

Town of Campton
Zoning Board of Adjustment Minutes
May 19th 2020

Board Members Present: Paula Kelly, Tim Scanlon, Dan Boynton, Ex-Officio, Martha Aguiar, Janet Lucas, Alternate, and Alicia LaDouceur, Alternate

Attendees: TJ O’Neil, Applicant, Mike Burnell, and Jen Leonzi

The meeting was opened at 6:30 PM.

The first order of business was to review the minutes, but with permission of the ZBA item four was moved up so that that Board could appoint a chair person. A nomination for Paula Kelly was offered by Martha and seconded by Tim. After some discussion and confirmation of the length of the term, the Board voted unanimously to appoint Paula Kelly as the Chair Person of the ZBA.

The next order of business was to approve the meeting minutes for March 7th 2019. There were a few grammatical corrections offered from Martha Aguiar and Dan Boynton on the March meeting minutes. Martha made the motion to accept the minutes as amended, seconded by Dan. The Board voted unanimously in favor.

The next order of business was to approve the meeting minutes for September 25th 2019. There were a few grammatical corrections offered from Martha Aguiar and Dan Boynton on the September meeting minutes. Martha made the motion to accept the minutes as amended, seconded by Tim. The Board voted unanimously in favor.

The third item on the agenda is an introduction of the new alternates to the current board. This time was taken to introduce Alicia LaDouceur and Janet Lucas. The Board and the new members exchanged pleasantries and moved on to temporary appointments. A discussion about the need to appoint one of the alternates as a temporary member so that a tie would not happen. Janet offered to remain an alternate and the Board appointed Alicia LaDouceur as a temporary member for this meeting. The motion was made by Dan and seconded by Martha. The Board voted unanimously in favor.

The final item on the agenda is a variance appeal for the Mad River Tavern. TJ O’Neil (owner) was invited to take the floor and give his reasoning for the appeal. TJ started by describing his need for the deck especially given the current state of things with the pandemic. Paula thought that the Board should try and consider the case without taking COVID-19 into consideration and look solely at the facts. TJ admitted that the process was not ideal and that he takes responsibility for the mistakes on his end. TJ described several miscommunications between him and the Town. The applicant then talked about his opinion on why the deck should be allowed regardless of the pandemic. He believed that the deck is not any closer to the road than his grassy area in front of the restaurant. He mentioned that that area had flower beds and a garden, which establish the area his business is taking up. His argument was that his deck is merely replacing that area from gardens and landscaping to a deck. He finally argued that the lot that has the ice cream

stand was given a setback, and that now that the land has been merged, the setback might be considered to run the length of the new property.

Paula asked if the deck came out any further than where the steps are. TJ gave approximate locations of the boundaries of the deck, from the length to the width. Paula asked about the discrepancy of the deck size between the building permit, variance application and TJ's submitted drawing. The building permit shows 40 x 15 and the variance application and drawing provided shows 48 x 15. This issue was not fully addressed at this point. Martha asked TJ if he stopped building when he knew he needed a variance from the town. TJ mentioned that he did lay out deck boards, but did not screw them down. He generally believed that he had complied with the Town's request to stop construction.

Dan argued that the variance seems inflated because the Town setback is added onto the end of the State right-of-way (ROW). The conversation turned back to making sure the size and the exact variance number should be precise. TJ pointed to his hand drawing that was as close to the correct measurements without actually measuring. TJ mentioned the discrepancy has come from the mishappen nature of the grassy area. Martha asked if a garden would be considered part of your footprint of the building. The general answer was no, but TJ was using the word footprint to describe the area as already being in use and not encroaching into empty space. There was discussion about the width of the deck and if it goes as far as the front step. The general consensus was that it did not go any further.

Paula asked about the plan for what the deck would look like and entrances/exits. TJ told the Board there will be a stair case for an emergency exit, but the patrons will enter and exit through the restaurant's main door. The exit will be gated so it can only be used as an emergency exit. Paula asked about the measurements of including the emergency stairs. TJ thought it might be included in the 48 feet, but if it was not, he assured the board that the steps did not go further than the end of the building.

A poll of the public who was in attendance was asked for their opinions. They did not have any real opinion on the matter, but were listening in because they are in the restaurant industry and were interested in the outcome of the hearing.

The discussion turned to TJ's email to the ZBA and Select Board about his need to continue construction with the intention of tearing down the deck if the ZBA decides to deny the motion. TJ reaffirmed that his construction was not a personal slight, but was out of a desire to try and have the deck ready for the reopening of restaurants in New Hampshire.

The Board generally was not happy with the way in which the process took place, but saw no real issue with the deck where it is currently proposed.

A motion was made by Dan Boynton: **to approve a 34-foot variance for the TJ Tavern Realty Property on Route 49, with the condition that an exact measurement of length is provided to the ZBA Clerk.** This was seconded by Tim Scanlon. The motion passed unanimously.

A motion was made to adjourn the meeting by Martha and seconded by Dan.

Meeting was adjourned at 7:30 pm

Respectfully submitted,

Corey Davenport
ZBA Clerk