

**ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF MEETING OF 11/15/2010**  
**APPROVED MEETING OF 12/20/2010**



**Present:** S. Bogert, **Chairman**; S. Perley, **Vice Chairman**; R. Tautkus, O. Gibbs

**Absent:** D. Greski; J. Tivnan, **Alternate**

**Staff:** S. Saunders, **Planning Director**; K. Snow, **Zoning Technician**

S. Bogert called the meeting to order at 7 pm.

**HEARINGS: (Continued)**

**Application # 2010-0018**  
**Laconia Refrigeration**

**MSL # 407-227-50**  
**11 Walker Street**

**C Zone**  
**Variance**

The applicant is requesting a Variance from 235-58 (A), Table VI, Table of Sign Requirements, in order to erect a wall sign on the site at 11 Walker Street and to allow an additional 23 square feet of signage on the property.

K. Snow let the Board members know that this hearing would be held at the December 20, 2010 meeting due to the fact that the original Board members who sat on the application were not present this evening.

**Application # 2010-0022**  
**John & Jacqueline Remington**

**MSL # 152-200-40**  
**61 Pendleton Road**

**SFR Zone**  
**Variance**

The applicant is requesting a Variance from 235-19 (F) (2) (b) in order to construct a two story single family home on an existing foundation. The overall footprint for the house will be diminished.

K. Snow let the Board members know that we received a letter requesting that this hearing be moved to the December 20, 2010 meeting in order for a full Board to be present.

**HEARINGS: (New)**

**Application # 2010-0023**  
**Robert Belk**

**MSL # 175-107-7**  
**227 Hilliard Road**

**RRI**  
**Special Exception**

The applicant is requesting a Special Exception from 235-26, Table I, Table of Permitted uses, in order to allow the use of Campground/RV on this property.

**Applicant:** Robert Belk appeared for the application. There are currently campers located on the property, which the aunt's children have been using. They recently subdivided the property and are planning on building a home on the location, which is now 207 Hilliard Road. They need the Special Exception to allow the campers to be used until the residence is built. The family's main vacation site is Hampton Beach so they usually use this on weekends, July through Labor Day, and it is only used by family. They don't use this during Bike Week. This is nothing new; the campers currently are in place.

S. Bogert asked why the Special Exception is needed and K. Snow read the definition of campground.

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S. Perley said it appears very “helter-skelter” and wondered how many buildings are there. R. Belk said there is a sheep pen, a pump house for the water supply, a small barn for hay, and lean to (since the 60’s), and another shed. There are about 5-6 outbuildings. S. Perley asked how many are livable and R. Belk said just the 5 campers on the property.

S. Perley verified that there are 5 accessory buildings and 5 campers now. She asked who is living there and what is livable. R. Belk said the main mobile home and 5 campers out back. S. Perley clarified that there are 6 living spaces on site and R. Belk said only 3 of the campers are being used. One hasn’t been used in a year or so. Another brother lives in Meredith so seldom uses his. They are used after Bike Week through the end of summer, usually on weekends, and by family members only. They have been going there for years.

S. Perley asked how is sewage handled on the site and O. Gibbs said that she wondered that as well. They were told it is private septic. R. Belk said that, on average, there are 6 people there. The main mobile home is used for that use. The campers are used to sleep, and the main mobile home is used to cook, shower, etc. The other units are more of a bunk house type. R. Belk said this is not long term; he feels within the next year they will be looking into driveway permits, and septic permits, and then in another year actually build the house.

S. Perley said when we issue a Special Exception it is long term. R. Belk said they do want to remove the accessory structures as the tax bill went up. They had the lot surveyed and want a structure than could be used year round.

R. Tautkus asked about moving the existing accessory structures. R. Belk said they would all be removed. They want to build a large house, 2-3 bedrooms, so all 6 people are able to use it. The family wants to build a vacation residence. They probably won’t all use this at the same time. 3 sisters and the mother want to build on the new location.

R. Tautkus asked for clarification. She asked if the current RV structures will remain and was told yes for now. They are pull-behind trailers. Once the house is built they would be removed and there would be just the one main mobile home.

The Board members looked at the map of the subdivision. R. Belk said there is wetland so the buildable area is a little over 5 acres. Lot 7 would have the main mobile home. The campers would be removed and a structure put up. He spoke to the neighbor who said would like to see these structures removed and a nice building put up. R. Belk gave the Board a copy of a letter from one of the abutters.

