

**Ashland Zoning Board of Adjustment Meeting
Minutes
November 12, 2015
Ashland Elementary School Library**

Members Present: Eli Badger, Elaine Allard, Michelle Fistek, Susan MacLeod (6:50)

Others Present: Keith Philbrick, Colby Lenentine

The meeting was called to order at 6:34 pm in the Ashland Elementary School Library by Chair Eli Badger. Members Elaine Allard and Michelle Fistek were also present.

New Business

Case 2015-06 Philbrick/Lenentine Variance Request: The property owner (Keith Philbrick) of lot 008-002-012, 560 Route 175, has requested a Variance from Article 2.2d (non-permitted use in the Rural Residential Zone) of the Ashland Zoning Ordinance.

Chair Badger explained that the Philbrick/Lenentine application received by the ZBA was not a complete application for the following reasons:

- ZBA rules require that the application must include a site plan completed by a licensed surveyor. The plan that was submitted was done by a landscaping company, not a licensed surveyor, and did not have much of the information required (dimensions, setbacks, multiple copies, parking, etc.).
- The applicant should have asked for a special exception, rather than a variance.

Because the application was not complete, Mr. Badger noted that the Board is not able to act upon it. If the Board chooses to continue the hearing so the applicant can obtain a proper surveyed plan, it must be by a unanimous vote of the 3 members of the Board present at that time. If the Board chooses not to continue the hearing, the applicant will have to re-submit the application and pay the appropriate fees.

The business owner Colby Lenentine (3 Lakes Landscaping) explained that he met with Bob Flanders (Building Inspector/Code Enforcement Officer) three or four times for assistance with the application. He said that Bob Flanders urged him to submit the application, even without the required site plan, so he could start the process, show intent to comply and pursue obtaining a surveyed site plan in the meantime. Lenentine stated he then had only about 5 days to obtain a site plan.

Both Colby Lenentine and Keith Philbrick stated that they had not received the Planning Board notification in September 2013 that a special exception was needed for the business.

The Board members clarified for Lenentine and Philbrick exactly what is needed for the application. The site plan requirements were pointed out in the boxed area at the top of the application and it was noted that sections 2, 3 and 5 are needed for the special exception.

Because the current application is incorrectly for a variance, rather than a special exception, it was determined by the Board that the new application will require re-payment of fees for advertising the hearing and notification of the abutters. A new application can be acted upon at the January 14, 2016, meeting if received by December 29, 2015.

[Susan MacLeod arrived at 6:50 pm.]

A motion was made (Allard) and seconded (Fistek) that the ZBA does not accept the application for a variance because the application is incomplete and that it should be for a special exception. The motion passed unanimously, 4-0. A notice of the ZBA's decision will be sent to the applicants and other appropriate parties.

Susan MacLeod, liaison from the Planning Board, noted that their application before the Planning Board is incomplete for the same reasons. She explained that Philbrick/Lenentine could request a joint hearing (Zoning Board and Planning Board), could request a refund for the current Planning Board application or could put the Planning Board application on hold until after action by the Zoning Board.

Other Business

Scott Keneston of Scott's Pit Stop inquired about opening a business on Winter Street. It was clarified that he needs to go to the Planning Board, whose next meeting is November 18, 6:30 pm, at the Town Office.

The Board members were updated on business currently before the Planning Board and/or the Code Enforcement Officer. The Ringelstein property at 25 Main Street may have to come to the Zoning Board.

Old Business

Board members discussed the suggestion of adding a statement to the application form that incomplete applications will not be accepted. The Planning Board has discussed the process for reviewing an application before it is presented to the Planning Board. The ZBA will create a processing checklist that can be attached to a received application.

The Board members reviewed a draft of the *ZBA Rules of Procedure* as revised at the previous meeting. **A motion was made (Allard) and seconded (Fistek) to adopt the revised draft of the Rules of Procedure as presented. The motion passed unanimously, 4-0.** The secretary will prepare the final copy for distribution.

Disposition of Minutes

A motion was made (Allard) and seconded (Fistek) to accept the minutes of October 8, 2015, as presented. The motion passed unanimously, 4-0.

The meeting was adjourned at 7:28 pm.

Minutes submitted by Mardean Badger



Town of Ashland
New Hampshire 03217

TOWN OFFICE
OFFICE (603) 968-4432
FAX (603) 968-3776

Zoning Board of Adjustment

NOTICE OF DECISION

On Thursday, November 12, 2015, the Ashland Zoning Board voted (4-0) not to accept an application from Keith and Shelly Philbrick (Colby Lenentine, Agent), property located at 560 NH Route 175 (Tax Map #: 008-002-012), for a variance from the Ashland Zoning Ordinance Article 2.2d (Commercial operation in a Rural-Residential Zone) citing the following:

1. Application submitted was incomplete;
2. The requested relief from Article 2.2d for a variance was not appropriate in this situation.

The selectmen, any party to the action, or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 667. This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant, Planning Board, Board of Selectmen, Town Clerk, Building Inspector/Code Enforcement Officer, and the Property Tax Assessor.

Eli Badger, Chair

*The Town of Ashland prohibits discrimination on the basis of race, color, national origin, sex, sexual orientations, religion, age, disability, marital or family status.
The Town of Ashland is an equal opportunity employer.*