

**Deering Zoning Board of Adjustment  
762 Deering Center Road  
Deering, New Hampshire 03244**

**Unapproved Minutes of April 4, 2019**

Members Present: David LeFevre, Chair; Larry Sunderland, Vice-Chair, Phil Bryce, Rob Girard, Alternate Member Doug Lalmond, Selectmen Representative Allen Belouin.

Others Present: Applicant and parties in interest to Case No.: 2019-01: Robert H. Macentee. Applicant and parties in interest to Case No.: 2019-02: Robert Mashioff, Gary Bono, Tom Copadis, Crystal Booth, Kevin James Kahill, Peter W. Leberman, Esq. (on behalf of Matt Siegleman and East Deering Road, LLC), Josh Tictin, Gale Lalmond, Katherin Jenkins, Molly Burns, and Lisa Olson.

Chair LeFevre called the meeting to order at 7:10 p.m.

Chair LeFevre appointed Alternate Member Doug Lalmond as a voting Member in Case No.: 2019-01 and 2019-02.

Chair LeFevre explained to the Applicant and parties present the manner in which the public hearings would be conducted. The Board would hear first from the Applicant, then from anyone else in favor of the application. The Board would then hear from anyone in opposition, following which the Applicant would be given an opportunity to respond. Additional public comment would then be allowed as deemed reasonable and necessary at the discretion of the Board to provide everyone present with the opportunity to be heard. As always, Board members may ask questions throughout. Chair LeFevre requested that public comment be directed to the Board and that the public hearing was not an opportunity for debate.

Case No.: 2019-01. Request by Robert H. Macentee for a special exception per Deering Zoning Ordinance Article 4, Section 1, Paragraph 4 (b), to permit construction of an outbuilding 15 feet from the lot's sideline, whereas 30 feet is required, on the property located on 118 Campbell Cove Road, Tax Map 229, Lot 28.

Robert Macentee described the proposed 2-car garage with storage space above. Mr. Macentee reviewed the plans, and described why he was requesting to locate the garage in the location being proposed. Specifically, the location was chosen based on it being the furthest set-back location from Deering Reservoir that was feasible both in terms of the grade of the land and the proximity of the leach field. The Planning Board had previously approved a special exception for the project as the proposed garage is located within the Watershed Overlay District. Mr. Macentee represented that he had also received all State necessary State approvals from NH DES. The only direct abutter, the Society for the Protection of New Hampshire Forests, submitted a letter in support of the application. No one appeared or testified in opposition.

47 The Board deliberated. The only concern the Board discussed was that the proposed  
48 garage not be used or occupied as a living quarters or for residential purposes in any  
49 manner whatsoever. Mr. Macentee represented that the garage would not be so used. The  
50 Board voted to approve the special exception by a vote of 5-0, subject to the condition  
51 that garage not be used or occupied as a living quarters or for residential purposes in any  
52 fashion whatsoever.

53  
54 Case No.: 2019-02. Request by Robert Mashioff for a special exception per Deering  
55 Zoning Ordinance Article 3, Section 3, Paragraph 2, to permit use of a barn for weddings,  
56 on the property located on 671 East Deering Road, Tax Map 212, Lot 1.

57  
58 The Board commenced the hearing with a discussion regarding a request to reschedule  
59 the public hearing in Case No. 2019-02 by Dennis J. Roy of 676 East Deering Road, on  
60 the grounds that he was a direct abutter, but was unable to attend the hearing because he  
61 was out-of-state and would not be returning until after April 10, 2019. The Board  
62 concluded, given the number of persons present, some of whom indicated they would be  
63 available at the ZBA's next meeting, that the Board would begin the meeting, take as  
64 much evidence as possible, but defer its deliberations or making a decision until its next  
65 meeting to provide Mr. Roy with an opportunity to speak to the application.

66  
67 Mr. Mashioff presented his case. He would be using his barn, 85' x 40' feet, 3200 sq. feet,  
68 for weddings. The barn is not heated. There would be a maximum of 1 wedding per  
69 weekend, seasonally, May through October. All food service would be catered and  
70 prepared off-site. Maximum number of guests would be 100-150. Sanitation would be via  
71 portable toilets (porta-potties). Mr. Mashioff reported that the barn is structurally sound.  
72 A typical event would entail a reception on Friday evening, wedding on Saturday, and  
73 possibly a brunch on Sunday. There would be no food or alcohol sales on site. All food  
74 and alcohol would be supplied by the persons using the venue or the event planner.

75  
76 Mr. Mashioff informed the Board that the property was 11 acres in size, the barn is  
77 located 140 feet back from the road, there are large fields and plenty of room for off  
78 street parking, the home would not be used for lodging or rooming for wedding parties or  
79 guests, and any music would be in compliance with the Town's noise ordinance and cease  
80 after 10:00 p.m.

