

Zoning Board of Adjustment
Hinsdale NH
11-13-2018

Present: CDC Kathryn Lynch, James MacDonell, Matt Palmer, Jim Waters, Ken Howe and Alternate Rick Carrier. Todd Page was excused.

7:00 pm Vice Chair MacDonell opened the meeting. M. Palmer made a motion to approve the minutes dated 10-9-18. He was seconded by K. Howe. The motion was passed unanimously.

7:07 pm the applicants arrived. Ms. Suskawicz explained that they are working on moving the building. Town meeting, voters voted to accept the building. They received an email from Jill listing items needed after she consulted with the Town Attorney. They cannot apply for grants until the building is in a permanent location, which needs to be decided on by the Board of Selectmen. They received a grant from the NH Preservation Alliance get aide with the grant process. They were told the building needed to be moved or demolished. They thought the person telling them this owned the building, they found out he did not. Hope Engine now owns the building they signed a bill of sale with Milton Wheeler prior to the garages change in ownership to Mike Forester.

Vice-Chair MacDonell read Article 26 for clarification.

Discussion: Voters are in support of the building by town vote. If the variance is granted it would give them time to work with the Board of Selectmen and the NH Preservation Alliance. How realistic is an extension when we don't know placement of grant? Concern of reviewing this application again. The owner of the parcel is not present, who is applying for the variance and can we legally grant a variance to someone that is just storing a building.

Vice Chair MacDonell opened the meeting up to the public.

Sean Leary asked if the HPB minutes were reviewed. (No). The minutes will have answers to many of your concerns. Andy's application to extend acknowledges storage on the property and he would resume responsibility. The Board reviewed the HPB minutes.

Discussion: The concern of liability is Andy's not this boards. The Town supported this article at town meeting. Granting an extension of time to allow them to meet with the BOS to decide location and then also time to apply for grants. That a decision of placement be made by June.

7:50 pm Public portion of the meeting was closed and the Board worked on summarizing the case.

The Board worked on the Statement of Reasons.

1. Granting the variance (would – **would not**) be contrary to the public **interest** because:

The public voted in support of this.

2. The **spirit** of the ordinance (**would** – would not) be observed because:

The Board would be extending a use that the public asked for with a time limit.

3. Granting the variance (**would** – would not) do substantial **justice** because:

The voters voted in the affirmative of the warrant article to pass.

4. For the following reasons, the **values** of the surrounding properties (would – **would not**) be diminished:

This is a temporary use of the parcel.

5. **Unnecessary Hardship**

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

1. There (**is** – is not) a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

There is no other place to put the building at this time. The board is addressing a temporary situation while staying in the spirit of what was voted on at Town Meeting.

2. The proposed use (**is** – is not) a reasonable one because:

Giving them time to get everything together to get it done, this board is only extending a temporary deadline approved by the Planning Board.

J. Waters made a motion to approve the Statement of Reasons. He was seconded by M. Palmer. The motion passed, M. Palmer (aye), J. Waters (aye), K. Howe, (aye), J. MacDonell (aye), and R. Carrier (no).

R. Carrier reread 5A and explained that it does not state owing to a special condition of the property. Discussion followed and the board looked into a prior case of granting a temporary stay on a parcel, which was an extension of a building permit. The planning board approved a temporary change of use for the parcel, the public voted at town meeting in favor of the town allowing the BOS to find a location of the building, the BOS need to find a location.

J. Waters made a motion to grant the variance with conditions. After discussion he rescinded his motion.

Board discussion.

K. Howe made a motion to grant a variance for a temporary change of use until 7-2-2019 to wait for the Board of Selectmen's decision on placement. Once a decision for a location is made in the affirmative the variance would extend until 10-15-2020. If the Board of Selectmen do not make a decision of placement by 7-2-2019 the building must be removed from the parcel. He was seconded by M. Palmer. The motion passed unanimously.

K. Howe made a motion to include a joint letter from the ZBA and HPB to the Selectmen pertaining to this case. He was seconded by R. Carrier. The motion passed unanimously.

Board Business:

K. Howe made a motion to adjourn. He was seconded by R. Carrier. The meeting ended at 8:30 p.m.

Respectfully submitted,

Kathryn Lynch