**Town of Ossipee**

**Zoning Board of Adjustment Meeting Minutes**

**April 14, 2015**

**Minutes were taken by Xann Horn, Boards and Commission Secretary**

**Meeting was called to order at 7:00 p.m.**

**Board Members Present:** Jim Rines, Ski Kwiatkowski, Stanley Brothers, Ralph Wurster, David Babson, Bob Freemen

**Election of Officers**

Nomination by David, seconded by Jim, to nominate Stanley Brothers as Chairman of the Zoning Board.

There were no other nominations; nominations were closed.

By roll call vote; all were favor.

Stanley assumed his role as Chairman.

Nomination by Ski, no second necessary, to nominate David Babson as Vice Chairman of the Zoning Board. By roll call vote, all were in favor.

David assumed his role as Vice Chairman.

**Case #15-2-V Susan J. and Morgan Edgerly, Variance from Article VI Section 6.4.2.a, property located at 11 Comeau Drive, Tax Map 61, Lot 33**

Jim Rines recused himself as he, as White Mountain Survey & Engineering, Inc., was representing Susan J. and Morgan Edgerly’s Application for a Variance as their Agent.

Stanley brought Alternate Bob Freeman up to voting status.

Explanation was given as to why Jim Rines recused himself. David stated he finds it hard to believe that a member of the board can step down and then present the case; it seems to him to be at least an appearance of an impropriety. Ski noted when he steps down he is not a voting member so it doesn’t affect anything of the case.

**Approval of Minutes**

**Motion:** by David, seconded by Ski, to review minutes for purposes of discussion.

Ski noted that at the last meeting the chairman requested that a letter be sent to the Planning Board to have them review the Zoning Ordinances in reference to a case that was rejected. He requested that this letter be drafted and signed the by Chairman who, at that time was David Babson, and then sent to the Planning Board. The case was as follows:

***Case #467 Ronald and Suzanne Richer***

*Case #467 (15-1-V) Continued from Jan 13: Ronald & Suzanne Richer, property located at 73 White Pond Road, Tax Map 129, Lot 23. Applicants are seeking a Variance for side setbacks, Article 6.4.2a, of 15’ and 18’ and water setback, Article 6.4.1c of 37’ and 32’. They are also seeking a Special Exception (15-1 SE), Article 23.3.2, to expand a non-conforming structure.*

***Discussion:***

*Applicant Ronald Richer and abutters Lionel and Gloria Gagnon (Map 129, Lot 24) were present.*

*Mr. Richer stated he would like to add a deck to the existing structure 8’ x 26’. He submitted a revised plan after the last meeting because he did not have the property measurements. He met several times with Mr. Senecal and believes he has come up with a plan that address all of the variance questions. It is not an obstruction to any abutters, it wouldn’t hinder the waterline or anybody’s views or things of that nature. He believes it is pretty straight forward. The structure was built sometime around 1936. Board members clarified measurements with applicant.*

***Motion:*** *by Brothers, seconded by Babson, to grant the Special Exception (15-1-SE) Article 23.3.2 to expand the non-conforming structure*

*Board discussion ensued. Kwiatkowski noted that this would be making a non-conforming structure more non-conforming which is not allowed by Zoning.*

***Vote on Motion:*** *2 in favor (Brothers, Wurster), 2 opposed (Kwiatkowski, Babson with protest). Motion failed.*

David stated that regarding the vote on the case above at the last meeting, the minutes should reflect why he voted no but with protest. Discussion ensued. David requested that for clarification, Xann go back to that section on the recording and provide this information for approval at the next meeting.

**Motion Withdrawn:** by Ski, second withdrawn by David.

**Motion:** by Ski, seconded by David, to accept April 7, 2015 meeting minutes with changes to be reviewed and accepted at the next meeting. By roll call vote, all in favor.

**Case #15-2-V Susan J. and Morgan Edgerly, Variance from Article VI, Section 6.4.2.a, property located at 11 Comeau Drive, Tax Map 61, Lot 33.**

Jim Rines of White Mountain Survey & Engineering, Inc., acting as Agent on behalf of the Susan and Morgan Edgerly presented the case. The above application is to request a variance from the sideyard setbacks. Susan and her son Morgan wish to redevelop their property. It was two lots of record and they have merged them into one to make them a more conforming lot. Presently the current living space of the home is 33.1’ from the pond and 18.9’ from the sideyard. He presented an existing conditions plan and a proposed conditions plan. They are proposing to move the home back to make it compliant with the 40’ setback from the pond but they are requesting a reduction of the side setback from 18.9’ for the living space to 12.6’ for the living space and then the open deck would be 9.3’ from the property line.

The Marusaks, abutters, provided a letter in favor or and were present in support of this request.

Minor discussion ensued.

**Motion:** by David, seconded by Bob, to provide a variance from Article 6.4.2.a, moving the side lot setback 9.3’ for the deck and 12.6’ for the house, and that the letter submitted by the Marusaks be attached and become part of the conditions. This must conform to all federal, state, and local requirements or laws.

Each “Fact Supporting the Request” was reviewed and voted on individually: 1. All in favor; 2. 3 in favor, 1 opposed (Ski); 3. All in favor; 4. All in favor; 5. All in favor.

**Vote on Motion:** by roll call vote, all in favor.

Variance was approved.

Jim Rines resumed his position as a board member.

**Board Discussion**

* An email was received from Bill Grove expressing his interest in becoming an Alternate to the Zoning Board. Bill was present.

**Motion:** by Ski, seconded by Rines, to appoint Bill Grover as an alternate to the Zoning Board. All in favor, motion passed.

* Discussion ensued on voting on individual facts supporting the request of a variance and on what regulations the Zoning Board are to enforce (town versus state).

**Adjournment**

**Motion**:by David, seconded by Ralph, to adjourn. All in favor, motion passed.

The meeting adjourned at 8:52 p.m.

**Minutes approved by majority vote of the Board on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Ski Kwiatkowski, Chairman**