald & Ellen – 80 So. Shore Drive - CAMPBELL, Ronald & Ellen - APPEAL FROM ADMINISTRATIVE DECISION –80 So. Shore Drive – Under RSA 674:41 (II): Where on September 19, 2022 the Board of Selectman voted not to issue the requested Building Permit**

Mr. Hennessey read the recap of the case into the record:

February 14, 2022	Applicant appears before the Board with a Variance applicant, site walk requested, continued to March meeting
March 5, 2022	ZBA goes on Site Walk
March 14, 2022	Variance is Granted
April 4, 2022	Case goes before Planning Board who vote to not recommend to the BOS to allow a Building Permit
May 9, 2022	Case is before the ZBA, at the request of the BOS, to rehear the case. The ZBA votes to deny the rehearing, the Variance stands.

September 19, 2022 Case goes before the BOS who vote not to allow a Building Permit

October 17, 2022 Case goes before the ZBA on an Appeal of Administrative Decision, Board votes to deny the appeal, BOS decision stands.

Mr. Hennessey explained that the Board was relatively familiar with the case, as it has been brought before them several times since February 14, 2022. He explained that the Board of Selectmen, the body acting as the administrator in charge of the building permit, denied issuance of a building permit to the applicant. Mr. Hennessey continued that the Board needs to vote on whether or not to rehear the case. He explained that a “yes” vote would be to rehear the case and a “no” vote would be to not rehear the case. He further explained that the vote to rehear should be based on if the Board of Selectmen have the right to give the decision to deny issuance of a building permit, not on the quality of that decision.

Mr. Hennessey asserted that based on what he has seen, he believed that the Selectmen were correct and that they have the power to weigh in on class VI roads or private roads. He stated that Attorney Campbell asserted that the issuance of the building permit should have been on the basis of the quality of the road. Mr. Hennessey asserted that the Selectmen were correct in the sense that it is an unbuilt lot near the end of the right of way and that under the RSA it is in their power to rule on this. He continued that he was not an attorney and was not sure that the Board of Selectmen must solely focus on the quality of the road in their decision.

Mr. Bergeron agreed with Mr. Hennessey. He added that Attorney Campbell may have gotten into points of law that the Board has not touched upon before. He stated he was also not a lawyer and that the Selectmen have certain range of authority that he is not fully privy to. He agreed that the Selectmen have the power to rule on this. He stated that he would most likely vote not to approve the rehearing.

Mr. Hennessey stated that he believed the Selectmen were clear in their original decision that they were concerned about the road. Mr. Wing concurred.

#### **CASE #ZO2022-00007(2)**

**ROLL CALL VOTE:**

Mr. Caira	–	No
Mr. Westwood	–	No
Mr. Wing	–	No
Mr. Bergeron	–	No
Mr. Hennessey	–	No

(0-5-0) The motion failed.

#### **REQUEST FOR REHEARING DENIED.**

#### **CASE #ZO2022-00018**

##### **Map 23 Lots 11-343 & 11-344**

**16 Springdale Realty Trust – 16 Springdale Lane & Springdale Lane – Seeking a Variance concerning Article III, Section(s) 307-8C, 307-12, 307-12 Table of Dimensional Requirements, 307-13, 307-14 & Article VII, Section(s) 307-37, 307-39, 307-40 of the Zoning Ordinance to permit construction of a replacement Single family dwelling on Map 23 Lot 11-343 where this property is approximately 4,625 +/- sf. in size, with the new home proposed 3’ off the western lot line, 1’ from The Springdale Lane ROW, a 12’ easterly sideline and 44’ from the pond, with a proposed deck 36’ off the pond, and to allow construction of a detached garage on Map 23 Lot 11-334 with the structure proposed to have a 15’ westerly side lot line setback, 25’ rear lot line setback, 8’ to the easterly side**

**lot line and 18' from the Springdale Lane ROW on a lot of approximately 4,342 sf. in size. Both of these lots have 0' of frontage on a Town road where a minimum lot size of 1 acre and a minimum of 200' of frontage with a minimum front setback of 30' and a 15' side/rear setback and a 50' lake side setback is required in the Residential District and to allow development of the lot in accordance with RSA:41**

