

1 **Deering Zoning Board of Adjustment**
2 **762 Deering Center Road**
3 **Deering, New Hampshire 03244**

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5 **Minutes of May 9, 2023**
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7 Members Present: David LeFevre, Chair, Member Phil Bryce, Member Ralph Lachance,
8 Member Allen Belouin

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10 Town Officials Present: Selectmen's Representative Jill Smith.

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12 Others Present: Dan Barowski and Dan Ploof, Fieldstone Land Consultants, PLLC, on
13 behalf of the Applicants.

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15 Board Members David LeFevre and Ralph LaChance were reappointed for an additional
16 term by the Selectmen and were sworn in prior to the meeting by Moderator Phil Bryce.

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18 The meeting was previously scheduled for April 27, 2023. That meeting was rescheduled
19 at the request of the Applicants. Chair LeFevre appeared at the previously scheduled time
20 and place of the meeting on April 27, 2023, and announced that it had been rescheduled to
21 May 9, 2023. There was only one (1) member of the public in attendance.

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23 The meeting convened at 7:05 p.m. No members of the public were in attendance. The
24 Applicants in Case 2023-01 were not in attendance.

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26 Prior to presenting their case, Chair LeFevre offered the Applicants' agents the opportunity
27 to reschedule the meeting in light of the fact that there were only 4 Board members present.
28 The Applicants' agents elected to proceed with less than a full Board.

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30 The agents for the Applicants in Case 2023-01 appeared to present their case by reviewing
31 the Applicants' proposal and plan, explaining that the owners of Lot 23 had inherited the
32 property, and subsequently discovered that their dock and shed was located on Lot 24, and
33 that their garage straddled the property boundary between Lots 23 and 24.

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35 The purpose of the proposed lot line adjustment was to change the boundary line between
36 Lots 23 and 24 such that the dock and shed would then be located on Lot 23. The Applicants
37 proposed to demolish the existing garage, and proposed to build a new garage, although
38 according to the Applicants' agents, the Applicants have no present intention of building a
39 new garage but would like to be able to do so in the future.

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41 There was no evidence submitted regarding whether the existing structures (dock, shed,
42 garage) required any permits or approvals (shoreland, building) when originally
43 constructed, or whether any such permits or approvals had been obtained if so required.
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45 In support of the requested variances, the Applicants' agents testified that the variances
46 were justified on account of the existing encroachments, the location of the existing
47 driveway and access to the dock, existing slopes, the size of the Lots, and that
48 environmental impacts associated with relocating the shed and dock mitigated against that
49 alternative.

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51 The Board addressed each separate variance application.

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53 The Board voted 3-1 to grant a variance from Section 4.1.2 of the Deering Zoning
54 Ordinance to allow the lot line adjustment, and specifically, to allow a decrease in the size
55 of Lot 24 of 0.033 acres, which area was added to Lot 23. A majority of the Board felt that
56 the lot line adjustment was essentially *de minimus*, that the lot line adjustment was the best
57 alternative to solving the problem with the location of the dock and shed being located on
58 the wrong property, would avoid unnecessary environmental impacts, and generally for all
59 the reasons set forth in the Application, given the substandard size of the lots. Chair
60 LeFevre voted in opposition on the basis that the problem being solved was man-made,
61 was not a result of any special condition of the land, and therefore, not an appropriate case
62 for a variance.

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64 The Board voted 4-0 to grant a variance from Section 4.1.4 (b) of the Deering Zoning
65 Ordinance to authorize a shed with a side yard setback of 5.8 feet, whereas 30 feet is
66 required. The consensus of the Board was that having granted the previous variance to
67 permit the lot line adjustment, the Board should grant the variance for the shed.

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69 The Board voted 4-0 to deny a variance from Sections 4.1.4 (a) and 4.1.4 (b) of the Deering
70 Zoning Ordinance to permit a garage with a side yard setback of 9.3 feet whereas 30 feet
71 is required, and a front yard setback of 33.1 feet whereas 50 feet is required. The Board
72 voted to deny the variance on the basis that the request was not ripe for review because the
73 Applicants had no present intention of building a garage, and correspondingly, had no
74 construction or design specifications. The Board's denial was without prejudice, such that
75 if and when the Applicants decide to build a garage, they could re-file an application for a
76 variance should they wish to do so.

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78 The Board approved the meeting minutes from April 22, 2021.

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80 Adjournment: There being no further business, Chairman LeFevre adjourned the meeting
81 at approximately 8:15 p.m.

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83 APPROVED: February 22, 2024

84

85 Zoning Board of Adjustment

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88 /s/ David E. LeFevre

89 By: David E. LeFevre, Chairman

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