

**Zoning Board of Adjustment  
January 12, 2009**

**Members Present: Elizabeth Ashworth, Chair; Katheryn Holmes, Vice-Chair; Alex Azodi, Alternate; Barbara Richmond; Steve Russell; Sue Russell, Alternate; Helen Wright**

Ms. Ashworth called the meeting to order at 7:10 p.m.

The Board reviewed the minutes of December 8, 2008 and made corrections.

Ms. Holmes emphasized the importance of site reviews. She commented that although the testimony in the NEHSA hearing indicated that the wet areas were not very wet, the land is very spongy and water can be seen running, even with snow cover.

The Board agreed that it is difficult to observe wet areas during a winter site review when the ground is covered with snow.

The Board agreed to hold off on voting to approve or disapprove the corrections to the minutes since there were conflicting opinions in whether or not the NEHSA applicant commented that they had received approval from the Goshen Zoning Board of Adjustment. Linda Plunkett, Secretary will contact the Town of Goshen to verify whether or not Goshen has given any approvals to NEHSA for this project.

Ms. Holmes informed the Board that June Fichter and Robert Wood from the Lake Sunapee Protective Association has written a letter to the NH Wetlands Board regarding the potential negative impact of the NEHSA project on Lake Sunapee and its subwatershed.

*At 7:15 p.m. Joan Morena, property located at 276 Rollins Road, Newbury, NH will seek a Special Exception as provided for in 5.4.1 to permit the following: Part time massage and therapeutic services as a cottage industry. Newbury Tax Map 029-579-008.*

Ms. Morena asked the Board to continue this hearing to the next meeting. She explained that she just recently learned of deed covenants that are attached to her deed that would prevent her from operating a cottage industry without permission from all 22 lot owners in her subdivision. There is no home owner's association; she needs more time to accomplish the necessary steps to continue with the application.

Ms. Wright made a motion to continue the hearing until Monday, February 9, 2009 at 7:15 p.m. Ms. Holmes seconded the motion. All in favor.

Ms. Ashworth moved the Board into a working session.

The Board discussed whether or not Alternate members could or should participate in Zoning Board hearings and decided that Alternate members may ask questions during a hearing but not participate in deliberation and voting.

Ms. Holmes commented that she does not agree with the Board's decision of granting the two variances to NEHSA. She stated that there were many defining terms that are deceiving such as 'the public good'. Beck Brook runs directly into Lake Sunapee. If Beck Brook is negatively impacted, then that will have a direct effect on Lake Sunapee, which is not for 'the public good.' Additionally, there is a lot of water in that area and the stability of the retaining walls along the access road and proposed parking area is questionable. The Board needs to look at the spirit of the ordinance which is in concert with the Master Plan.

Ms. Ashworth commented that the Board felt it was making a fair decision based on the information it was given. If there is more information that should have been considered, then an appeal should be made.

Ms. Holmes commented that she decided not to appeal because of the depth of the application and of the other Boards that will have to weigh in on the project.

The Board reviewed Procedures for the Zoning Board of Adjustment and agreed that a worksheet should be included in the application and filled out by the applicant in order to make sure the correct type of application is being made and all of the criteria is being addressed.

Ms. Holmes made a motion to adjourn. Mr. Russell seconded the motion. All in favor. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Linda Plunkett