Mr. Hennessey apologized for not being able to make the site walk, noting that he is familiar with it. Mr. Hennessey stated that the State recently changed legislature regarding operations of the Zoning Board, explaining that the Board must go through a finding of facts. He stated that he did not believe the Board thoroughly went through the findings of fact for the case. He stated that if they denied to rehear the case, it may be overturned due to the new requirements. He informed that the Board should vote on if the proper procedure was followed – not whether their decision was correct or incorrect.

Mr. Bergeron asked if that meant that the vote to rehear would be for more substance to their vote to satisfy the State requirements. Mr. Hennessey stated that they need to lay out the finding of fact for the case. Mr. Bergeron stated that he would vote to rehear the case based off the information presented by Mr. Hennessey.

Mr. Wing stated that he looked at the record and think that the Board did go through and annotate the reasons for their decision. He stated that it may not be in-depth, but the rationale was in the record. He agreed that it would not hurt to rehear the case to make a stronger affirmation of their decision.

Mr. Stanvick asked if going through the case again would bring out additional facts that may change the vote. Mr. Hennessey replied that it would be considered a brand new case if it were to be reheard. Mr. Stanvick stated that the variance voting slips seems like proper documentation in terms of why the Board made their decision to not approve the variance request. He agreed that the documentation may not be as in-depth, but that the voting slips cover it. Mr. Hennessey stated that if the facts don't change, then it is likely that the Board will vote to not approve the variance, though as it will be treated as a new case, he cannot say for certain. He continued that if the Board did not follow the proper procedure that the State is mandating, then they must rehear the case. Mr. Stanvick stated that he believes the Board did satisfy the State requirements regarding documentation of the finding of fact. Mr. Westwood stated his agreement with Mr. Stanvick, but would vote to rehear for the purpose of procedural integrity.

#### **CASE #ZO2022-00018**

##### **ROLL CALL VOTE:**

Mr. Caira	–	Yes
Mr. Westwood	–	Yes
Mr. Wing	–	Yes
Mr. Bergeron	–	Yes
Mr. Hennessey	–	Yes

(5-0-0) The motion passes.

#### **REQUEST FOR REHEARING APPROVED.**

Mr. Hennessey stated the case would be reheard at the December Zoning Board of Adjustment meeting.

#### **CONTINUED CASES**

#### **CASE #ZO2022-00019**

##### **Map 24 Lot 12-75**

**PULTAR, Lisa & Shawn – Little Island Park – Seeking a Variance concerning Article III, Section(s) 307-12, 307-14 of the Zoning Ordinance to permit construction of a new single family dwelling on a lot of approximately 12,784 +/- sf. in size with 0' of frontage on a Town road where a minimum lot size of 1 acre and a minimum of 200' of frontage is required in the Residential District and to allow development of the lot in accordance with RSA 674:41**

Mr. Joe Maynard came forward to represent the applicant. He stated that people were able to see that the lot is cleared and where the house would sit at the site walk. He continued that the lot does not meet frontage or the one-acre zoning requirements. He explained that the property has been in the Pultar family for many years and that the applicant's brother and sister live on adjacent lots. He stated that access to the lot would be granted through an easement on the applicant's brother's property, which does meet frontage. He stated that the new building would have a state-approved clean solution septic system and that the building itself would meet all setbacks.

Mr. Maynard reread the five criteria for a variance into the record.

Mr. Maynard informed that there is Town land to the back of the applicant's property, which she did inquire about purchasing to make the lot meet the size requirements. He stated that the Town denied her request.

Mr. Bergeron asked if there was an existing house on the lot. Mr. Maynard replied there was not. He explained that the lot is made up of several "coffee lots." He stated that it was his understanding that the paper roads behind the lot were discontinued years ago. He explained that the lot would have had access via the paper road; he noted that it would not make sense to go off that road, as it is a much higher grade. He stated that if the easement were to come from the brother's lot, it would allow a more level grade.

