

COÖS COUNTY ZONING BOARD OF ADJUSTMENT  
North Country Resource Center, Lancaster NH  
August 31, 2021

**Present from the Board:** PJ Cyr, Scott Deblois, Greg Sipple, Mark Evans and Roland “Lefty” Thériberge.

**Also in Attendance:** Linda Harris, Administrative Assistant; Burke York, York Land Services; David Rising.

**Call to Order:** PJ Cyr, Chair called the meeting to order at 6:00 pm.

**Roll Call:** The Chair called the roll. There were five members present. Leon Rideout and Brian Laperle were excused.

The agenda was amended to hold the election of officers.

**Election of Officers:**

A motion was made by Scott Deblois and seconded by Greg Sipple to nominate PJ Cyr for Chair. There was no further discussion, and all voted in favor.

A motion was made by Greg Sipple and seconded by Roland “Lefty” Thériberge to nominate Scott Deblois for Vice Chair. There was no further discussion, and all voted in favor.

A motion was made by PJ Cyr and seconded by Scott Deblois to nominate Mark Evans for Clerk. There was no further discussion, and all voted in favor.

**Approval of the July 31, 2018 meeting minutes:**

A motion was made by Mark Evans, seconded by Scott Deblois to approve the minutes as presented. There was no discussion, and the minutes were approved unanimously by voice vote.

**Cambridge – Ronald Goslin:**

Chairman Cyr opened the public hearing concerning a request by Ronald Goslin for a Variance concerning article VI section 6.06, *Minimum Setbacks* of the Coös County Unincorporated Places zoning ordinances.

Chairman Cyr explained that the hearing notice was published in the Berlin Daily Sun and the Colebrook Chronicle; certified letters were sent to all abutters and the applicant on August 17, 2021; and all fees have been paid.

Chairman Cyr read the application and asked Burke York, representing the applicant, to present his case. Mr. York explained that Mr. Goslin is requesting a variance concerning article VI section 6.06, Minimum Setback of the Coös County Zoning Ordinances. The applicant proposes to construct a 58’ x 44’ garage with studio apartment with a 10’ deck and 12’ deck where 25 feet would be within the 75’ setback on the property located at 23 LeBlanc Avenue, Cambridge.

Chairman Cyr inquired if there was any public comment. There was no one at the meeting to speak in opposition of the variance request. There were no more questions or comments from the public. The chair closed the public hearing and the board entered discussion.

The board discussed the Findings of Facts:

Granting the variance would not be contrary to the public interest because the additional garage/studio apartment is an accessory use to the main cottage in a development zone already developed with full-time and part-time residences.

If the variance were granted, the spirit of the ordinance would be observed because there would still be a substantial distance (50') to the edge of the rights-of-way of Leblanc Avenue and Lafleur Avenue. This is not counting the fact that the actual gravel limits typically don't extend to the edge of the entire 33' wide right-of-way. Actual setback is estimated to be closer to 57' to the actual roadway.

Granting the variance would do substantial justice because the lot unfortunately is surrounded on two sides by access rights-of-way with very substantial 75' setbacks, eliminating a large amount of development area within the parcel. For example, the lots within this lakeside development are typically very small, and the 75' setback is enormous compared to a 5-acre lot with just one roadside frontage. None of the existing nearby structures for instance meet the 75' roadside setbacks, with one across the road, recently completed having substantially less than this requested 25'-dimensional waiver (50 total proposed setback from road sideline).

If the variance were granted, the values of the surrounding properties would not be diminished because they would probably increase in value with the updates already done on the existing cottage and "new construction" within the community. It shows that the owners are willing to invest in the area. The garage would also house much of the recreational toys and homeowner tools that would otherwise be scattered amongst the property (or in multiple sheds), giving the property a "cleaner appearance".

Unnecessary Hardship A. 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: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because this property is unique that it is at the corner of two intersecting rights-of-way, eliminating 75' of development potential along both roads. Most other lots are only encumbered by one roadway, and typical constructed buildings are well within the current 75' setback. And: ii. The proposed use is a reasonable one because per the current zoning ordinance, "The purpose of the DD-G is to recognize existing patterns of development in appropriate areas and encourage further patterns of compatible development therein and adjacent thereto".

