

**APPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
August 25, 2020**

**Present:** Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Stephen Carroll, Kevin Stuart & Dennis Vieira, Members of the Board. Shawn Matte, Alternate. Minutes recorded and prepared by Denise Royce.

**Also, Present:** Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. William Herman, Town Administrator.

**Absent:** Dale Phillips, Alternate.

Mr. Wright called the meeting to order at 7:00 p.m.

Mr. Wright began by reading the Meeting Preamble During COVID-19 Emergency which is as follows:

**MEETING PREAMBLE DURING COVID-19 EMERGENCY**

Good Evening, as Chairman of the Zoning Board of Adjustment, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that any public gathering of people may pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19 and is reinforced by Emergency Order #16 issued by the Governor on March 23<sup>rd</sup>. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency.

Governor Sununu issued Emergency Order #12 on March 23<sup>rd</sup> which provides local government boards the ability to conduct business using technology to hold remote meetings and not provide a public place of meeting but provide for the public's ability to listen to the meeting. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be

disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote as required by RSA 91-A:2, III (e).

Let's start the meeting by taking a Roll Call attendance. When each member is called please state your name, and also please state whether you are physically attending the meeting or are remotely attending the meeting. If you are remotely in attendance, is there is anyone in the room with you during this meeting, which is required under the Right-to-Know law (RSA 91-A:2, III (c)).

Mr. Wright moved on to the roll call of attendees and began with the Board members as follows:

Mr. Wright moved on to call on Mr. Michael DiPietro. Mr. DiPietro indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Kevin Stuart. Mr. Stuart indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Stephen Carroll. Mr. Carroll indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Dennis Vieira. Mr. Vieira indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Shawn Matte. Mr. Matte indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mrs. Phillips was not available.

Mr. Wright introduced himself as Chairman of the Zoning Board of Adjustment and indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mrs. Carrie Rouleau-Cote. Mrs. Rouleau-Cote stated that she was at Town Hall with Ms. Denise Royce and that she consented to this meeting being recorded.

Mr. Wright called on Ms. Denise Royce. Ms. Royce indicated that she was with Mrs. Rouleau-Cote at Town Hall and consented to this meeting being recorded.

Mr. Wright moved on to the applicant, Oakley, and Monica Hundley to see if they were present for the teleconference. Mr. Hundley indicated that he was present and that he was with his wife, Monica Hundley and that he consented to this meeting being recorded. Mrs. Hundley stated that she was with her husband, Oakley Hundley and that she consented to this meeting being recorded.

Mr. Wright moved on to abutters and asked if they would state their name and whether or not they consent to be recorded. No abutters were noted.

Mr. Wright asked if there was anyone else present. Mr. Bill Herman, Town Administrator for the Town of Auburn stated that, he was at home by himself and that he consented to be recorded.

Mr. Wright asked if there was anyone else that would like to announce themselves. None were noted.

Mr. Wright explained that, they would proceed forward by having Ms. Royce read the case into the minutes for the record. Mr. Wright went on to say that, after the case is read into the minutes that he would ask the applicant to present his case. Mr. Wright explained the procedure to the applicant and directed them to start on page #2 for the request for a Variance. After they present their case, Mr. Wright will give abutters an opportunity to ask questions or make comments. Mr. Wright went on to say that, he would then move on to the Board members seeking their questions or comments. Mr. Wright also explained that, if the Board does enter into deliberation then everyone can hear what the Board is discussing but cannot ask questions at this time. Mr. Wright went on to explain that, there are alternates on the Board and they may ask questions and participate in the discussion but when it comes time to vote, only the members would be allowed to vote on the application.

Mr. Wright moved on to get right into the case before the Board tonight and asked Ms. Royce to read the first case which was Case #20-09. Ms. Royce read the first case into the minutes for the record.

**Case #20-09**  
**Oakley & Monica Hundley**  
**334 Dearborn Road, Tax Map 11, Lot 43**  
**Zoned Residential Two**

*Applicant is requesting a Variance to allow the construction of a new structure to replace existing 20 foot by 31-foot barn structure to be within front and side setbacks in a Residential Two zone. Article 4, Section 4.06(6).*

Mr. Wright asked Mr. Hundley to read his case into the minutes for the record. Mr. Hundley began by saying that they would like to place a new structure in place of their barn that was 20 feet by 31 feet in the footprint but overhanging to the house side by 4

feet which would be 24 feet by 24 feet. Mr. Hundley explained that, the barn was 4 feet from the property line, and they are proposing to have the new structure 11 feet from the property line on Buttonwood Drive. So basically, they would like to put a 24 foot by 24-foot structure with a 4-foot overhang within the existing rotting 20 foot by 31-foot barn. Mr. Hundley read his case into the minutes for the record. Mr. Hundley pointed out that, they were a corner lot and to meet the requirements of 50-foot setbacks all around would place the structure near their well and in the middle of the property. Mr. Wright mentioned that, the barn structure has been removed correct. Mr. Hundley said yes, it was removed last Friday.