Mr. Wing asked if there was an existing home on 12-73-1. Mr. Maynard replied there was. Mr. Wing asked if 12-74 had a home on it. Mr. Maynard replied that he did not have a tax map in front of him but believed that was correct. Mr. Wing noted that both of those lots are smaller than the applicant's lot. Mr. Wing asked how close the driveway would be to the existing homes. Mr. Maynard replied that there are about five to seven feet off the first house and ten feet off the house in the back. He noted that no abutters have voiced concern over this proposal and that the applicant has spoken with quite a few of them. Mr. Wing asked if the existing homes could increase their size similar to that of the applicant's. Mr. Maynard replied that they own the land in the other direction and that those properties are wider.

Mr. Hennessey asked if the applicant had been before the Selectmen yet. Mr. Maynard replied that he requested relief from 674-41 from the Zoning Board but would go to the Selectmen if that was the wish of the Board. Mr. Maynard explained that his reasoning was that since the property has the ability to come through the brother's property, it does not impact the road as much as other developments might in the area. Mr. Hennessey advised that the applicant should go to the Selectmen to discuss the proposal.

Mr. Hennessey opened the discussion to the Public.

Mr. Mark Pultar of 17 Little Island Park came forward to address the Board. He explained that he is one of the two brothers that owns property there. He stated that much of his family owns property along the road and that his family has been on the lake since the early 30's. He informed that even though the applicant's lots are made up of coffee lots, it is made up of about six of those while most of the other lots on the lake are only made up of two. He stated that the property is in the back and nowhere near the lake. He added that there are also no wetlands on the property, and it is a very good place to build a house.

Mr. Michael Gleason of 7 Little Island Park came forward to address the Board. He stated that the Pultar's have been good neighbors to him for years and that it would be great to see the applicant get back into the

neighborhood to build her dream home. He stated that there is ample room for a house on the lot and he hoped the Board would grant her the variance.

Mr. Hennessey closed the discussion to the Public and brought it back to the Board.

Mr. Stanvick stated that he went on the site walk and looked at what was proposed in the context of the area it is in, noting that he did not see any concerns that would involve the Conservation Commission due to no impact to any wetlands. He stated he did not see a reason to deny the variance. Mr. Hennessey stated that while the Conservation Commission has no statutory relationships with the Board, they still listen carefully to the recommendations made by the commission.

Mr. Hamilton agreed, noting that he also went on the site walk. He continued that he believed it would be a really nice lot once it is completed. He added that it would increase the property values in the area.

Mr. Caira stated that he felt this should go to the Selectmen first, noting that he also went on the site walk. He stated he disagreed with Mr. Hamilton and Mr. Stanvick, believing there would be an issue with traffic going into and out of the property for construction. He stated that he had trouble getting to the property with his small pickup truck and had to pull off to the side, as two cars could not pass at once. Mr. Hennessey stated that he has made it clear that the Selectmen may require them to go before them and did not want another situation where an applicant is granted a variance and then months later the Selectmen look at it – he would rather they look at it first.

**MOTION:** (Caira/Westwood) Pursuant to RSA 674-41, applicant to seek review and comment of the Planning Board, followed by a review of the Board of Selectmen to authorize issuance of building permits on a private road within 45 days.

**VOTE:** (5-0-0) Motion passes.

Mr. Bergeron stated that he would normally never support an establishment of a use on a non-conforming lot without extremely solid extenuating circumstances that would meet the spirit and intent of the zoning. Mr. Bergeron asked who owned the land around the applicant. Mr. Maynard replied that it was someone that the applicant knows, but that the owner was not willing to sell any land to the applicant, noting that those lots are empty. It was noted that the other lots around the applicant, aside from the brother's property, are owned by the Town. Mr. Bergeron asked about the paper road that runs along the northwest. Mr. Maynard replied that it is an old paper road that goes across the whole area and was discontinued. He noted that half of the land went to the abutters to the northeast side of the road and half of it went to the abutters to the south. Mr. Bergeron explained that since most of the land around the lot is Town owned, it makes his decision easier, especially in the context of the aforementioned motion. Mr. Hennessey stated that Mr. Bergeron helped bring attention to the special condition of the property.

