

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
August 4, 2022**

**PRESENT:** Wendy Juchnevics-Freeman, Walker Farrey, Vice Chairman; David Lage; Danielle Sikkila; Susan Mallett, Secretary

Via Zoom were Andrew Moser, Andrew Tine, and Jonathan Gerson. Audience sign in sheet attached to minutes

Wendy Juchnevics-Freeman called the meeting to order at the Town Office at 7:00 p.m.

**SUBMISSION OF APPLICATIONS:**

**7:00 Silver Scone Tea Parties, 99 River Road, Map 11 Lot 128**

*Application for Special Exception and Variance (they were not sure which was most applicable)*

Robert Fasanella introduced himself as an agent on behalf of Jane Elwell.

Jane Elwell noted that she is the owner of the business.

Wendy noted that the Silver Scones business received a Cease and Desist and is now coming before the board to submit their application. It was noted that both Special Exception and Variance were submitted as there was question on which one was more applicable. There is also some question whether the lot is in the Rural or Village district. Robert feels the lot straddles both zones, but the bulk of the lot is Rural. David Lage feels the while the property is on both zones, the lot is in the Village District 1, Wendy agreed.

Wendy asked Jane Elwell to describe the nature of her business. Jane said she has tea parties no more than 3 or maximum 4 times a month. People get dressed up with hats and dresses, sometimes it's a private group for a bridal shower, sometimes general public, and they have tea and snacks. Generally done on weekend days not Monday through Friday.

Robert added the size of event can be from 20 to 40 people.

Wendy Juchnevics-Freeman noted that the Board won't get into the weeds of the application, just determine which one is applicable and review that one for completeness. The public hearing would be on September 1<sup>st</sup> at 7:00 pm where the application is gone through in more details. Jane to present the application, including the 5 criteria. The abutters and public would be given a chance to speak before the Board goes into deliberations. Wendy suggested that Jane speak with the neighbors before the registered letters go out. Jane noted they won't talk to her.

Wendy noted it's the Variance that should be submitted. It falls under Article IV, Section B Permitted Uses, 4 of zoning ordinance, which requires Variance Application versus a Special Exception. David agreed with Wendy that the Variance is the proper application to submit.

Wendy would like to do a site visit to see the property, where guests enter, where they park, etc. This would be on August 25<sup>th</sup> Thursday at 6:00 pm. Robert asks if the public is there can they limit the visit to

the portion of the house where events take place. Wendy confirmed that it can be limited to the event area and to make sure the facilities are adequate.

The abutter list was reviewed and found to be complete. Robert Fasanella would like to be included in the notices.

David would like to ensure that the parking layout be more detailed to show how the spaces would be laid out for the hearing.

Fees were calculated and a check was received from Jane Ellis for \$292.63

David made a motion to accept the Variance Application as complete upon payment of fees, Walker seconded and all were in favor.

Hearing is at 7:00 pm on Thursday Sept 1, 2022

### **7:30 Charles Dickson, 9 Manley Road, Map 12 Lot 68**

#### *Application for Variance to build garage on lot less than 1 acre and setback encroachment*

Charles Dickson is here to present his Variance to construct a garage on less than 1 acre in Village district. He would be 28 feet from the road, he noted that he wanted a 24 by 24 garage, but reduced the size in attempt to fit in the lot and have minimal impact on setbacks and septic system. He has a little garage that is full. He also has trailer and other items that are outside and would like to put inside a garage.

David asked why not on the other side of the house, and Charles noted that the well is on that side of house.

Wendy and David both asked for more specifics on the distances, it appears the map is not to scale and they are looking for confirmation of the actual distances of setbacks. Wendy noted he needs to have exact measurements for the hearing.

Danielle asked if connected to existing garage and Charles said it would be a shared wall.

It would be 28 feet from road. Front setback is 30 feet. Wendy says probably closer to 20 feet but the map is not to scale so hard to tell for sure. Charles says he found the markers out there and can work with that. Wendy says they need specifics so they know what relief is being requested.

Wendy asks where the current driveway and will there be paving? Charles says there is a current existing driveway and that will be staying the same

David suggests if garage could go in the back of house, and then the septic and setbacks would not be an issue.

Charles will see if he can squeeze the garage back there. Walker notes if he can stay inside the setbacks the application isn't needed.

Charles decided to withdraw the application and will pursue putting the garage out back along with repositioning the septic tank. Ed Rogers is the person working on the septic design.

