

**NELSON ZONING BOARD OF ADJUSTMENT  
MEETING & HEARINGS**

**Date & Time Meeting Convened:** July 13, 2010 7:03PM

**Location:** Nelson Town Hall

**Board Members Present:** Richard Popovic, Chairman, Donna Girvan, Kim Rich ,Karen Hersey, Alternate Maurice Lagace

**Others Present:** Tim & Dorrie O'Meara, Sharon Oliver and several other residents  
Called to order by Richard P.; 2<sup>nd</sup> Karen H.

**Old Business:**

**Item #1)** Richard P. motion to accept April 6, 2010 minutes printed; 2<sup>nd</sup> Karen H.  
Unanimous vote to accept.

Richard P. motion to accept October 6. 2009 minutes as printed, 2<sup>nd</sup> Karen H. unanimous vote to accept.

**New Business:**

**Item #1) Timothy & Dorrie O'Meara Application for an Area Variance  
Z10-01 at 7:10PM**

Richard P. asked for a roll call of the Board members present which the Clerk did, showing that a full Board was seated. He called for the Clerk's report. The Clerk said that the Hearings were posted in the newspaper June 30, July 1 & July 2 and had been posted on three town bulletin boards. The certified letters were sent and none had been returned as undeliverable.

Richard P read the rules to be followed in this Hearing.

Timothy O'Meara explained their request to replace & enlarge an existing deck, enlarge a walkway to accommodate a wheelchair and move the staircase. He stated his neighbor on this side of the property had intended to come to this meeting in support of his request but was unable to come due to a health issue.

Richard P. opened to the public for any discussion in favor of this variance. Anne Cucci spoke in favor.

Richard P. asked if anyone wished to speak against this variance; no one did. He then read a letter from Allison A Gleason (an abutter) opposed to the variance (inserted into this file).

There being no further viewpoints or questions he closed the public testimony portion of the hearing and the board began deliberations.

Richard P. called for a vote on the 5 criteria suggested by the New Hampshire Handbook for Local Officials NH OEP revised Spring 2010

- 1) Granting the variance would not be contrary to the public interest.

Yea 3 - Karen H., Dona g., Kim R

Nay 2 – Richard P., Maurice L.

- 2) If the variance were granted, the spirit of the ordinance would be observed.

Yea 0

Nay 5 – unanimous

- 3) Granting the variance would do substantial justice.

Yea 0

Nay 5 unanimous

- 4) If the variance were granted, the values of the surrounding properties would not be diminished

Yea 0

Nay 5 unanimous

- 5) Unnecessary Hardship

Yea 0

Nay 5 unanimous

Variance Z10-01 is DENIED The clerk will send notice of the decision with Reasons/Facts supporting this denial in the mail.

Dorrie O'Meara expressed her dissatisfaction with the results of the Hearing

Several Board members suggested re-working of the plan to allow wheelchair access with minimal invasion on the property line set back.

**Item #2) Sharon Oliver Application for a Use Variance Z10-02 8:12PM**

Richard P. called for the Clerk's report. The Clerk said that the Hearings were posted in the newspaper June 30, July 1 & July 2 and had been posted on three town bulletin boards. The certified letters were sent and none had been returned as undeliverable.

Richard P read the rules to be followed in this Hearing.

Sharon O. explained that she would like to convert her barn/workshop into one or 2 small efficiency apartments.

Richard P. opened to the public for any discussion in favor of this variance.

Anne Cucci spoke in favor.

John Cucci asked why Town Counsel was not present as had been at his hearing last year. He expressed his concern at the rules being applied fairly for all parties.

Richard P. stated that Town Council had not been requested at this meeting.

Wendy Stankevich spoke in favor of the variance.

Richard P. asked if anyone wished to speak against this variance; no one did

There being no further viewpoints or questions he closed the public testimony portion of the hearing and the board began deliberations.

Richard P. stated the board would impose the following conditions on this variance as follows:

Only 1 rental unit

Applicant. must provide a state approved septic plan

Richard P. called for a vote on the 5 criteria suggested by the New Hampshire Handbook for Local Officials NH OEP revised Spring 2010

1) Granting the variance would not be contrary to the public interest.

Yea 5 - unanimous

Nay 0

2) If the variance were granted, the spirit of the ordinance would be observed.

Yea 5 - unanimous

Nay 0

3) Granting the variance would do substantial justice.

Yea 3 Richard P., Kim R., Dona G.

Nay 2 Karen H., Maurice L.

4) If the variance were granted, the values of the surrounding properties would not be diminished

Yea 5 - unanimous

Nay 0

5) Unnecessary Hardship

Yea 5 unanimous

Nay 0

Variance Z10-02 is GRANTED with 2 conditions;

Only 1 rental unit to be built

Applicant must provide a State approved septic plan

**Meeting Adjourned:** Karen H. moved for adjournment & Maurice L. 2<sup>nd</sup>. Unanimous vote, meeting adjourned at 9:01PM

**Next Meeting:** Since no Hearings have been applied for at this time, no date has been set for another meeting.

Respectfully submitted,  
Carol Rayanor Clerk

**Date signed:** \_\_\_\_\_

Richard Popovic, Chairman \_\_\_\_\_

Dona Girvan \_\_\_\_\_

Kim Rich \_\_\_\_\_

Karen Hersey \_\_\_\_\_

Maurice Lagace, Alt. \_\_\_\_\_

DRAFT