Mr. Wing noted that he found it problematic that the driveway would need to go through the lot not owned by the Town. He explained that while the Pultar's are the ones who own both properties and there is currently no issue, there is no guarantee that the generational transfers of land will continue into the future. He noted that having a driveway five feet from an abutter's house can be problematic. Mr. Maynard stated that the easement itself is already existing on the lot and that it will be recorded in the deed if this is approved. Mr. Bergeron stated that the Selectmen may see this case differently than they do, and that the easement is problematic to him as well. Mr. Bergeron explained that he knew the area and that there are many easement situations like this one on the lake, noting that there has to be harmony between neighbors. He agreed that ownership may split from the family at some point in time.

*1. and 2. The variance will not be contrary to the public interest because; and the spirit of the ordinance is observed because:*

Mr. Wing stated that he felt that there could be a cumulative impact if this were to be granted. Mr. Hennessey stated that was a good observation, and that the hardship criteria helps to answer that. He continued that the uniqueness of the lot is what makes it different from other lots in the area.

*3. Substantial justice is done because:*

Mr. Hennessey stated that he accepted the applicant's testimony that the easement is going where it is due to other entrances being too difficult to access the lot. He added that the easement would become an easement of record in the future as well.

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

Mr. Hennessey stated that it is hard to argue that a new construction with a modern water, sewer, and septic design would improve the surrounding property values. Mr. Wing and Mr. Hamilton voiced their agreement.

*5. Owing to special conditions of the property that distinguishes it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

*(A) no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because?*

*(B) If the criteria in subparagraph A above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Mr. Bergeron stated that he would normally agree with Mr. Wing's comment regarding the easement. He added that they need to be careful of establishing where there is no vested right, especially on a non-conforming lot. He noted that while there are a lot of similar lots in the area, this lot is unique compared to those lots given that the property is surrounding by public land that will not be developed. Mr. Hennessey concurred.

#### **NON-BINDING VOTE**

<i>Criteria 1 and 2:</i>	Mr. Westwood	–	YES
	Mr. Bergeron	–	YES
	Mr. Hennessey	–	YES
	Mr. Wing	–	YES
	Mr. Caira	–	NO

Mr. Caira explained that he voted "NO" as it has not been in front of the Selectmen. Mr. Hennessey reminded that stipulation was made that the applicant would have to go before the Selectmen before issuance of a building permit.

<i>Criteria 3:</i>	Mr. Wing	–	YES
	Mr. Hennessey	–	YES
	Mr. Bergeron	–	YES
	Mr. Westwood	–	YES
	Mr. Caira	–	NO

<i>Criteria 4:</i>	Mr. Wing	–	YES
	Mr. Hennessey	–	YES
	Mr. Bergeron	–	YES
	Mr. Westwood	–	YES
	Mr. Caira	–	YES
<i>Criteria 5:</i>	Mr. Caira	–	YES
	Mr. Wing	–	NO
	Mr. Hennessey	–	YES
	Mr. Bergeron	–	YES, with positive recommendation from the Planning Board and the issuance of a building permit from the Selectmen
	Mr. Westwood	–	YES

Mr. Wing stated that he voted “NO” for criteria five was regarding the cumulative impact and its effect on the community.

Mr. Bergeron asked if this would need to go before Town Council to advise on the proposed easement. Mr. Hennessey stated he was not sure if they would need to. Ms. Beauregard replied that the Board could stipulate that this goes before Town Council to review the easement agreement. Mr. Maynard replied that he saw it as a private easement between two individuals and does not have anything to do with the Town, but if the Board would like for it to go to Town Council, they would.

**MOTION:** ( /Bergeron) To have Town Council review the easement agreement.

**VOTE:** (5-0-0) The motion passes.

#### **CASE #ZO2022-00019**

**MOTION:** (Wing/Bergeron) To approve the variance with the aforementioned stipulations of needing review and comment by the Planning Board followed by a review of the Board of Selectmen prior to issuance of building permits.