The Chair called for a motion. A motion was made by Mark Evans, seconded by Greg Sipple to grant the variance as requested by Ronald Goslin for a Variance concerning article VI section 6.06, *Minimum Setbacks* of the Coös County Unincorporated Places zoning ordinances. The applicant proposes to construct a 58' x 44' garage with studio apartment with a 10' deck and 12' deck where 25 feet would be within the 75' setback on the property located at 23 LeBlanc Avenue, Cambridge. The board all voted in favor.

The Chair informed the applicant that by the board's decision, the Coös County Commissioners, any party to the action, or any person directly affected has a right to appeal this decision. They have 30 days to request a rehearing and any improvements made within that time may have to be removed by the applicant at their cost if the board were to reverse its decision.

**Wentworth Location – David Rising:**

Chairman Cyr opened the public hearing concerning a request by David Rising Concerning a request by David & Bernadette Rising for an Application for a Variance concerning article VI section 6.06, *Minimum Setbacks* of the Coös County Unincorporated Places zoning ordinances.

Chairman Cyr explained that the hearing notice was published in the Berlin Daily Sun and the Colebrook Chronicle; certified letters were sent to all abutters and the applicant on August 17, 2021; and all fees have been paid.

Chairman Cyr read the application and asked the applicant to present his case. Mr. Rising explained that he proposes to construct a 22' X 32' garage, where 35 feet would be within the 75' setback on the property located at 2687 Dam Road, Wentworth Location.

Chairman Cyr inquired if there was any public comment. There was no one at the meeting to speak in opposition of the variance request. However, a letter had been received from abutters, John and Dolores Humiston, opposing the request for variance. There was no reason provided in the letter. The chair closed the public hearing and the board entered discussion.

The board discussed the Findings of Facts:

Granting the variance would not be contrary to the public interest because two deteriorating structures are being removed and will be replaced by a sound structure.

If the variance were granted, the spirit of the ordinance would be observed because this is a nonconforming lot created prior to the zoning. The structure will be constructed as close to the setbacks. By removing the existing 12' x 24' structure, it will improve setback observations.

Granting the variance would do substantial justice because the public is not harmed by the construction on this property and will create additional property tax.

If the variance were granted, the values of the surrounding properties would not be diminished because the building constructed will be pleasing and maintained. The project as proposed is consistent with the existing character of the neighborhood.

Unnecessary Hardship A. 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: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because due to the size of the property setback requirements make it difficult if not impossible to construct a garage. Not allowing the property owner to construct a garage limits reasonable use of the property. And: ii. The proposed use is a reasonable one because the location of the garage was picked due to visibility from the road and neighbors.

The Chair noted that the addition was not conforming to the zoning ordinances. Mr. Rising replied that the addition was not part of the request. Mr. Deblois questioned if the application could be amended. Mr. Evans noted that the variance requested was only for the garage and that is what should be considered.

Mr. Deblois inquired about the Shoreland Permit. Mr. Rising replied that he was waiting on the ZBA approval prior to applying for further permits.

Mr. Sipple also noted that Mr. Rising should be obtaining ZBA authority for the proposed addition as it does not conform to setbacks.

A motion was made by Mark Evans, seconded by Greg Sipple to grant the variance as requested by David and Bernadette Rising a Variance concerning article VI section 6.06, *Minimum Setbacks* of the Coös County Unincorporated Places zoning ordinances. The applicant proposes to construct a 22' X 32' garage, where 35 feet would be within the 75' setback on the property located at 2687 Dam Road, Wentworth Location. The board all voted in favor.

The Chair informed the applicant that by the board's decision, the Coös County Commissioners, any party to the action, or any person directly affected has a right to appeal this decision. They have 30 days to request a rehearing and any improvements made within that time may have to be removed by the applicant at their cost if the board were to reverse its decision.

**COMMUNICATIONS AND MISCELLANEOUS:** None

**OTHER BUSINESS:** None

A motion was made by Chair PJ Cyr, seconded by Greg Sipple to adjourn the meeting at 7:15 p.m. The motion was approved in the affirmative by voice vote.

There was no date set for a future meeting.

Respectfully submitted,  
Linda Harris