O. Gibbs asked if a Special Exception could be granted with a time limit. S. Perley said her issue is that if they were looking at approving a campground, they would look at water, septic, etc. She is concerned with setting a precedent. R. Belk said that 3 tents on a piece of land is a campground per our ordinance and they wouldn’t require water or septic. O. Gibbs said that a campground like that would have an outbuilding for rest rooms and showers and that the main mobile home could be considered the outbuilding in this case.

R. Belk said the trailers are registered, all in Massachusetts. He is now being taxed on each one individually. He said if you sleep in this overnight, it is a campground. R. Tautkus asked about the tax issue: they are being taxed individually now but if granted the Special Exception would that affect the taxes; she was told no.

S. Bogert: asked how temporary campgrounds are handled during Bike Week and K. Snow said we require the applicant to turn in an application.

**Public:** No one spoke for or against the application but we did receive a letter in support of it.

**Applicant:** R Belk said he spoke to the neighbor across the street, the Labonte’s, who have no issue with the application as this is only 8 weeks of the year. S. Perley said no, the use may be short term but the buildings are there all year round.

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R. Belk said that the Paugus Bay Campground has campers there all year; Channel Marine leases this during the winter for boat storage. Singing Cove has an RV park, with trailers in the back and in front, at least 5-6 boats. Those have all been there for some time. He said the neighbors he talked with have supported this. He spoke to the President of the Homeowners Association from the Brady Sullivan condos next door, who said they have no issue with this as they cannot see it from their location.

S. Perley asked what the rationale for scattering the units all over the place is and R. Belk said there is none. S. Perley asked if the ones on the road could be moved to another location and R. Belk said he was not sure as he was unsure of where they could go as he has the sheep pen, and the sheep pasture field. He stated that he could try to put up a fence or shrubs to hide this more. S. Perley said they seem to have a density issue, with so many units, and animals, too. R. Belk said that the animals have been here for a long time.

S. Bogert said the Board could approve this with many conditions such as only allowing the 6 trailers, only family (no renting), and putting put a 2 year time limit on it.

R. Tautkus said she agrees with S. Perley; she is afraid this could set a precedent. Other people have to wait to build a new structure before they move in. She wondered how this is any different. R. Belk said people haven't complained about this in the past, there is no one present at the meeting tonight and he has a letter of approval from an abutter. He stated that you cannot see these in the summer, but you can now with no leaves on the trees.

R. Belk said he doesn't understand why this Special Exception wouldn't be granted to them if 3 tents are considered a campground.

R. Tautkus asked if there are only 3 sisters involved, why there are 5 trailers and R. Belk said he has one and his brother has one on the property. R. Tautkus said there are 7 people, not 6, involved. O. Gibbs said the number of people isn't a concern to her.

S. Perley explained to R. Belk that the Board is here to look at an application and see if it is a good thing for the city. She doesn't feel the site is orderly. R. Belk said he could legally park the units in the back yard, but that sleeping in them is the issue. If they are registered they can be there.

R. Belk said this fits into the neighborhood now. Down the road there is an old fire truck and other barns. O. Gibbs said she feels it would work with a time limit, possibly place a 2 year limit on this approval. R. Belk said they recently spent \$17,000 to have this surveyed; they are not going to walk away. He said the family wants to get started on this ASAP, but that he is unsure of the time frame.

R. Belk said he got verbal authorizations from some neighbors, and one letter of support. He is unsure of a time frame and will plant shrubs to try to hide the units if the Board feels this is needed. The campers can legally be there, they just can't sleep in them. He doesn't think they are asking for a lot. The yard is maintained and kept up nicely.

**S. Bogert closed the hearing to the public at 7:45 pm.**

**Board:** R. Tautkus says she thinks that the Board appreciates that they want to build new structure and get rid of the campers but she is afraid of setting a precedent here. She asked if this could then be used as a community campground.

S. Perley said there is not any serious hardship here, as the property is only used on weekends, and they do go other places.

O. Gibbs said she has no issues with the proposal as they are not renting the units - this is just family coming to sleep on a weekend. She said they have been doing this, and we only found out because of the subdivision. She knows of a person that has 3 tents on his property on the weekends in the summer as his family visits him.

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She has no issues with that property as they are good neighbors, and they clean it up. She said she doesn't consider that a campground.

S. Perley said if the Board does approve this we would need conditions and asked what the other members thought those should be. No more than the 5 campers should be allowed and if one is removed, it cannot be replaced. Dates were suggested for use and it can only be used between Memorial Day and Labor Day. A 2 year time limit was suggested; no rentals are to be allowed. Campers are all to be removed once permanent residence is built. Landscaping along the frontage where the current camper is located. O. Gibbs said that the existing campers can be stored on the lot only after the 2 year time limit, they just cannot be used for living or sleeping. If the one the cousin has there, which is only being stored, that could be removed since it is not being used. The storage use is allowed here if not being used for sleeping purposes.

**Motion:** O. Gibbs moved to approve Application # 2010-0023 based on the following criteria:

**(a) The use requested is specifically authorized in this chapter.** The use of campground/RV is allowed with the granting of the Special Exception.

**(b) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.** Since the property use will not be changing, there should be no increase in traffic and this should not impair pedestrian safety.

**(c) The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets.** There is only one structure connected to water/sewer. The 5 campers are not connected so they won't be increasing that use. There are to be no changes made to the lot so there should be no increase in run off.

**(d) The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.** There will be no expansion of the use. There is only one permanent structure which is not occupied year round so there will be no increase in demand on any public services.

**(e) Any special provisions for the use as set forth in this chapter are fulfilled.** There are no special provisions for the use set forth in the chapter.

**(f) The requested use will not create hazards to the health, safety or general welfare of the public nor be detrimental to the use of or out of character with the adjacent neighborhood.** There are already 2 campgrounds on this road as well as boat storage areas. Based on the conditions being set on this approval, the use won't affect the public as this will be used only by family members. It won't be out of character with the neighborhood and conditions are being set that the campground/RV use will be disbanded in the future.

**(g) The proposed location is appropriate for the proposed use.** Based on the preceding conditions, the location is appropriate for the proposed use, which will be disbanded in the future.

**(h) The requested use is consistent with the spirit and intent of this chapter and the Master Plan.** The building of the new home, and the cessation of the use of the campers/RV's, will ultimately improve the character of the neighborhood.

**The following conditions of approval were set by the Board:**

- 1- No more than the 5 campers presently on the site are to be allowed. There can be no additional units. This brings the number of living structures to a total of 6, including the main unit.
- 2- The existing campers will no longer be used as living units after construction of the dwelling.
- 3- If a camper is removed, it cannot be replaced.
- 4- The time limit on the use of the campers is from Memorial Day through Labor Day only.
- 5- There are to be no rentals or commercial use of the campers; the units are to be used by family members only.
- 6- Screening will be required for the units that are visible to abutters, specifically units visible to the Dyrsten's property located at 237 Hilliard Road.

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- 7- There is a two year time limit to be imposed. The new residence must be constructed within that two year time frame or the applicant must return to the board.

R. Tautkus seconded the motion, including the conditions listed above and the vote was 4-0.

**Application # 2010-0024**

**MSL #0448-184-136**

**RG Zone**

**Kathleen McDonald**

**33 Pine Street**

**Special Exception**

The applicant is requesting a Special Exception from 235-26, Table I, Table of Permitted Uses, in order to change a 3 family unit to a 4 family unit.

K. Snow let the Board members know that the applicant requested that this be moved to the hearing of December 20. They will be sending a letter confirming that request.

**OTHER BUSINESS:** K. Snow brought up the issue of stairs/steps that are constructed within a setback area. After a discussion S. Bogert said that for now the Board still wants to review these applications as every situation is different.

S. Perley said there are areas within the zoning ordinance that need to be looked at and re-written. She said we need to take a look at the campground provision. O. Gibbs said she agreed and that a campground should be specified as being for profit. She doesn't feel that having two tents set up on your property to accommodate weekend visitors should be considered a campground.

S. Perley asked if the Board could meet earlier in December as she thinks the meeting could go longer with the number of applications we already have. The time and date was discussed and it will begin at the regular 7 pm time.

**MINUTES:** The minutes from the meeting of October 18, 2010 were discussed. The motion to accept the minutes as written was made by S. Perley and seconded by O. Gibbs. All voted in favor of approval, 4-0.

**ADJOURNMENT:** The motion to adjourn was made by S. Perley and seconded by R. Tautkus. All voted in favor, 4-0, and the meeting adjourned at 8:20 pm.

Kristine Y Snow  
Zoning Technician