

Town of Northumberland
19 Main St.
Groveton, New Hampshire 03582
ZONING BOARD OF ADJUSTMENT
AGENDA
Tues., October 20, 2020
7:00 PM
MEETING ROOM
10 STATION SQUARE
Groveton, NH

Zoning Board Members Present: Bill Caron- Acting Chair, Jeffrey St. Cyr, Joseph Kennett, Ryan Shannon

Others Present: Reginald Gates, Dorothy Lambert, Norman Cotter, Harold Marshall, Al Beland, Elaine Gray- Clerk, Suzanne Batchelder

Meeting was opened at 7:35 p.m.

1. Minutes of January 8, 2020 Meeting

Bill asks for a motion to approve last meeting's minutes. Joseph makes motion, Ryan seconds, all in favor, 3-0.

2. PUBLIC HEARING:

Case #Z20-02: Alphonse & Theresa Beland (Trustees of Beland Family Trust) are seeking an Area Variance for moving a pre-existing building on the property within the 15 ft. minimum setback for the rear boundary. The parcel is on Map 223 Lot 8, 34 Riverside Drive, and is zoned Residential High Density.

Bill asks if everyone has seen the application and reads it out loud.

Discussion on rear boundary line, a rock wall.

Ryan asks how high the rock wall is.

Bill: every bit of 15' high.

More discussion by Al and Zoning Board on history of rock wall, distances from neighbors, movement of building.

Bill asks for motion to accept variance. Motion to accept by Joseph, seconded by Ryan, all in favor, 4-0.

Al asks why he had to send himself an abutter letter for \$12? None of the Zoning Board knows the answer, maybe Elaine can answer.

Elaine: the law, not sure, has been that way for the 20 years she has been working for Town.

Al: maybe it needs to be looked at and changed.

Discussion by everyone on the question.

Al thanks Zoning Board and leaves.

3. PUBLIC HEARING:

Case Z20-03: Brian & Suzanne Batchelder (Trustees of the 2004 Batchelder Revoc. Trust) are seeking an Area Variance for their 0.67-acre parcel located at 247 Lancaster Rd. for an addition to the garage within the 20 ft. minimum setback for the side boundary. The parcel is on Map 227 Lot 5 and is zoned Residential Low Density.

Bill asks if building permit gotten.

Elaine: no, because they started building before they got a permit and continued to build resulting in a cease and desist order.

Bill reads the Zoning application submitted.

Elaine tells Bill to open for public discussion.

Bill opens the meeting up for public discussion.

Reginald Gates is the first to speak, one of the abutters. Says Susie is smart, like a fox, knew she needed to get a building permit, used to be on Select Board. More conversation on how rude Susie was to Dorothy and him. More heated conversation regarding the variance. Thanks Zoning Board for their time.

Susie opens her case, explains that she knows what the property variance is all about. Standard practice of Board to approve.

More conversation by Susie and Zoning Board on Al Rossetto's information given to Susie. Discussion of building without permits.

Joseph ask how far from line.

Susie: I don't know, didn't measure it.

She explains why the building is needed. For storage of equipment for maintenance of the property.

Conversation on changes in zoning ordinances, how it used to be to how it is now. Questions on why different zoning. Lots of lawyer talk.

Bill explains how he would like to handle this, just input, not voting on this. Susie told Bill not to challenge her, she has a list of people building without permits and a lawyer. Discussion by all on the right, the wrong, and the overlooked zoning practices.

Dorothy: if got the permit like she should have would have all the information she needed. More semi heated conversation by Reginald.

Bill explains that a building permit is done way before the building was to start. Pre-planning. Just speaking for himself.

Roach says he knows of situations that have built without permit. Susie comments that her lawyer went to look today to see who is building without a permit.

Bill tries to explain why this situation is troublesome. Susie interrupts repeatedly.

Reginald shows Board where line is. Susie comments about maintaining hedge and plowing Reginald's driveway all winter for nothing.
Heated discussion by Reginald on plowing and mowing. Reginald offered to pay but it was refused. Have lawyers too, but not on speed dial.

Bill and Elaine and Ryan trying to get meeting back on track.
Ryan asks about other abutters. Would like to have information in writing. Trying to clarify. Discussion no matter the outcome, one party will be unhappy.

Elaine: Holly Paradis contacted me to see what was going on.

Ryan: a variance is an exception?
Discussion of previous open hearing and similarities by all. Area variance because not meeting the minimum setback.

Susie: timing is the issue, if you would listen for a moment, the way things work up here, winter comes early.

Bill: Susie you don't need to remind me.

Sue: I'm supposed to talk to the Board and I'm not being given the opportunity.

Bill and Susie overtalking each other.

Bill: You are talking to me like I am an outsider and don't know.....

Susie: You were just telling everybody you were (living in another state for years).
More lively conversation between Bill and Susie.

Susie: I'm trying to explain myself so I believe I have the floor.

Roach: yes you do.