81  
82 Crystal Booth raised concerns regarding use of the fields for parking because it would be  
83 muddy, litter, traffic, persons using her driveway for turning around, use of open flames  
84 in the barn and specifically food warmers, people parking on the side of the road, noise  
85 levels, and described how noise travels in this particular location and can be heard far  
86 away.

87  
88 Lisa Olson indicated that while she is a supporter of agritourism, this particular use was  
89 not appropriate in this agricultural location and this agricultural neighborhood. She  
90 testified that she purchased her farm for peace and quiet and that it would break her heart  
91 if the use were allowed. She expressed concerns regarding noise, its impact on livestock,  
92 and traffic.

93  
94 Katherine Jenkins stated that the road is already in bad shape and that the additional  
95 volume of traffic would cause excessive wear. She raised concerns regarding noise and  
96 traffic.

97  
98 Tom Copadis spoke to the use of the property by prior owners and how the sound would  
99 travel and impact neighboring properties. He raised concerns about fist fights and  
100 drunkenness.

101  
102 Josh Ticton stated that the barn is only 50 feet from his property line, and given the close  
103 proximity, the use would have a negative effect on his property value, quality of life, and  
104 that there were safety issues as far as access by emergency services were concerned. He  
105 was concerned that wedding guests and participants would park on his property or walk  
106 onto his property.

107  
108 Peter Leberman, Esq., appeared on behalf of Matt Siegleman and East Deering Road,  
109 LLC. Mr. Leberman stated that the road was in terrible condition and could not support  
110 the traffic. He noted that wedding events include both pre-wedding setup and post-  
111 wedding cleanup, and that the use would have greater impacts on the neighborhood than  
112 just on weekends or during actual wedding events. He spoke to the potential for  
113 unintended consequences, the possibility of people camping out overnight, wedding held  
114 outdoors (not just inside the barn), the lack of air conditioning and how noise would  
115 travel with the barn doors and windows open, drunk drivers, and all the impacts in  
116 addition to the wedding guests, such as service and support vehicles.

117  
118 Attorney Leberman felt that the applicant should be required to pay for a traffic study and  
119 a noise study. He indicated that the proposed use would change the character and quality  
120 of the neighborhood.

121  
122 The Board received 2 exhibits from John Tictin, a picture from the barn taken from his  
123 property to illustrate the location of the property line, and a copy of the tax map with a  
124 blow-up of the property.

125  
126 Katherine Jenkins spoke about a concern about taxes.

127  
128 Lisa Olson expressed a concern about soil impacts.

129  
130 The issue was raised regarding vehicle lights from cars leaving the property after dark,  
131 which would shine directly at the property and residence immediately across the street.

132  
133 Mr. Mashiof was advised by the Board that he would be able to provide a response to any  
134 of the issues raised by the abutters at the next meeting. Mr. Mashiof did state that he felt  
135 that abutters concerns regarding erratic driving and "donuts," which is apparently  
136 happening elsewhere in the vicinity, should have no bearing or relevance on his  
137 application.

139 The Board noted the following items for consideration at the next meeting:

140  
141 Site plan approval by Planning Board  
142 Possibility of a View  
143 Liquor License  
144 Plot Plan  
145 Sprinkler System  
146 Handicap Access  
147 Fire Hazards such as Candles  
148 Police Chief, Fire Chief and Building Official at Next Meeting  
149 Life Safety Code  
150 Use of Police Details

151  
152 Selectmen Belouin indicated he would look into seeing if the Police Chief, Fire Chief,  
153 and Building Official could attend the next meeting.

154  
155 The public hearing in Case No. 2019-02 was continued to the next meeting of the Board  
156 on April 25, 2019 at 7:00 p.m. Because the meeting was being continued to a date and  
157 time certain, no new public or abutter notices would be issued. Kevin Cahill advised the  
158 Board that he tell Dennis Roy that the meeting was continued to April 25, 2019.

159  
160 The Board approved its February 7, 2019 and February 28, 2019 meeting minutes.

161  
162 The Board received a request for rehearing regarding Case No. 2018-01 submitted by  
163 Kevin Cahill on behalf of a Concerned Abutters' Group. The application in Case No.  
164 2018-01 was withdrawn by the applicant without prejudice, and the abutters believe the  
165 Board should allow the withdrawal, but with prejudice. The conclusion of the Board was  
166 that because the application had been withdrawn, the Board simply lacked jurisdiction to  
167 take any action. The Board did indicate that the request for rehearing would be included  
168 within the record of proceedings of Case No. 2018-01, and any subsequent potential  
169 purchaser of the property exercising their due diligence before acquiring the property  
170 would be able to view the public record of that case, including the items set forth in the  
171 request for rehearing.

172  
173 Adjournment: There being no further business, Chair adjourned the meeting at 9:30 p.m.

174  
175 Minutes prepared by David E. LeFevre.

176  
177 Respectfully submitted,

178  
179 David LeFevre