Mr. Wright acknowledged that, there were no abutters present and before opening it up to Zoning Board members that, he had a few questions of his own for the applicant. Mr. Wright informed the applicant that, the power point presentation was very well done and having a bird's eye view with dimensions was very helpful. Mr. Wright asked Mr. Hundley to explain why they could not attach the garage to the house as opposed to having it detached and to talk about the electrical hook up. Mr. Hundley began by saying that, the electrical was not the only reason and believed that the subpanel located in the barn would have to stay in the same location. If they were to attach it, the structure would be up against where their pellet stove vent is located. Mr. Wright asked about the well location and if the well was an impediment for them to move the structure closer to the house. A brief discussion ensued with regard to the well and the location. With that said, Mr. Wright opened the discussion up to the other Board members.

Mr. Vieira wanted to know why they could not place the garage at the end of the pavement where the basketball hoop was located to move it away from the house. Discussion ensued with regard to moving it to the end of the pavement. Mr. Hundley pointed out the location of the well and if they placed it to accommodate the 50-foot setback that it would put it right at the well. Mr. Hundley added that, the old structure was only 4 feet away from the road and the new structure would be 11 feet from the road.

Mr. Wright asked if there were any further questions. Mr. Stuart stated that, he was trying to figure out where the well was located. At this time, the Board reviewed the power point page that had the grid. Mr. Hundley stated that, he would be closer to the property line if he moved it away from the well. Mr. DiPietro believed that they would be looking at one side setback to 11 feet where 50 feet is required. Mr. Hundley said no, they would need to be 30 feet from the property line on one side and 11 feet from the property line to Buttonwood Drive. Mr. Wright explained that they could say that, it would be no closer than the existing structure was which was 30 feet and it will be 7 feet further from the road which would make it 11 feet from Buttonwood Drive, Mr. Matte asked which way the garage doors would be facing. Mr. Hundley said that they were going to be on the opposite side where the basketball hoop is and would be away from the road. Mr. Matte wanted to make sure that the garage doors would not be 11 feet from the roadside. Mr. Carroll indicated that he was looking at the same thing that Mr. Stuart was looking at and was all set.

Mr. Wright wanted the applicant to know that, the Board will entertain the minimal amount of relief given the facts and circumstances and what they are doing is an improvement. Mr. Wright also pointed out that, there were options available that would make the structure more conforming by moving it further away from the road from a safety perspective. Also, if they move the structure closer into the side setback as opposed to being in the front setback, it will alleviate it being close to Buttonwood. There was a lot of discussion on moving it away from Buttonwood. Mr. Wright went on to say that, he believed that some of the other members were getting at was that, maybe improve the distance from Buttonwood and maybe not 50 feet but maybe 10 feet or so. Mr. Hundley wanted to comment that, if they were to move it away from Buttonwood that they would have to do move paving and that there would not be much of a turning radius to turn into the garage. Mr. Hundley also mentioned that, if they were to put it there that they would have to dig under the sidewalk to put the power and the subpanel and water. Mr. Hundley stated that, they have an RV and they were hoping to have an RV hookup on the side of the garage for a family to stay in at times when they need to. Mrs. Hundley commented that, they just want to replace the existing structure. A brief discussion ensued regarding the location. Mr. Wright asked Mr. Hundley if there would be electrical and would there be a bathroom in it. Mr. Hundley stated that, they were actually thinking of putting a spigot on the outside on the driveway side which would be a hose and shut off and blow out kind of thing. Basically, a water hose that is buried and a sink, and no bathroom with a loft area. Mr. Wright believed that, they have talked about a lot of options that takes into account setbacks, existing pavement, and utilities.

Mr. Wright also noted that, no abutters called in and therefore the Board believed that the abutters did not have an issue with what is being proposed. Mr. Wright indicated that, before he moves to the Board for comment that he would like to ask Mrs. Rouleau-Cote for any comments. Mrs. Rouleau-Cote wanted to mention that, she appreciates the Board' members respecting the property line especially along Buttonwood Drive as she too has concerns about the proximity on how close it is to that property line. Mrs. Rouleau-Cote wanted to ask the applicant that, they submitted an application for the zoning variance and they amended it and she wanted to clarify that it was a 24 foot by 24 foot barn with a 4 foot overhang along one of the 24 foot sides that is a covered walkway. Mr. Hundley said yes. Mrs. Rouleau-Cote indicated that, it was a 24 foot by 28-foot structure. Mr. Hundley said yes. Mrs. Rouleau-Cote wanted to make sure that, when they are wording the variance that it is for a 24 foot by 28-foot structure. She just wanted it to be clear on what they would be granting relief for. Mr. Wright thanked Mrs. Rouleau-Cote and believed it was an excellent point.