Susie goes on to explain why she did not in her mind have to file a building permit. Because contractor was working on her house at another location, then his work schedule shifted so he started work on the garage. Knows she does not meet the setback so she is here for a variance.

Ryan asks if the building permit is for location or name.

Roach: for the location, individual job.

Susie explains more on building permit for West Street.

Dorothy and Susie engage in unhappy discussion.

Elaine provides members with information on variances from the zoning ordinance.

Susie: the ordinance, that's bathroom reading Ryan.

Bill reads the 6 points the Board is to consider for variances.

Susie mentions that it is not detrimental and would provide income for the town. She mentions that Al Rossetto told her she would probably have to get a variance.

Susie: what do you think Roach, is it detrimental?

Roach: by going by all those categories in the law I would say it is not detrimental. Just curious on what the distance is between things.

Ryan asks abutters if when looking out window is it right there.

Reginald explains no it is by the garage.

Ryan asks if Reginald is mad because she did not get a variance first.

Reginald: No I'm mad on how she talked to us....20' rules must apply....

Heated conversation.

Susie: I'm here to get my variance.

Elaine: we should close the public meeting and open the Board discussion.

Ryan: we should move this along and discuss behind closed doors.

Elaine: they can all stay, it's public.....Susie interrupts and gives instruction to the Zoning Board on how coming out of public hearing works.

Susie: now you have to come out of a public hearing, a motion.

Bill: still in public as I'm speaking to everyone. My vote doesn't count so make a motion to come out of public hearing. Ryan makes motion, Roach seconds, all in favor 4-0.

Discussion by Board on how the paperwork should have been filed first, everyone knows that. Looking at rules for a variance to help make a decision. What's in writing? Best interest of the Town? Hardship, but really no rules broken. Permit should have been obtained, but....

Ryan: have to keep best interest of the town in mind.

Bill asks for motion to approve or disapprove of the variance.

Roach makes motion to approve, Ryan seconds, all in favor, 3-0. Acting Chair abstained.

Susie: thanks and leaves.

Dorothy: why do you do all this....heated conversation to Zoning Board.

Ryan: I agree with you ma'am.

Dorothy: no you don't.

Heated conversation by Dorothy and Reginald. "She (Susie) does what she wants to".

4. TABLED PUBLIC HEARING FOR Z20-01 SPECIAL EXCEPTION FOR SHAWN & EMILY SWALLOW – Withdrawal by Applicants

Bill reads a letter from the Swallows asking to withdraw the special exception.

Roach mentions that there is another business that fell into the same issue as Shawn. Home based business.

Elaine: Cape Horn Pet Clinic went to the Planning Board and got their blessing.

Conversation on how long vet has been there. The change of the zoning. Special exceptions. How the vet is good. But there should be no special treatment, same issue as Shawn Swallow.

Elaine explains Timber Management, the change in zoning, how the Town interpreted incorrectly. Can of worms. Grandfathering.

Ryan: look at the bigger picture, don't want any other businesses leaving Northumberland, perhaps we can grandfather in.

Elaine: Swallow has another issue with his new property.

Discussion of the need for Swallows to merge his property before he can put in a shed with concrete floor. He lives on one lot and wants the shed on another lot.

Ryan: who actually told him that?

Bill: Al Rossetto told selectmen that at last meeting.

Harold Marshall: There's a pretty big conflict of interest between Shawn and Al.

Ryan: yes there is, thank you.

Harold explains the background between the conflict.

Ryan asks if that is an actual law that you have to merge in order to build on another property for accessory use.

Discussion about accessory use, why does Swallow have to merge? Permitted uses read and discussed. Where did Al get the paperwork he presented for accessory use?

Bill: maybe we should get ahold of Al, bring back up at a selectmens meeting.

Elaine: The building permit is signed by Selectmen and Al. Swallows have to have permission by mortgage company to merge the lots though.

Harold: think Shawn got pretty mistreated for being a big tax payer, big land owner.

Ryan: go back to see if even a law?

Discussion if Al is misinformed of law, need to find the RSA. Elaine will research.

Ryan: can't lose another business.

Norm: Shawn was asked to move just over the line to Lancaster, good thing he didn't.

More discussion of law, conflict of interest, etc., the process.

Ryan brings up having two building inspectors in case of conflicts.

Ryan: getting back to the Swallows withdrawal. Do we accept?

Bill asks for motion to accept withdrawal. Roach makes motion, Ryan seconds, all in favor, 4-0.

Norm: Comment on Susie being 100% wrong and what should have happened, what she knew.

Elaine: can we adjourn?

Bill wants a motion to close meeting.

Conversation continues.

5. Any Other Business to Come before the Board

Conversation from previous continues.

Meeting adjourned at 8:47 p.m.

Respectfully submitted,
Pam Kathan
Zoning Board Minute Taker

Zoning Board Signatures Date _____

X _____ Bill Caron, Acting Zoning Board Chair

X _____ Joseph Kennett, Zoning Board Member

X _____ Jeffrey St. Cyr, Zoning Board Member

X _____ Ryan Shannon, Zoning Board Member