**ROLL CALL VOTE:**

Mr. Caira	–	Yes
Mr. Westwood	–	Yes
Mr. Wing	–	Yes
Mr. Bergeron	–	Yes
Mr. Hennessey	–	Yes

(5-0-0) The motion passes.

#### **VARIANCE APPROVED.**

Mr. Hennessey explained there is a 30-day right to appeal.

#### **CASE #ZO2022-00020**

**Map 24 Lot(s) 12-67, 12-68, 12-69 & 12-70**

**GLEASON, Michael – 7, 9, and two unaddressed lots on Little Island Park – Seeking a Variance concerning: Article III, Section(s) 307-7, 307-8C, 307-12 Table 1 Dimensional Requirements, 307-14 of the Zoning Ordinance to permit the 4 nonconforming subject lots to be reconfigured into 2 nonconforming lots, each with less than an acre, on a private road. Applicant wishes to demolish the**



**existing house on lot 24-12-69 and rebuild in the same footprint but add a second floor, on the newly configured parcel consisting of added square footage from lots 24-12-67 & 24-12-70 to make the new lot 0.371 acre. Existing lot 24-12-68 will also have added square footage from 24-12-67 & 24-12-70 to make the new lot 0.215 acre.**

Mr. Caira left the meeting at this time. Mr. Hennessey appointed Mr. Hamilton to vote in place of him. Mr. Bergeron recused himself from the discussion. Mr. Hennessey appointed Mr. Stanvick to vote on the case.

It was stated that the abutters were previously read into the record.

Mr. Michael Gleason, the applicant, came forward to address the Board. Mr. Gleason reread the five criteria into the record. Mr. Gleason informed that black mold has been found in the current structure on the property, therefore the house must be taken down. Mr. Hennessey stated that the black mold differentiates this lot from others in the area.

Mr. Hennessey asked if the applicant was in the shoreline protection area. Mr. Gleason replied that he falls just outside the buffer. Mr. Gleason informed that he already has his septic design and that his well is on his lot.

Mr. Wing apologized for not being able to make the site walk. He asked for clarification on if the applicant was creating two lots. Mr. Gleason replied that he was taking four lots and merging them to create two lots. Mr. Wing asked which lot would be built on. Mr. Gleason replied that he would be building on 9 Little Island Park. Mr. Wing asked who owned number 7 Little Island Park. Mr. Gleason replied that his father owned that lot and that nothing was happening to that lot except for gaining more land.

Mr. Hamilton stated that he went on the site walk, noting that the footprint of the house is not getting larger – only putting in a taller structure. Mr. Wing asked how tall the house was going to be. Mr. Gleason replied 24 feet. Mr. Hennessey stated that they have arbitrarily set a limit of 30 feet around the pond. He noted that members on the site walk did not see any issues regarding site line to abutters.

Mr. Hennessey opened the discussion up to the Public.

Ms. Lisa Pultar of 778 Merrimack Avenue, Dracut, Massachusetts came forward to address the Board. she noted that she has known the Gleason's her whole life and that the site in its current state is an eyesore. She stated that it saddened her to see the way the lot fell into chaos after not being taken care of for years. She believed this would be a great location to rebuild and would be nice for her to have a friend living next door.

Mr. Mark Pultar of 17 Little Island Park came forward to address the Board. He reiterated that the Gleason's and Pultar's have been on the lake and been friends for years. He stated that the applicant has a relatively large lot. He stated that the house across the street is over 30 feet tall. He stated he did not think the height of the lot would be any issue. He stated that he is in support of what the applicant would like to do with the property and that it would benefit the neighborhood.

Mr. Hennessey closed the discussion to the Public and brought it back to the Board.

Mr. Westwood stated that the lot does not look good now and that this would be an improvement to the lot. Mr. Caira agreed.

