

**Town of Bartlett
Zoning Board of Adjustment
Public Hearing
March 22, 2019**

Members present: Chairman Richard Plusch; Peter Gagne; Anita Burroughs; Norman Head; Julia King.
Members absent: None.

Also present: Bonnie Lee Tryder; Russ Tryder.

Chairman Plusch called the meeting to order at 7:00 pm. Since this was the first meeting held after the town election earlier this month, it was necessary to elect a Chairman and a Vice Chairman for the upcoming year. A motion was made by Norman Head; seconded by Anita Burroughs to re-elect Richard Plusch as Chairman. Vote: All in favor. Julia King made a motion to re-elect Norman Head as Vice-Chairman. Motion was seconded by Peter Gagne. Vote: All in favor.

The Chairman then announced the case number, name of applicant, and purpose of this application. He advised the meeting notice for this application was published in the Conway Daily Sun on March 12th and 22nd, 2019 and publicly noticed at the Bartlett, Glen, and Intervale post offices, as well as the Bartlett town hall.

1. Public Hearing - File 2019-01:

Applicant:	Bonnie Lee Tryder
Location:	12 Moat Mountain Road, Intervale, NH
Bartlett Tax Map:	Tax Map 1HOLRG, Lot 4-0
Purpose:	A Special Exception requesting a 20% reduction to the front setback under Article XVIII, Section D-b to allow an existing shed to remain 50-ft. from the centerline of Moat Mountain Road.

Zoning Ordinance Section: Article VI-B (Setbacks)

Bonnie Lee and Russ Tryder presented. The Chairman asked why the applicant had not got a building permit from the selectmen's office prior to placing the shed. Mr. Tryder said his contractor had informed him that they did not need one since the shed was not affixed permanently to the ground, but sat on concrete blocks. It was a pre-fabricated shed and not stick-built on-site. Mr. Tryder also advised that since Moat Mountain Road was two roads in from Dundee Road, he believed it would be considered a road internal to a subdivision, thus the front setback requirement was only 40-ft. He said the selectmen had rejected these explanations and denied their building permit, which is why they are here trying to make things right. The Chairman said he had made a site visit and noted the shed appeared to be close to the neighbor's driveway and asked whether it was in compliance with setback requirements. Mr. Tryder said it was; that it was 17-ft. away and the zoning required 15-ft. He said the property line was on the other side of the driveway since the neighbor had an access ROW over his property. He described how the neighboring property had once been owned by convicted drug dealer Walter Preble and had been confiscated by the state as part of the drug settlement. The state had subsequently changed property boundaries in the area, which is why the Tryder property was configured as it was. Norman Head asked whether it was feasible to move the shed to another location so that it did not violate the setback. Mr. Tryder said he did not believe it could be moved, since the septic system was located right beside it and the terrain behind was very steep. The Chairman agreed saying, from his observations, where the shed was currently located was about the only place it could be.

The Chairman asked if the board had any further questions. With none, he opened the public comment period of the hearing. There was nobody present in the audience to speak and the public hearing was closed. The board then deliberated and voted on the criteria which had to be met before a special exception could be granted, as follows:

1. The site is an appropriate location for the proposed use: Vote taken: 5 yes (unanimous).
2. A preponderance of evidence is found that property values will not be reduced due to incompatible land use by such a use: Vote taken: 5 yes (unanimous).
3. No traffic hazard will be created: Vote taken: 5 yes (unanimous).

4. No nuisance or other hazard is involved: Vote taken: 5 yes (unanimous).
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Vote taken: 5 yes (unanimous).
6. There is adequate area for safe and sanitary sewage disposal according to state regulations: Vote taken: 5 yes (unanimous).
7. Operations in connection with such a use shall not violate the provisions of Article IV of this ordinance: Vote taken: 5 yes (unanimous).

Based on the above vote, the Chairman called for a motion to grant the special exception. Julia King made a motion to grant a 20% reduction to the front setback requirements of Article VI-B to reduce the front setback to a maximum distance of 48-ft. and allow an existing shed to remain 50-ft. from the centerline of Moat Mountain Road. Motion seconded by Anita Burroughs. Vote: All in favor. The selectmen will be advised of the board's decision.

2. Review of Minutes: The minutes of the August 22, 2018 meeting were reviewed. On page 6, last line of item a), Norman Head said 11,000 feet should read 1,100 feet. Julia King noted a typo on the last line of page 2, whereby "intend" should read "intent." A motion to approve the minutes, as amended, was made by Julia King; seconded by Norman Head. Vote: All in favor. The minutes of the September 27, 2018 minutes were reviewed. Motion made by Norman Head; seconded by Anita Burroughs to approve as written. Vote: 4-0-1, with Peter Gagne abstaining since he had not attended the meeting. Peter Gagne requested that a special meeting be called to approve the minutes of this meeting since no regular meetings had been scheduled in the foreseeable future. It was decided to hold the meeting on Monday, April 8, 2019 at 6:00 pm.

With no further business, a motion to adjourn was made by Julia King; seconded by Anita Burroughs. Vote: All in favor. Meeting was adjourned at 7:42 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary