

TOWN OF TEMPLE, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT  
DRAFT MINUTES OF PUBLIC HEARING  
September 10, 2015

Board members present: Honey Hastings (vice chair), Dave Martz, Jenny Houston, Mary Beth Ayvazian (alternate) and John Kieley (alternate).

Board members absent: John Pierce and Randy Burnham.

Applicant: George Willard of 94 Mansfield Road, for himself and Susan Willard; their application to ZBA for a variance was signed 8/14/15.

The meeting was called to order by Hastings, Vice Chair at 7:00 p.m. She opened the hearing on the Willard's application for a variance.

Hastings noted that there was a typo issue on the application, and pointed it out to applicant, who crossed out Article 3, and replaced with Article 4, Section 5, and initialed the change.

Hastings called for any recusals, and read a letter from John Pierce, Chair of ZBA stating he wished to recuse himself as he is lives at 79 Mansfield and abuts applicant's property.

Martz mentioned that he had had a potential business dealing in the year past with applicant Willard's niece, and everyone agreed he did not need to recuse himself.

Hastings appointed alternates Ayvazian and Kieley to replace absent members Pierce and Burnham, resulting in a full 5-person board.

Hastings explained tonight's meeting announcement was printed in the Ledger and the town received necessary certified reply cards back from abutters to the applicant. Martz asked George Willard to explain where each abutter is located in relationship to his property, which he did. Hastings called on the applicant to explain his request.

George Willard described the proposed project for a wood shed in the corner of his property near his driveway and showed a map of the site location, and the need for a variance. This is the location where he has put his firewood for past 30 years, which is the only level place on property that is appropriate, as the rest of the property slopes except leaching field in front of the house, which is not a good choice. Kieley asked if George Willard currently used tarps, and discussion suggested that a shed would be more attractive than tarps. Furthermore in the southern part of Willard's property was difficult to access during winter.

Kieley asked if the proposed shed would be used to store the wood splitter. George Willard said possibly. He confirmed there would be a roof over with an overhang, and the walls would be of vertical barning siding on the east (Houck property) and north (Mansfield Rd.) sides of the shed facing neighbors but open on south and west faces towards the Willard's house. With the overhang of the shed would be 15 feet by 20 feet. There are trees and bushes between the shed and both the Houck property abutters and Mansfield Road; George Willard agreed that this dense

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vegetation would continue. George Willard agreed that there would be no equipment storage inside the building that would be visible from Mansfield road. He also stated no electricity would be in the shed.

Sonotube construction of the shed was discussed. The shed would have vertical wood siding similar to his carriage shed, of higher quality than plywood or T1-11.

Hastings read a note from James Houck, and neighbor abutting the Willards on the east. Houck does not object to the project; his note included the detail that the shed should be placed no closer than 18 feet to center line of the boundary stone wall between their properties. George Willard commented that the shed would be actually be set back 20 feet from center of stone wall to the east (Houck property line) and 25 feet from the center of stone wall to north (adjacent to Mansfield Road).

Hastings asked if there were any other questions, and member of the audience Connie Kieley asked if it was possible to locate the shed near their existing carriage house. George indicated that there was a problem with a three foot drop where the land falls off at the carriage house.

George Willard said he would do an asphalt shingled roof of a natural color that blends in.

There was no other discussion or comments, and Houston moved to close the hearing, Kieley seconded the motion, and all five board members were in favor.

Discussion by ZBA board members on the following:

Criteria #1: not contrary to public interest

Discussion followed that there were many factors in public interest as follows:

- Using firewood is green & typical of rural life
- Use of siding that is pleasant visibly
- Near a driveway for easy access
- Not having unattractive tarps covering wood
- Design of shed blends in with rural area
- Safer to split wood on level surface

MOTION: That the ZBA find that granting the variance was not contrary to the public interest (Hastings/Kieley). Passed unanimously.

Criteria #2: spirit of the ordinance

Discussion followed on Criterial 2 with following points:

- Still maintains a substantial setback to property lines

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- Dense vegetation will be maintained
- Proposed shed will be in keeping with the rural character of town
- Proposed shed is in keeping with current buildings on property
- Proposed firewood activity is in keeping with non-commercial activity of ordinance
- Proposed shed won't be unattractive to neighbors; no objections by neighbors
- Applicant agreed he would not need electricity in the shed

MOTION: That that if this application is approved, it would be subject to the condition that the shed would not have electricity. (Hastings/Kieley) Polled members: John Kieley: yes; Mary Beth Ayvazian: yes; Honey Hastings: yes; Jenny Houston: yes; Dave Martz: no. The motion passed.

MOTION: similar to his carriage shed was consistent with the spirit of the ordinance (Kieley/Houston). Motion passed unanimously.

Criteria #3: Substantial justice

- If denied, the loss to the applicant would a substantial injustice without any gain to the public
- Replacing tarps with an attractive shed is a gain for the public and applicant

MOTION: Granting the variance was consistent with substantial justice (Kieley/Ayvazian). Motion passed unanimously.

Criteria #4: values of surrounding properties would not be diminished

- No conflicting evidence was raised to the contrary, and one abutter supported the project.
- Rural character of shed is an improvement over the using tarps, making it more attractive to neighborhood

MOTION: Granting the variance would not diminish the values of surrounding properties (Martz/Kieley). Motion passed unanimously.

Criteria #5: unnecessary hardship

- It would be a hardship to the Willards to put in a different location on property due to slopes of land and leach field of septic system
- Cost difference would be substantial to flatten the land
- The proposed use of the wood shed is a reasonable one (see above)

MOTION: A literal enforcement of the variance would be an unnecessary hardship (Kieley/Ayvazian). Motion passed unanimously.

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ZBA discussed the following conditions in addition to the first condition previously voted on that no electrical power be added to the shed.

A summary of the 5 conditions was discussed and read:

1. No electrical power be added to the shed (voted above)
2. Maintain similar vegetation density between shed and stonewall to North, and shed and stonewall to East
3. Restricted to being used as wood shed
4. Equipment used in processing of firewood may be stored in shed so long, as it is not visible from Mansfield Road
5. Exterior of walls will be of vertical boards, finished in a natural unobtrusive color, and roof shingled in a natural unobtrusive color

The board voted on condition 2 to 5 separately, as #1 had already been approved.

MOTION on Condition #2: That any approval of the variance would be subject to the condition that the applicant maintain similar vegetation density between shed and stonewall to North, and shed and stonewall to East (Houston/Kieley). The motion passed unanimously.

MOTION on Condition #3: That any approval of the variance would be subject to the condition that the proposed shed be restricted to being used as wood shed. (Houston/Kieley) The motion passed unanimously.

MOTION on Condition #4: That any approval of the variance would be subject to the condition that equipment used in processing of firewood may be stored in shed, provided that it is not visible from Mansfield Road (Houston/Ayvazian). Polled members: John Kieley: yes; Mary Beth Ayvazian: yes; Honey Hastings: yes; Jenny Houston: yes; Dave Martz: no.

MOTION on Condition #5: That any approval of the variance would be subject to the condition that the exterior of walls will be of vertical boards, finished in a natural unobtrusive color, and roof shingled in a natural unobtrusive color (Houston/Kieley). Polled members: John Kieley: yes; Mary Beth Ayvazian: yes; Honey Hastings: yes; Jenny Houston: yes; Dave Martz: no.

MOTION: That the request for a variance be approved, subject to the 5 conditions (Martz/Kieley). The motion passed unanimously.

MOTION: To adjourn (Houston/Martz). The motion passed unanimously at 9:06 p.m.

Minutes submitted by Jenny Houston