Mr. Hennessey asked Ms. Beauregard if the Selectmen would look at this, as it is on a private road. Ms. Beauregard replied that she did not think they would, as there is already a home on the lot now. She explained that as there is a home already there, the assumption is that the parcel is already being accessed. Mr. Hennessey that he would still like to ask the applicant to apply to the Planning Board and the Selectmen within 45 days. Ms. Beauregard stated that the case would still be going before the Planning Board for a lot consolidation and lot line adjustment, meaning they would need Planning Board approval either way.

*1. and 2. The variance will not be contrary to the public interest because; and the spirit of the ordinance is observed because:*

*3. Substantial justice is done because:*

Mr. Wing stated that these criteria also cover the public health, safety and welfare of the public. He stated that the applicant testified that the house is infested with black mold, which is unsafe and would need to be torn down and rebuilt. He added that this would fall in line with the essential character of the neighborhood. Mr. Hennessey concurred.

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

Mr. Hennessey stated that removing black mold from the neighborhood would not diminish property values.

*5. Owing to special conditions of the property that distinguishes it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

*(A) no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because?*

*(B) If the criteria in subparagraph A above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Mr. Hennessey stated that he felt the special condition of the property was the black mold.

**MOTION:** (Wing/Westwood) Pursuant to RSA 674-41, applicant to seek review and comment of the Planning Board, followed by a review of the Board of Selectmen, if necessary, to authorize issuance of building permits on a private road within 45 days.

**VOTE:** (5-0-0) Motion passes.

#### **CASE #ZO2022-00020**

#### **NON-BINDING VOTE**

<i>Criteria 1 and 2:</i>	Mr. Hennessey	–	YES
	Mr. Westwood	–	YES
	Mr. Hamilton	–	YES
	Mr. Stanvick	–	YES
	Mr. Wing	–	YES

Mr. Hennessey stated that the black mold would cover several criteria here and that there were no persons present to speak in opposition of the plan. He stated that the applicant has full support of his abutters. He added that the applicant would be improving the situation of the lot and therefore the neighborhood.

<i>Criteria 3:</i>	Mr. Westwood	–	YES
	Mr. Hamilton	–	YES

	Mr. Stanvick	–	YES
	Mr. Wing	–	YES
	Mr. Hennessey	–	YES
<i>Criteria 4:</i>	Mr. Westwood	–	YES
	Mr. Hamilton	–	YES
	Mr. Stanvick	–	YES
	Mr. Wing	–	YES
	Mr. Hennessey	–	YES
<i>Criteria 5:</i>	Mr. Westwood	–	YES
	Mr. Hamilton	–	YES
	Mr. Stanvick	–	YES
	Mr. Wing	–	YES
	Mr. Hennessey	–	YES

**CASE #ZO2022-00019**

**MOTION:** (Hamilton/ ) To approve the variance with the aforementioned stipulations.

**ROLL CALL VOTE:**

Mr. Stanvick	–	Yes
Mr. Hamilton	–	Yes
Mr. Westwood	–	Yes
Mr. Wing	–	Yes
Mr. Hennessey	–	Yes

(5-0-0) The motion passes.

**VARIANCE APPROVED.**

Mr. Hennessey explained there is a 30-day right to appeal.

Mr. Hennessey stated that he believed one of the biggest deciding factors for the Board was the black mold situation in the current house, stating it is a public health hazard. He stated it would be in the best interest of the Town and the neighborhood to rid the lot of the black mold. He stated he believed that the best way to remove the black mold would be to tear down the current structure and rebuild it. He stated that he believed that the values of surrounding houses would have an improvement. Mr. Hennessey continued that the addition of a new septic system to help avoid contaminating the lake is also an improvement.

Mr. Stanvick stated that the material in the house should be removed properly, especially as black mold is involved.

**ADJOURNMENT**

**MOTION:** (Stanvick/Westwood) To adjourn the meeting.

**VOTE:** (5-0-0) The motion passed.

The meeting was adjourned at approximately 9:14 pm.

Respectfully submitted,  
Jordyn M. Isabelle  
Recording Secretary