

**Town of Carroll
Zoning Board of Adjustment
92 School Street
Twin Mountain, NH 03595
Meeting Minutes
January 13, 2022
6:30 P.M.**

A meeting of the Zoning Board of Adjustment was held at the Town of Carroll Town Hall.

Members Present: Chairperson Aaron Foti, Vice Chairperson Andy Smith, Janet Nelson

Alternates Present: Diane Rombalski, Karen Moran

Public Present: Ken Mills, Brian Lang

Minutes Taken by: Karen Moran

Agenda Item #1 Meeting Called to Order at 6:30 P.M. by Chairperson Foti

Agenda Item #2 Pledge of Allegiance

Agenda Item #3 Roll Call-Aaron Foti, Janet Nelson, Diane Rombalski, Andy Smith, Karen Moran
Former ZBA Secretary resigned. Karen volunteered to take minutes for this meeting.
Ken Mills and Sandy Pothier provided resignation letter to Chairperson Foti 11/5/2021.
Vice Chairperson Smith motioned to make alternates Diane Rombalski and Karen Moran
full members, in accordance with the Rules of Procedure 3c. Janet Nelson seconded the
motion. Chairperson Foti, Vice Chairperson Smith, and Janet Nelson voted aye.

MOTION PASSES to make Diane Rombalski and Karen Moran regular members of the ZBA.

Diane Robalski and Karen Moran need to contact Becki Pederson, Town Clerk, to ensure names are placed on the ballot for the March 2022 town election. Contact must be made as soon as possible, but not later than between January 19, 2022 and January 28, 2022.

Agenda Item #4 Approval of minutes of September 9, 2021. Motion made by Diane Rombalski to approve the minutes, seconded by Chairperson Foti. Discussion that the online date of the minutes shows September 12, 2021. Chairperson will contact Heather Brown at the Town Hall about correcting the date to September 9, 2021. All were in favor of approving the minutes and adjusting the online date.

MOTION PASSES to approve the minutes of September 9, 2021 as amended.

Approval of minutes of the special meeting held November 4, 2021. Karen Moran motioned to approve the minutes, Diane Rombalski seconded the motion. All present

were in favor. Janet Nelson abstained, as she was not in attendance at the November 4, 2021 meeting.

MOTION PASSES to approve the minutes of November 4, 2021 as amended.

Agenda Item #5

Unfinished Business- Chairperson Foti discussed the need to review the checklist at a future meeting.

Agenda Item #6

Application for a variance from Article 403.03 of the Zoning Ordinance:

Diane Rombalski noted that she has done business with Brian Lang and the property owners, and should recuse/disqualify herself.

Chairperson Foti disclosed that he also has done business with Brian Lang regularly. In addition, he is an Agent for multiple abutters to the property.

Vice Chairperson Smith indicated that his firm had represented the property owners when they purchased the home, but he did not personally know the owners. It was agreed that Vice Chairperson Smith is not recommended to recuse himself from this application.

Chairperson Foti instructed to Brian Lang, the applicant's agent, that he is entitled to a full five member board to hear his application, and that he would need three affirmative votes for the application to pass. Brian indicated that he understood this and is willing to continue the public hearing. He also indicated he was comfortable with all members of the board remaining seated to hear the application.

Diane Rombalski, as an employee of the company with which the business had been done, was recommended by a vote, to remain as a voting member. Diane chose to remain a voting member.

After discussion and approval of these members, Chairperson Foti indicated that he would not vote on the application, but would be willing to facilitate the public hearing. This was agreed by the board.

Chairperson Foti opened the public hearing.

Brian Lang, agent for property owners Arthur and Pamela Phaneuf, spoke regarding the request. A 6'x8' enclosed sauna was proposed to be placed on the location of a hot tub which had failed and been removed. The small size does not require a building permit. The sauna will sit on the existing base that had been used by the hot tub. Electrical lines already installed for the hot tub would be used for the sauna.

The steepness and shape of the lot will ensure that the structure will not cause view concerns of neighbors. There had been no correspondence from noticed abutters. Brian Lang indicated no trees would be removed.

Chairperson Foti gave the opportunity for the applicant to provide any further information and for the board to ask questions. Chairperson Foti gave the opportunity for abutters and any other members of the public to speak.

The public portion of the hearing was closed and discussion took place among the four voting members.

Vice Chairperson Smith made motion to approve the variance, Diane Rombalski seconded the motion.

Chairperson Foti advised that the board go through the individual criteria before voting on the motion.

The five criteria for granting a waiver of Article 403.03 were discussed by the board and consensus reached on each of the requirements for a variance. A question regarding criteria #5, Unnecessary Hardship, was clarified regarding the special condition of the lot in comparison to similar lots in the immediate vicinity. While the lot is similar to others in the immediate neighborhood, the reference to other lots in the area is a broader area of the zone.

Chairperson Foti indicated that prior to voting he also should note that we did not have a Secretary's Report but to his knowledge the application is complete and all fees paid.

The four voting members voted to approve the motion to grant the variance.

MOTION PASSES to approve the Variance to setbacks.

Agenda Item #7

New Business related to the loss of the Zoning Board secretary and Karen Moran taking minutes for this meeting.

Agenda Item #8

ZBA Rules of Procedure were adopted at the September 9, 2021 meeting to amend the meeting start time to begin at 6:30 P.M. Discussion took place to ensure the revised start time is memorialized in these minutes.

Discussion also took place regarding the necessary steps to approve the checklists for use. It was agreed that the board feels a legal review would be an appropriate way to ensure the checklists are valid and usable prior to approval. Ken Mills offered to bring this request to the Select Board.

Agenda Item #9

Vice Chairperson Smith motioned to adjourn the meeting, Karen Moran seconded the motion. The Chairperson adjourned the meeting at 7:12 P.M.