

**Zoning Board of Adjustment**  
**July 25, 2019 6:30 PM**  
**Board of Selectmen's Room/Municipal Building**  
**15 Sunapee Street/Newport, NH**

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**PRESENT:** Melissa Saccento Chairman; Beth Cassorla, Jeffrey Kessler, BOS Representative; Ben Nelson,

**ABSENT MEMBERS:** Tim Beard, Alternate; Virginia Irwin, Alternate; David Lain, Vice Chairman; Scott McCoy, Alternate

**VIDEOGRAPHER:** Nancy Meyer, NCTV

**STAFF PRESENT:** Liz Emerson, Zoning Administrator

**COMMUNITY MEMBERS PRESENT:** none

**CALL TO ORDER:** Chairman Saccento called the meeting of the ZBA to order at 6:33 p.m. and introduced the sitting Board members.

**ADMINISTRATION:** Ms. Emerson passed out a letter from the town attorney concerning RSA 91:3 II (I) Unnecessary hardship. She also passed out the engineer's review for Case #1076 to the Board members.

Mrs. Cassorla stated that July 2019 started a new year. She asked if new officers should be voted for at the July meeting. On a motion by Mr. Kessler, seconded by Mrs. Cassorla, ***the election of Chair and Vice Chair was tabled because Mr. Lain, Vice Chairman (current) was not in attendance at the meeting. The motion passed 4-0-0.***

**MINUTES:** June 20, 2019

June 20, 2019

On a motion by Mrs. Cassorla, seconded by Mr. Kessler; ***the Board voted to approve the minutes of the March 14, 2019 meeting as presented. The motion passed 3-0-1 (Nelson abstained).***

Chairman Saccento stated the Board members had the engineer's review for their packets. She also handed out worksheets to the sitting Board members.

**Case #1076: William Bartlett (Owner):** requests a Variance as provided for in Article II Section 206.1 of the Zoning Ordinance and specifically the provision to permit construction of a year round yurt for personal camping. The property is identified as Map 243 Lot 013 and is located at Maplewood Drive in the Rural (R) Zoning District.

Chairman Saccento opened Case #1076.

Chairman Saccento acknowledged Mr. William Bartlett and asked him to present his case and briefly explain what he would like to do on his property.

Mr. Bill Bartlett explained to the Board that his family would like to put a yurt on property they own in Newport. The property currently has no structures on it. It will be used seasonal, although the yurt is a year-round yurt. If allowed, the yurt will come from Pacific Yurts, Inc.; Tualatin, Oregon.

Mr. Bartlett explained that the yurt was a circular structure that sets on a platform. It can be taken down if needed. The Bartletts would like it for family use on their property. The only structure that is seen from the site is his family home. The property to be used is on Maplewood Drive which is a dead end (street).

He asked if there were questions from Board members.

Chairman Saccento acknowledged Ms. Emerson. Ms. Emerson read her Administrative Review into the record. The Department heads and building inspector questioned had no concerns; the Planning and Zoning Department has no issues with the application.

The Board asked general questions concerning the yurt and property. Mr. Bartlett answered them all.

Mrs. Cassorla addressed Ms. Emerson and asked for the reason Mr. Bartlett had to go before the ZBA. She asked if the yurt was technically considered a tent. There was a discussion among the Board members about yurts and tiny buildings in town.

Chairman Saccento closed the meeting to the public. On a motion by Mr. Kessler, seconded by Mrs. Cassorla; ***the Board voted to go into Deliberations for Case #1076. The motion passed 4-0-0.***

#### **Variance Statement of Reasons and Discussion**

Chairman Saccento asked for motions on each of the five questions (prongs).

On a motion by Mr. Kessler, seconded by Mrs. Cassorla; that:

***Granting the variance would not be contrary to the public interest because there is no reason not to allow structures smaller than 600 square feet. The motion passed 4-0-0.***

On a motion by Mr. Nelson, seconded by Mr. Kessler; that:

***The spirit of the ordinance would be observed because it allows reasonable use of the property. The motion passed 4-0-0.***

On a motion by Mrs. Cassorla, seconded by Mr. Nelson; that:

***Granting the variance would do substantial justice because there is no reason to not allow a structure that is a sub-600 square feet structure in this area. Chairman Saccento called for a vote. The motion passed 4-0-0.***

On a motion by Mr. Nelson, seconded by Chairman Saccento; that:

***For the following reasons, the values of the surrounding properties would not be diminished: because there are no abutters present complaining about the proposed use, it is a rural lot and this is a reasonable use of the lot. Chairman Saccento called for a vote. The motion passed 4-0-0.***

Unnecessary hardship

Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. Mr. Kessler made the motion that: ***there is not a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because we have no reason to limit the size (of a structure) to 600 square feet or above.***

AND:

ii. ***The proposed use is a reasonable one because: it allows the owners increased use of their property.***  
It was seconded by Mrs. Cassorla. ***The motion passed 4-0-0.***

Chairman Saccento asked if the Bartlett's would need to follow the regulations of camping. Mr. Kessler stated the ZBA was approving it as a structure. Ms. Emerson concurred (they would not have to follow camping regulations), stating the yurt was personal and not a business.

Chairman Saccento called for a motion to memorialize the decision of the ZBA to grant the Variance. On a motion by Mr. Nelson, seconded by Mr. Kessler; ***the Board voted unanimously to grant a Variance for Case #1076 as presented.*** Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

Chairman Saccento signed the two Notices of Decision for Case #1076.

Mr. Bartlett thanked them for granting the variance. He also thanked the Board members for volunteering their time on the ZBA. He stated that it was painful to go through the governmental process in order to put up what seemed a very simple yes or no request.

Mr. Kessler addressed the Board and viewing public and told them that Friday July 26, 2019 at 11 am and then again at 12:30 pm the 125 feet long pieces of the Oak Street Bridge would come down Sunapee Street, around the Little Common and down to Oak Street and the construction site.

On a motion by Mrs. Cassorla, seconded by Mr. Nelson; ***the Board voted to adjourn at 6:53 pm. The motion passed 4-0-0.***

Respectfully submitted,

Maura Stetson  
Scribe

Approved on: August XX, 2019