

MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
August 2, 2023, at 7:00PM

MEMBERS PRESENT: James Banks, Chairman; Craig Williams & Donald Quigley

OTHERS PRESENT: Tom & Jen Wear; Wayne Lucier Sr.; Wayne Lucier Jr.; & Caren Rossi, Planning/Zoning Administrator.

7:00PM Chairman called meeting to order.

Jim Banks, Chairman explained we have 3 members present tonight, you are entitled to a Board of 5, you need all 3 votes in the affirmative to grant the request. The lack of 5 members is not a reason for a rehearing if the request is denied.

Both applicants agreed to go forward with a Board of 3.

Z2223-9

Lee Circle Development, Wayne Lucier applicant is requesting a Variance to Article XVII, Section III, A #1 – 5, as applicable. The request is as shown on the submitted plan by Hilton Displays, dated 4-26-2023. The property is located at 48 Concord Road and is known as Lee Tax Map#19-07-0800. The request is to the 2023 Lee Zoning Ordinance.

Craig Williams clerked and read the application into the record.

Caren Rossi explained that since the applicant submitted the sign plans, they changed the location of 2 direction signs, they are not new signs, just a change in location for better traffic flow. She continued to explain that she didn't feel many of the signs could be seen off the property. Especially the directional signs.

Wayne Lucier explained the signs as proposed. (Plan in file). In speaking with Caren Rossi, she had suggested that the E direction sign be moved from the location shown to the island, for better traffic flow. He would be fine with this change. He continued to explain as Caren Rossi did, not many of these signs will be visible off the site. They are mostly directional. They are the typical sign package for Starbucks for their locations.

Public comment

None

The Board members had no issues.

With no further questions, the Board determined the following Findings of Facts:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes, all.**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

1. Granting the Variance will not be contrary to the public interest. **Will not, (all)**- it will enhance ingress and egress.
2. Granting the variance would be consistent with the spirit of the ordinance. **Will, (all)**, would enhance ingress and egress as well as move people effetely across the site.
3. In granting the variance, substantial justice is done. **Is done, (all)**, place of commerce and need communication and information for the public to move about the site safely.
4. In granting the variance, the values of surrounding properties are not diminished. **Are not, (all)**, because no evidence was presented, it's the commercial zone as well as it's a large lot.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to applicant. **Yes,(all)** they need to have a sign, if they can't that would be a hardship as well as they need to meet the other codes.
 - A) To find that an "unnecessary hardship" exists, the Board must find:
 - o There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

Donald Quigley made a motion to grant the request of Lee Circle Development, Wayne Lucier applicant is requesting a Variance to Article XVII, Section III, A #1 – 5, as applicable. The request is as shown on the submitted plan by Hilton Displays, dated 4-26-2023. The property is located at 48 Concord Road and is known as Lee Tax Map#19-07-0800. The request is to the 2023 Lee Zoning Ordinance. Allowing the directional signs to be moved as determined in the field to be the best for traffic flow and life safety.

Craig Williams second the motion.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal period.

Z2223-10

Tom & Jen Weir applicants are requesting a Variance to Article V, B-#3, Setbacks. The request is to construct a shed 25'+- and a greenhouse with a foundation, 30'+- from the front property line where 50' is required. The property is located at 77 Harvey Mill Road (Rt. 152) and is known as Lee Tax Map#22-2-0000. The request is to the 2023 Lee Zoning Ordinance.

Caren Rossi explained that typically they don't permit greenhouses but this one will have a foundation and the applicants want to ensure that they do everything correctly.

Tom Weir explained on the plan that he is going to remove a bunch of trees/shrubs to install the green house. It's the only location that will work with full sun as well as the easiest location for water and electricity installation. The shed, which is a simple garden shed, will be the garden shed to work with the greenhouse.

Public comment

Jen Weir spoke in favor of the application.

Floor closed.

Jim Banks, Chairman spoke that a benefit of the greenhouse would be the removal of the burning bush shrubs that will be removed to put the greenhouse in.

Donald Quigley asked if it would be possible to move the greenhouse back further?

Tom Weir spoke that not to get full sun, unfortunately. As well as they have water and electricity near the proposed location already for the house.

Jen Weir also spoke that they have an abundance of deer as well out back which would be detrimental to the greenhouse vegetables.

With no further questions, the Board determined the following Findings of Facts:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes, all.**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

1. Granting the Variance will not be contrary to the public interest. **Will not, (all)**- it has a natural screen.
2. Granting the variance would be consistent with the spirit of the ordinance. **Will, (all)**, looked at all other possible locations and this is the best spot.
3. In granting the variance, substantial justice is done. **Is done, (all)**, it's a reasonable location, not impacting anyone else, have done similar in the past.
4. In granting the variance, the values of surrounding properties are not diminished. **Are not, (all)**, nothing to the contrary has been presented.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship for the applicant. **Yes, (all)** due to the location of the river, the property layout, this is the best place possible for them.
 - A). To find that an "unnecessary hardship" exists, the Board must find:
 - o There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

Donald Quigley made a motion to grant the request.

Craig Williams seconded the motion.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal period to the applicant.

Minutes transcribed by:

Caren Rossi

Planning & Zoning Administrator