**8:05 Jonathan Gerson aka Ebby's Place, 151 Main St, Map 12 Lot 10-1**

*Application for Variance to operate housing for individuals in recovery.*

Jonathan Gerson, Andrew Moser, and Andrew Tine (lawyer) were online to present the application.

Wendy noted that they added "or Special Exception" after the heading Variance at the top of the application, and that it needs to be one or the other. Andrew felt the use was similar to the prior use and would like to continue as the same use. Wendy noted the use in Village 2 is not allowed unless something has changed. David noted that to accept the application it needs to be a Variance. David also noted it needs to be one type or the other and also that it is Village District 2.

There was some discussion on Fair Housing, and Wendy noted Board is here to review the applications, if they want to use the Fair Housing as reasons how they meet the criteria they are well within their rights to do so, but the Fair Housing act and whether they meet that has no bearing on whether a Special Exception or Variance application. The Board's role is to grant relief by Variance or Special Exception, the Fair Housing can be used to explain how they meet criteria.

Andrew says they would like to go forward with Variance.

Wendy noted the changes to the application as follows:

- Strike "or Special Exception" from the application.
- Because it's Village District 2, it is Article V, Section A, B, and C

Andrew was in agreement to go forward with these amendments.

Wendy noted they answered the criteria except for the "OR" section in criteria 5, they should have that for the hearing.

Wendy asked if they would include a tax map at the hearing.

Abutters list was reviewed. Confirmed Tax Map 12 Lot 11 was the Center Cemetery owned by the Town and should be on the list. Duplicate lots were owned which reduces the abutters letters required. 5 abutters plus Jonathan Gerson, Andrew Tine and the Owner of the property.

Wendy asked if the parking outlay was included, and it was noted the applicants included it and also talked with neighbors who explained how the prior owners used the parking layout. Wendy is looking for dimensional controls and whether they need them for the parking. They need to be 20 feet from side setbacks and 30 from the road. Applicant asked if the existing parking is grandfathered, Wendy noted that it was done pre-zoning so no longer applicable. He also noted that the Church across the street offered up parking for lease if needed, talks to get the details are still happening. Staff and On Site workers get spots, for a total of 6. The other 4 would be for senior residents as available. David noted that for a home that so many parking spaces are required. Applicant asked what type of home and David noted Residential.

David asked the applicants to describe for the audience a quick overview of what Ebby's housing is: early recovery, 90 days sober, who need additional time to get back to their lives. Based on 12 step program and will be highly structured. Each day would be structured, reading, writing, yoga, meditation, etc.

There would be onsite caretakers, peer leaders, management to supervise. Privileges are earned by the residents. Number of occupants would be 26, 4 onsite managers and 22 residents.

Wendy asked if they had something like this elsewhere, Jonathan noted that he has IntoAction Sober Living and RJM House LLC, both in Manchester, they both have websites. ( [www.intoaction.net](http://www.intoaction.net) rjmhousellc.com )

Wendy noted the requirement that a drawing by licensed land surveyor or professional engineer in state of NH. The purpose is to ensure we are looking at all requirements for setbacks and they are identified on a set of plans. Applicant says where they were not asking for variances on setbacks they asked for relief from that due to the expense. David says not a whole lot plan, but where building and parking would be to show setbacks. Wendy asked that they have for Sept 1<sup>st</sup>, if not able to do that, then they could get extended to October. They want to be at the Sept 1<sup>st</sup> hearing. Wendy noted we will notice meeting for Sept, but if the applicants are not ready we can announce at meeting the continuance for October meeting.

Removing the line that asks for waiver of the surveyor or professional engineer.

Add lot 11 to abutters list, and note the Article V, Section A, B and C and revise the application to eliminate the addition of "or Special Exception"

Application Fees were read, and the applicant will get the check to Susan early next week.

(post meeting update, a check for \$217.12 was received on the following Monday)

David motioned to accept the application with amendments as complete, Walker seconded the Motion all were in favor.

Wendy asked if it was possible to do a site visit, and applicants are ok with that. Site visit will be Monday Aug 22<sup>nd</sup> at 6:00 pm. Public Hearing Sept 1, at 7:30 pm, Wendy noted that it could start later possibly if the prior hearings take longer. Applicant asked if inside building will need to be accessible, and noted that it won't be cleaned up.

**OLD/NEW BUSINESS:**

A MOTION to adjourn was made by Mr. Lage, and Mr. Farrey SECONDED the motion, all were in favor.

Respectfully Submitted,  
Susan Mallett