

Gilsum Zoning Board of Adjustments

Approved

January 12, 2023 6:30 pm Gilsum Public Library

Members of Gilsum Zoning Board Present: Bruce Murphy, Eric Zablowsky, Heidi Bukoski, Clem Louder, Jane Wing

Others Present: Vicki Ayer, Betsy Cushing

Chair Murphy called the meeting to order at 6:35 pm.

Roll call was taken of those present by Secretary Wing as follows:

For Gilsum Zoning Board: Eric Zablowsky, Heidi Bukoski, Clem Louder, Jane Wing and Bruce Murphy per NH RSA 91-A:2,111 **

Present from the Public: Vicki Ayer and Betsy Cushing

** RSA 91-A:2,III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an " emergency " means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernible to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons

present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

Purpose for Meeting

The purpose for this GZBA meeting was a continuation of the December 8, and 15, 2022, meetings, to further discuss the Application for a Variance submitted by Howard and Charmine Dicey on November 3, 2022, requesting a variance from Article III Section B 4b of the Gilsum Zoning Ordinance, for a storage building/shed located at 218 Belvedere Road, Gilsum, NH, having a Map and Lot of 000405 000004. The current building meets criteria a, c, and d, of Article III Section 4. Physical Parameters of Lot, however, it doesn't not meet the 50' front setback in criteria b of Article III Section 4 of the Gilsum Zoning Ordinance, as it only has 17' of front setback.

The Board again reviewed and discussed each point in the Variance Application. It is agreed that the town ordinance is put in place to safely allow maintenance and expansion of the public roadway, in the present as well as the future. While the approval of this variance would allow the Applicant's their requested use of this property, the value would not have an increase or decrease of value for surrounding properties. While there is wet land at this location, the board could not find documentation of wetlands determination for the area in general. This property does not have any unique feature distinguishing it from surrounding properties. As a hardship can not be deemed financial, there would be no hardship incurred by not approving this variance request as the property can and has been continuously used in compliance with it's grandfathered use.

Upon the conclusion of the Board's review and discussion, and before taking the vote, the floor was opened to the members of the public present at the meeting.

A question was raised as to other houses that sit very close to the road that may not have the currently zoned setback from the road. It was acknowledged that other houses do sit within that zone, however, their original use was as a residence so are therefore grandfathered in for the current zoning ordinances.

Concerns were raised that the house sits so close to the road there is no green-space between the road and the house, thus raising the concern of children possibly running

into the road. There is also real concern that the road could collapse due to the septic being so close the road's edge.

When all public comment/concerns has been discussed, Chair Murphy made a motion calling for a roll call vote.

Roll call voting results as follows:

Eric Zablosky - voted to deny based on #5 not having unnecessary hardship

Heidi Bukoski - voted to deny based on #5 not being a unique situation

Clem Lounder - recused himself from voting due to being the Building Inspector

Jane Wing - voted to deny based on #5 not having a hardship

Bruce Murphy - voted to deny based on #5 not having unnecessary hardship

Bruce will draft the decision letter to the Dicey's. Upon approval Jane will mail the letter Tuesday, January 17, 2023, via Certified Mail.

Next order of business was to approve the minutes from the December 12, 2022, meeting. Heidi read the minutes out loud. No corrections were noted. Heidi made a motion to accept the minutes as written, Eric seconded, all in favor, none opposed.

Chair Murphy adjourned the meeting at 7:52 pm.