

**Zoning Board of Adjustment  
September 17, 2020 6:30 PM  
Board of Selectmen's Room/Municipal Building  
15 Sunapee Street/Newport, NH**

**Remote Access:**

**Zoom.com - Meeting ID:** 891 0126 3645 **Password:** 463155  
+1 (929)-205-6099 US (audio only, long-distance fees may apply)

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**PRESENT BOS ROOM:** Jeffrey Kessler, BOS Representative; Tim Beard, Acting Chairman Nelson

**PRESENT via ZOOM:** none

**APPLICANT PRESENT via ZOOM:** none

**PRESENT via PHONE:** no one

**ABSENT MEMBERS:** Scott McCoy, Alternate

**VIDEOGRAPHER:** John Lunn, NCTV

**STAFF PRESENT:** Christina Donovan, Zoning Administrator (BOS room);

**ABUTTERS PRESENT:** none

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

**ADMINISTRATION:** none

**MINUTES:** February 20, 2020; May 21, 2020; May 28, 2020; June July 17, 2020; August 20, 2020

On a motion by Mr. Kessler, seconded by Mr. Beard; *the Board voted to table the ZBA minutes of the February 20, 2020; May 21, 2020; May 28, 2020, June, 2020; July 17, 2020 and August 20, 2020 meetings. The motion passed 3-0-0.*

**NEW BUSINESS:**

**Case #1096 Dennis Fleury (Owner):** requests a Special Exception from the terms of Article IV Section 403 of the Zoning Ordinance to permit creation of a back lot. The property is identified as Map 235 Lot 022 and is located on John Stark Highway in the Rural/Commercial (RC) Zone.

Acting Chairman Nelson opened the public hearing and read aloud Case #1096.

Chairman Nelson addressed the applicant (Mr. Dennis Fleury) and asked that he present his case. Using a survey map Mr. Tom Dombroski, agent, explained the creation of a back lot to the Board members.

The Board members, Ms. Donovan and Mr. Dombroski had a general discussion on the property, proposed back lot, road frontage and that when created the back lot would be a conforming lot.

There were no additional questions from the Board members.

On a motion by Mr. Kessler, seconded by Mr. Beard; *the Board voted to go into Deliberative Session for Case #1096. The motion passed 3-0-0.*

Zoning Board of Adjustment Special Exception

Acting Chairman Nelson asked for a motion and vote on each Standard.

Standard A

Mr. Kessler made a motion that: ***The proposed use will not be detrimental to the overall character of the neighborhood by reason of undue variation from the nature of other uses in the vicinity including design, scale, noise and odor; Standard A has been met.*** The motion was seconded by Mr. Beard. Acting Chairman Nelson called for a roll call vote. ***The motion passed 3-0-0.***

Standard B

Mr. Kessler made a motion that: ***The proposed use will not be injurious, noxious or offensive or in any way detrimental to the neighborhood. Standard B has been met.*** The motion was seconded by Mr. Beard. Acting Chairman Nelson called for a roll call vote. ***The motion passed 3-0-0.***

Standard C

Mr. Kessler made the motion that: ***The proposed use will not be contrary to the public health, safety and general welfare by reason of undue traffic congestion or hazards that pose a risk to life and property or be unsanitary or create unhealthful waste disposal or unhealthful conditions. Standard C has been met.*** It was seconded by Mr. Beard. Acting Chairman Nelson called for a vote. ***The motion passed 3-0-0.***

Acting Chairman Nelson asked for a motion on a collective Standard A, B and C for Case #1096. On a motion by Mr. Kessler, seconded by Mr. Beard; ***the Board approved the Special Exception for Case #1096.*** Acting Chairman Nelson called for a roll call vote. ***The motion passed 3-0-0.***

Acting Chairman Nelson congratulated the applicant.

On a motion by Mr. Kessler, seconded by Mr. Beard; ***the Board voted by roll call vote to adjourn at 6:47 p.m. The motion passed 3-0-0.***

Respectfully submitted,

Maura Stetson  
Scribe

Approved October XX, 2020