

Town of Campton  
Zoning Board of Adjustment Minutes

July 28<sup>st</sup> 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, Troy White, Greg Jencks, Lyn Johnson, Corey Smith, John Ruha, Gary Jesseman, Sky Bartlett, Jess Bartlett, Troy Stuart, Jen Stuart, Louise Corretti, Bruce Bond, Cheryl Mchale, Ryan Harty, Dave Levin, Jack Letvinchuk, Mary Ann Letvinchuk, Laurie Brewstlin, Melissa Borrow, Jay Garbon, Rob Fullerton, Mark Bassinet, Tanya Latarro, Kristen Kenison, Lisa Vincent, John Anderson, Karen Walsh, Kristine Garish, Pam Trahanno, Dianna Fanian, Joe Maderos, Melissa Levin, Steve Ellen, Danielle Berry, and Lisa Keating

The meeting was opened at 6:38 PM.

The first order of business was to review the minutes approve the meeting minutes for July 21<sup>st</sup> 2020. Due to the large audience and to accommodate time for ample public comment, the approval of minutes was tabled.

The final item on the agenda is a setback variance appeal for the Bear's Den. The start of the discussion was the Applicant asking why he was brought in front of the ZBA. The Board explained that when the first variance was obtained it was for just the ice cream stand and not for the whole side of the property. When the building permit was submitted for an expansion, then a ZBA hearing should have been scheduled and a variance should have been obtained.

The applicant then started describing the plan for the addition and how the stand was going to be rearranged. The plan was to keep the ice cream shop and add a tiki bar and fried food stand. A question about what type of alcohol would be served and if the correct permits were in place. The applicant informed the Board that a full liquor license had been obtained and renewed for a few years with the intention of making an outdoor bar.

The Board then turned their attention to the maps and drawings provided by the applicant and the Code Enforcement Officer. The drawing by the Code Enforcement Officer gave measurements from the center of Route 49 to the additions and it was determined that an 8-foot variance was needed for both sides to be in compliance with the Zoning Ordinance.

The applicant was asked by the Board why he wanted a variance for this expansion. The applicant told the Board that due to COVID and the ramifications of it, he sees outside dinning as a much more popular experience. It is a necessity now, but sees it being much more popular in the future. The conversation turned to the organization of the outdoor seating. A few picnic tables are going to be scattered for the ice cream patrons and then a section will have several picnic tables for the fry shack. There will also be seating at the tiki bar for a few patrons to be served.

There was a discussion of the previous variance and the dimensions of the additions going in. The Board talked about the fact that the variance does not encroach on the property even more and it just expanding on an existing building that already has a variance.

At this point the discussion was opened up to the floor. The first individual was Sky Bartlett and was speaking in favor of the additions, but turned the conversation to a zoning ordinance topic. There was a discussion on the distance of setback on top of the State right of way and if the Zoning Board was the correct forum to go through. The Board told Mr. Bartlett that the Zoning Board does not edit the Zoning Ordinance, but merely enforces it. The Board suggested going to the Planning Board or creating a petition that could be voted on at town meeting. The next individual was Jack Letvinchuk who was speaking in favor of the Mad River Tavern. He added that because of COVID that expanding outdoor seating should be welcomed. The next to speak was Corey Smith who was supporting the variance, but was aggrieved that he was made to abide by the setbacks while TJ might be able to get a variance. The Board told Mr. Smith that while they understand his concerns, they can not comment on his situation as it did not come before them. The next comment came from Louise Coretti who brought up her concern for the capacity of the septic system. The Board told Mrs. Coretti that she would need to bring her concerns up with the State of New Hampshire, specifically the Department of Environmental Services. Samantha was speaking in favor of the variance and had mentioned that she had been advocating for more outdoor seating for years. Danielle Berry spoke next and wanted to make sure that the seating down near the entrance of the parking lot was temporary due to its unsafe nature. The Board cleared up the seating, saying that the seating is temporary due to COVID.

A motion was made to approve the 8-foot variance on the left-hand side and a 2-foot variance on the right-hand side by Dan Boyton, seconded by Martha Aguiar. The motion was passed unanimously.

Corey Smith came back into the meeting to ask some follow up questions for his situation. It was explained to him that the State has a right of way along all State roads which allows for improvements or expansions. The Town has a setback off of the right of way for 50 feet. After some discussion, Mr. Smith thought it might have been the State right of way which caused him to have to move his structure. The Clerk offered to work with him at a later date to determine the size of the State right of way.

The last few minutes of the meeting were devoted to housekeeping, broadly regarding an all board meeting, training opportunities, and full membership to fill the final spot on the ZBA.

Motion to adjourn by Martha, seconded by Tim. Meeting was adjourned at 7:45 pm

Respectfully submitted,

Corey Davenport  
ZBA Clerk