

TOWN OF THORNTON

Zoning Board of Adjustment

Approved on: 21 Nov 22
ZBA Initials: AMW
Rec'd by Town Clerk on: 11/29/22
Town Clerk Initials: ACB

ZONING BOARD OF ADJUSTMENT MEETING MINUTES

October 27, 2022

WELCOME:

Chairman Joe Monti welcomed the members.

CALL TO ORDER BY CHAIR:

Mr. Monti called the meeting to order at 6:18 p.m. with the Pledge of Allegiance.

ROLL CALL BY CHAIRMAN:

Mr. Monti completed the roll call.

The following members were present: Chairman Joe Monti, Vice-Chairman Jerry Sobolewski, Alan Rawson, Maureen Patti, Alternate

The following members were absent: Joan Marshall, Ken Miller

Others Present: Kerrin Randall, Board Assistant, Roy Sabourn, Scott Stahler, Denise Stahler, Bob Stahler, Shawn Magoon

Others Present on Zoom (names are as they appeared): None

Mr. Monti sat Ms. Patti as a voting member in place of Mr. Miller.

REVIEW/APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of September 22, 2022 the members took the following action:

MOTION: "To accept and approve the Minutes of the September 22, 2022 meeting as presented."

Motion: J. Sobolewski

Second: A. Rawson

Discussion: None

Vote: 2 - YES, 0 - NO, 2 - ABSTAIN (J. Monti, M. Patti)

Motion does not pass.

Mr. Monti asked that the approval of the September 22, 2022 minutes be added to the November agenda for a revote.

OLD BUSINESS:

Review of Rules of Procedures for 2022

Mr. Monti asked that the review be continued until to the November meeting.

MOTION: "To continue the review of the Rules of Procedures to the November 21, 2022 meeting."

Motion: J. Monti

Second: M. Patti

Discussion: None

Vote: 4 - YES, 0 - NO, 0 - ABSTAIN

Motion passes.

COMMUNICATIONS AND MISCELLANEOUS:

Mr. Monti reviewed that Mr. Miller has submitted his letter of resignation from the ZBA, as he is moving to be closer to his job as Police Chief in Bow.

MOTION: "To accept Ken Miller's letter of resignation from the ZBA."

TOWN OF THORNTON

Zoning Board of Adjustment

51 **Motion:** A. Rawson
52 **Second:** J. Sobolewski
53 **Discussion:** Mr. Monti commented that Mr. Miller has been a valuable member of the ZBA for
54 the past four (4) years and will be missed. He thanked Mr. Miller for his work on the ZBA and
55 wished him the best.
56 **Vote:** 4 - YES, 0 - NO, 0- ABSTAIN
57 **Motion passes.**

58
59 **MOTION: "To nominate Maureen Patti as a full member of the ZBA."**

60 **Motion:** J. Monti
61 **Second:** A. Rawson
62 **Discussion:** Ms. Patti accepted the nomination.
63 **Vote:** 3 - YES, 0 - NO, 1 - ABSTAIN (M. Patti)
64 **Motion passes.**

65
66 Ms. Randall asked for verification of Ms. Patti completing Mr. Miller's term and Mr. Monti stated that
67 Ms. Patti's term is to be set with a new start date and term and asked Ms. Randall to clarify this with the
68 Acting Town Administrator.

69
70 **PRELIMINARY BUSINESS:**

71 2023 ZBA Budget Submission
72 Mr. Monti reviewed that the 2023 proposed budget for the ZBA has been submitted, and it includes the
73 purchase of iPads and appropriate software for meeting materials to be uploaded electronically rather than
74 printing them. Mr. Monti stated that, if the Board agrees, he will present the budget with the addition of
75 the iPads to the BOS.

76
77 Ms. Patti asked how much the iPads were going to cost and Mr. Monti stated the iPads will be the least
78 expensive of the available iPads and will be used only for meeting materials. Mr. Rawson commented
79 that he would prefer to receive printed plans, and Mr. Monti agreed that plans should be send
80 electronically and printed.

81 **MOTION: "To move forward with the ZBA budget with the addition of iPads for meeting**
82 **materials."**

83 **Motion:** M. Patti
84 **Second:** J. Sobolewski
85 **Discussion:** None
86 **Vote:** 3 - YES, 0 - NO, 1 - ABSTAIN (J. Monti)
87 **Motion passes.**

88
89 2023 ZBA Meeting Dates
90 The Board reviewed the meeting dates for 2023.

