

Zoning Board of Adjustment (Via Site Visit @650 West Side Road)  
Thursday, October 8, 2020  
4:30 PM  
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Chairman Frank Mai called the meeting to order at 4:35 PM.

**Members Present:** Frank Mai – Chairman, Barbara Hanson, Thomas Jackson, Richard Mallion and Joyce McGee – Secretary.

**Members Absent:** Charles Lockhart.

**Public Present:** David Madden (Abutter) and via phone was Matthew Daigle (Owner).

Chairman Mai read the following:

**Public Hearing(s):**

**Variance:**

**#2020-005: Owner/Applicant – Daigle, Matthew – 650 West Side Road, Tax Map 243**

**Lot 040:** who is/are requesting a variance to place a tiny home 18' from property line where setback requirements are 25'. (Article XIII- Absolute Criteria for all Development: Site Design Standards – 6.29: Setbacks) of the Development Code. The entrance to the property is a R.O.W. off West Side Road.

The Board viewed the tiny house location and had questions on how far the structure needed to be away from the lake. Mr. Daigle stated 50' feet and Richard Mallion thought it had just changed about a year ago to 75', no one was sure of the distance.

The variance was to determine the distance between the Madden property and where the tiny house is situated. Mr. Madden had a tape measure and stated that he had put up a fence about 6" away from the property line. The distance from the property line to the tiny house was about 16'. Mr. Madden stated he had no issues with the current tiny house but wanted the variance to be specific to this structure only and if replaced then the process needed to start all over again. Chairman Mai felt the make, model and vin# should be stated.

**A motion was made by Barbara Hanson to approve the application as complete, seconded by Frank Mai. All in favor, motion carries. APPROVED**

**A motion was made by Barbara Hanson to approve the variance for a 7+ x 19' tiny house located 16' feet from the property where 25' is required, seconded by Frank Mai. All in favor, Barbara Hanson – yes, Frank Mai – yes, Richard Mallion – no and Thomas Jackson – no. A tie vote was made.**

Mr. Daigle asked what the reason was for the two individuals that voted no. Mr. Mallion stated that it did not meet the criteria for the setback.

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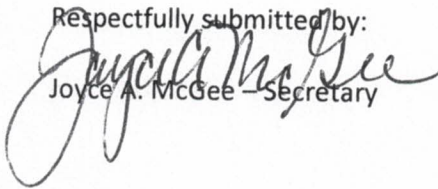
Thursday, October 8, 2020

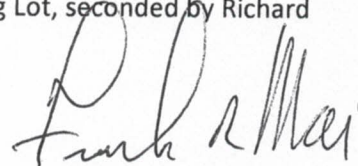
4:30 PM

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At this time, Chairman Mai announced to reconvene the meeting for Friday, October 16, 2020 at 3:00 PM located at the Town Office Parking Lot, seconded by Richard Mallion.

Respectfully submitted by:

  
Joyce A. McGee - Secretary

  
Frank Mai - Chairman

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Chairman Frank Mai stated the meeting was reconvening from October 8, 2020. The meeting came to order at 3:00 PM at the Town Office.

**Members Present:** Frank Mai – Chairman, Thomas Jackson, Richard Mallion, Charles Lockhart and Joyce McGee – Secretary.

**Members Absent:** Barbara Hanson

**Public Present:** via phone was Matthew Daigle (Owner)

**#2020-005: Owner/Applicant – Daigle, Matthew – 650 West Side Road, Tax Map 243 Lot 040:** who is/are requesting a variance to place a tiny home 18' from property line where setback requirements are 25'. (Article X111-Absolute Criteria for all Development: Site Design Standards – 6.29: Setbacks) of the Development Code. The entrance to the property is a R.O.W. off West Side Road.

Chairman Mai advised that while at the site visit on October 8, 2020 concerns came up with close proximity to the lake and wetlands. A permit was given by NHDES for the septic tank, Secretary McGee provided the Board with the Construction and Operation Approval done by the State. Chairman Mai suggested to Mr. Daigle that the abandoned pipe that is coming out of the holding tank be removed. Mr. Daigle stated that this was the hookup for the prior owner but was capped off, he did state that he would have his plumber look into removing it.

Secretary McGee provided the Board with NHDES guidelines on wetland setbacks. Under NH Wetlands Law, there are no setbacks. Many municipalities have more stringent standards and include wetland buffers and setbacks, Whitefield does not have more stringent standards. Under the Shoreland Water Quality Protection Act, there is a 50 foot primary structure setback and a 20 foot accessory structure setback. Based on the site visit Chairman Mai stated the location of the tiny home appears to be okay and the septic approval was given to the prior owner in 2017. Daniel Webb was the septic designer, the tank is for 3 bedroom, 450 GPD.

Chairman Mai also stated that a letter from abutter Jeanne & David Madden was received. They would not be opposed to the requested variance contingent on the following: 1. The variance would only be related to the current structure/"Tiny House"; 2. The variance would be rescinded/void in the event the current structure is removed and/or relocated its present location.

Richard Mallion objects to abutter opposing conditions. Charles Lockhart spoke that the process already works with what the variance is for and why. Chairman Mai told the Board they needed to approve or disapprove what they have in front of them today, if anything changed it would need to come before

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the Board again. Chairman Mai asked if the Board had any other concerns. Seeing none Chairman Mai asked Mr. Daigle if he had anything to add.

Mr. Daigle advised that he was leaving the structure where it was. He would like to see the variance move forward as it exist at 18', Chairman Mai stated that it is 16' from property line as measured on site visit.

**A motion was made by Charles Lockhart to approve the variance to place a tiny home 16' from the property line were setback requirements are 25', seconded by Frank Mai. All in favor, motion carries with Richard Mallion opposed. APPROVED**

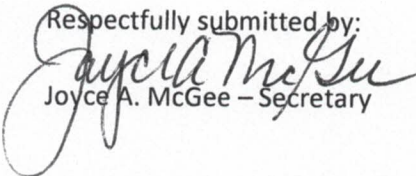
Mr. Mallion would like to see the Conservation Commission more involved when a wetlands area is impacted, everyone agreed.

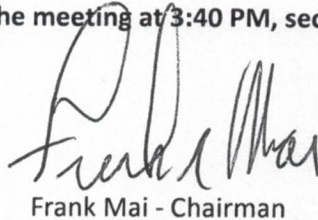
**Minutes: A motion was made by Charles Lockhart to approve the July 15, 2020 minutes as written, seconded by Richard Mallion. All in favor, motion carries. APPROVED**

Secretary McGee advised the Board that another variance request had come in. Richard Harris Sr., has submitted an application. The Board agreed that November 9<sup>th</sup> at 4:30 PM would work for them. This will be a site visit/meeting.

**A motion was made by Thomas Jackson to adjourn the meeting at 3:40 PM, seconded by Charles Lockhart. All in favor, meeting adjourned.**

Respectfully submitted by:

  
Joyce A. McGee – Secretary

  
Frank Mai - Chairman