Mr. Wright indicated that he would entertain a motion to vote on the application unless a member feels the need to enter into deliberation. Mr. Wright explained the procedure if they do enter into deliberation.

***Mr. DiPietro made a motion to vote on the application to grant relief for the structure to be no closer to Buttonwood Drive to be 11 feet and the rear setback to be no closer than 30 feet for a 24 foot by 28 foot structure as shown and presented tonight for Case #20-10, 334 Dearborn Road, Tax Map 11, Lot 43. Seconded by Mr. Stuart.***

Mr. Wright asked if there was any discussion. Hearing none that he would proceed to a roll call vote to grant or deny the Variance.

***Mr. Vieira voted to Grant finding all factors have been met; Mr. Carroll voted to Grant as he believes all five (5) factors have been met; Mr. Stuart voted to Grant finding all five (5) factors have been met; Mr. DiPietro voted to Grant as he feels all factors have been met; and, Mr. Wright also voted to Grant finding all five (5) factors have been met. A vote was taken and, the motion passed.***

Mr. Wright informed the applicant that there is a 30-day appeal period whereby abutters or interested parties could appeal the ZBA decision and that the Variance was good for 2 years for completion and if they were not able to complete during that time that they would have to come back before the board to request an extension. Mr. Wright thanked everyone for their patience this evening while handling this meeting remotely. Mr. Wright further added that, the Board still needed to take care of a few housekeeping items and that the case was over and that they were free to stay on the line as the Board would be taking up last month's meeting minutes. Mr. and Mrs. Hundley thanked the Board members for their time and wanted to ask Mrs. Rouleau-Cote about getting a permit. Mrs. Rouleau-Cote informed them of what they would need to submit to her. With that said, the discussion ended.

## **Minutes**

Mr. Wright asked to take up the minutes of June 23, 2020.

***Mr. DiPietro made a motion to accept the minutes of June 23, 2020 as written, seconded by Mr. Vieira.***

Mr. Wright conducted a roll call vote to approve the meeting minutes for June 23, 2020.

***Mr. DiPietro voted to approve the minutes, Mr. Stuart voted to approve the minutes, Mr. Carroll voted to approve the minutes, Mr. Vieira voted to approve the minutes, Mr. Matte voted to approve the minutes, and, Mr. Wright also voted to approve the minutes. A vote was taken and, all were in favor and the motion passed.***

## **New Business/Other Business**

Mr. Wright wanted to inform the Board members of new business coming before the Board. Mr. Wright explained that, they have one case scheduled for September. Mr. Wright informed the Board that it was an Appeal of the Selectmen's decision to not unmerge two (2) lots that were merged. Mr. Wright asked Mrs. Rouleau-Cote where the property was located. Mrs. Rouleau-Cote stated that it was on the corner of Appletree Road and Hunting Road. Mr. Wright gave a brief overview of what happened with the Board of Selectmen which will now be coming before the Zoning Board of Adjustment. Mr. Wright stated that, the BOS will be represented by town counsel and that the Zoning Board of Adjustment will be represented by Attorney Brenda Keith and that they can have an attorney/client call but that will occur at a later date.

Mr. Wright asked if there were any other cases before the Board. Ms. Royce said no. Mr. Wright asked the Board members if they had any questions. None were noted. Mr. Wright asked for a motion to adjourn.

## **Adjourn**

***Mr. Carroll made a motion to adjourn, seconded by Mr. Vieira.***

***Mr. DiPietro voted to adjourn, Mr. Stuart voted to adjourn, Mr. Carroll voted to adjourn, Mr. Vieira voted to adjourn, Mr. Matte voted to adjourn, and Mr. Wright also voted to adjourn. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8.09 p.m.***

Mr. Wright again thanked Ms. Royce and Mrs. Rouleau-Cote for putting this all together and being there to support the Board in making this process smoother. At this time, the meeting ended.

**The Zoning Board of Adjustment will not be holding a meeting during the month of July and the next scheduled meeting would be for September 22, 2020 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23<sup>rd</sup>, all meetings will be held via teleconference until further notice.**