91 **MOTION: "To approve the 2023 ZBA Meeting dates."**

92 **Motion:** M. Patti
93 **Second:** J. Sobolewski
94 **Discussion:** None
95 **Vote:** 4 - YES, 0 - NO, 0 - ABSTAIN
96 **Motion passes.**

97
98
99
100

TOWN OF THORNTON

Zoning Board of Adjustment

HEARINGS:

6:30 p.m. APPLICATION/PUBLIC HEARING: Scott and Denise Stahler [Tax Map 210, Lot 11 and Lot 12] for an "EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS REQUEST; ARTICLE VI: Dimensional Requirements." *The lots have less than 100 feet of frontage on the highway or street.*

Mr. Monti opened the public hearing at 6:30 p.m. and recognized the applicants and verified that Mr. Sabourn was acting as the applicant's agent. Mr. Monti asked if all ZBA members had reviewed the application and they verified that they had.

Mr. Monti stated that he has been researching and learning about lots that have no road frontage and the ability to build on them. He stated that in his view, even though an application was submitted, he is unsure if the applicants needed to do this. He commented that he believes that a lot with no road frontage on an approved subdivision is approved to be built on. He commented that the plan was approved by the Planning Board at the time and, right or wrong, it was signed, stamped, and recorded as a subdivision with no road frontage for these lots.

Mr. Sobolewski reviewed that there was a similar case before the ZBA last month and it comes down to the fact that the applicants have lots on a stamped, approved subdivision. He commented that any errors made on the plan were able to be appealed within 30 days of the approval and that did not occur. He stated as the applicant bought the lots as presented on the plan, they are approved to build on them.

Mr. Rawson added that there is some debate amongst the Board with the definition of a ROW and a street depending on how one interprets the RSA.

Ms. Patti commented that she agrees that when a subdivision is approved the owners are good to go as far as building or utilizing their property.

Mr. Monti stated that there are four (4) members of the ZBA present, and the applicant has the right to continue their application until a full board of five (5) members is present. Mr. Monti asked the applicants if they wanted to continue their application or move forward with four (4) members and the applicants elected to move forward with the application at this time.

Mr. Monti asked the applicants if they own Lots 11 and 12 on the presented plat and they stated yes. Mr. Monti asked if the ROWs noted on the plans are accurate for accessing each lot and the applicants stated yes. Mr. Monti asked the applicants if they have reviewed the notes on the subdivision plan and the applicants confirmed that they have and are submitting appropriate paperwork for a Zoning Compliance Application.

Mr. Monti asked the Board if they had any additional comments and Mr. Rawson, Ms. Patti, and Mr. Sobolewski all agreed that they cannot see any reason that the applicants cannot build on their lots.

Mr. Monti asked if the applicants had anything to add, and they thanked the Board with no further comments. Mr. Monti asked for public comment and as there was no further comments, the public hearing was closed at 6:38 p.m.

MOTION: "To grant Scott and Denise Stahler the approval to apply for Zoning Compliance Applications for Tax Map 210, Lot 11 and Lot 12 as the Board found:

- They are in an approved subdivision;
- The issuance of a permit or erection of a building will not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or

TOWN OF THORNTON

Zoning Board of Adjustment

adversely affect any present or permissible future uses of any such property; it will not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based;

- Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected;
- The erection of a building or issuance of a permit will not cause hardship to future purchasers or undue financial impact on the municipality as the parcels are located on a subdivision that was approved by the Thornton Planning Board on November 20, 2006 recorded at the Grafton County Registry of Deeds as Plan #12600; and
- That the Applicants had met all criteria for the equitable waiver requested."

Motion: J. Sobolewski

Second: M. Patti

Discussion: Mr. Rawson requested to make an amendment to the motion to include language to reflect that all criteria in the waiver request has been met. Mr. Sobolewski and Ms. Patti agreed to the amendment.

Vote: 3 - YES, 0 - NO, 1 - ABSTAIN (J. Monti)

Motion passes.

OTHER BUSINESS:

Mr. Monti shared that the town holiday party is on December 9, 2022 at the Woodstock Inn and invitations will be sent out.

Ms. Sabourn asked if the ZBA would allow for Town legal counsel and ZBA legal counsel to speak on their differing opinions regarding the requirements and processes for building on roads with no frontage. He commented that Town counsel has a different interpretation than ZBA counsel and he would like them to all be on the same page. Mr. Monti asked that Mr. Sabourn bring this up at the BOS as he is currently acting as an applicant's agent, not a Selectman. Discussion continued, and Mr. Sabourn stated he will bring this up at the BOS.

ADJOURNMENT:

MOTION: "To adjourn at 6:54 p.m."

Motion: M. Patti

Second: J. Sobolewski

Discussion: None

Vote: 4 - YES, 0 - NO, 0 - ABSTAIN

Motion Passes.

Respectfully submitted,

Kerrin Randall

Zoning Board Assistant