

DEERING ZONING BOARD OF ADJUSTMENT

762 Deering Center Road
Deering, N.H. 03244

NOTICE OF DECISION

Case No.: 2019-01

You are hereby notified that following a public hearing on April 4, 2019, the request by Robert H. Macentee ("Applicant") for a special exception per Deering Zoning Ordinance ("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, was **GRANTED** by the Deering Zoning Board of Adjustment ("ZBA") by a vote of 5-0.

The property in question is located at 118 Campbell Cove Road, Tax Map 229, Lot 28 ("Property"). The Applicant seeks to construct a 26' x 26' 2-door garage with storage space above on the Property.

The special exception is granted subject to the following conditions:

1. All development shall conform to the dimensions, construction sequence, equipment and material specifications shown on the latest version of any plan or plans submitted by, or on behalf of, the Applicant.
2. All representations made by, or on behalf of, the Applicant shall be deemed to be conditions of the approval.
3. Any future expansion or change in use of the Property shall require ZBA approval.
4. The garage shall not be used or occupied as a living quarters or for residential purposes in any manner whatsoever.
5. This decision shall be recorded at the Hillsborough County Registry of Deeds.

In support of this decision, the Board has made the following findings of fact and conclusions of law:

1. The Board held a public hearing on April 4, 2019.
2. Ordinance Article 4, Section 1, Paragraph 4 (b), permits small detached accessory buildings within 15 feet of a property's side yard lot lines by special exception, provided that the ZBA finds that it would not be detrimental to the neighborhood.
3. The ZBA felt that the structure, while conceivably on the larger side of what would be considered permissible, nonetheless satisfied the criteria given the fact that the abutting property owner most likely to be effected, the Society for Protection of New Hampshire Forests, had submitted a written statement in favor of the special exception, together with the absence of any objection by the neighborhood property owners, and the lack of proximity to any neighboring structures.
4. The proposed location is 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 existing leach field.
5. The consensus of the Zoning Board was that based on the Applicant's representations, with the conditions imposed, and for all the reasons aforesaid, granting the special exception would not be detrimental to the neighborhood.
6. The proposal satisfies the requirements of Section 4.1.4 (b) of the Ordinance.

Dated: April 10, 2019

/s/ David E. LeFevre
Chairman, Zoning Board of Adjustment

Note: Any party or any person directly affected by the Board's decision has a right to appeal. Anyone wishing to appeal must act within thirty (30) days of the date the Board's vote was taken. The necessary first step, before any appeal may be taken to the courts, is to file a motion for a rehearing with the Zoning Board of Adjustment. The motion must set forth all of the grounds upon which the appeal will be based. See New Hampshire Revised Statutes, Chapter 677 for details.