

Zoning Board of Adjustment

Unapproved Meeting Minutes

18 December 2024

Members Present: Peter Remy, Alan Bell, Nancy Ranson, John Harris, Ernie Perham

Supporting Staff: Kaelyn Willette; Clerk

Public Present: Adam Kossayda, Alison Fissette, Daniel Fissette, Laurie Burt, Anson Burt, Larry Muchmore, Laurie Ingram

At 6:38pm the board started by reviewing the minutes from the November 20th meeting. Alan moved to approve the minutes and Nancy seconded the board unanimously agreed. The board members went through the rules and procedures and made corrections.

At 7:00pm Chairman Remy opened the public hearing for applicant Alison and Dainel Fissette. Mr. Kossayda Mr. and Mrs. Fissette attorney started discussing their application. Mr. Kossayda started discussing the administrative appeal. Mr. Kossayda and the towns attorney Gary Kinyon had been in contact and the Mr. Kinyon advised that Mr. and Mrs. Fissette needed a variance from section 414 of the Westmoreland Town Ordinance and an Administrative Appeal due to the denial of the building and driveway permit under the hardship standards of RSA 674:41.II.

The administrative appeal application was discussed first. There was discussion about the center of the road doctrine. There was also discussion about the history of Torrey Hill Road discontinuation which happened in the 1800's. The road is discontinued just after Mr. and Mrs. Fissette's driveway.

Mr. and Mrs. Fissette are asking permission to use the deeded right away over the discontinued portion of Torrey Hill Road as access to a planned building lot created by the merger of Tax Map R12, Lot 100 and Tax Map R7, Lot 3. The merged lots will be about 300 acres and have about 1,200 feet of frontage on Comeford and South Village Road.

Mr. Kossayda discussed why it would be best to use the deed right away to access the planned building lot. Constructing a new driveway from Comeford or South Village Road it would be a significant financial burden, environmental challenges due to wetlands, and engineering difficulty because of the land. The frontage on South Village Road is steep, long, and difficult to maintain. The class IV portion of Comeford Road would need significant improvement to make it passable, and would be going through a neighbor's farm property. Mr. Kossayda believes that the access challenges show both practical difficulty and unnecessary hardships. Torrey Hill Road is the safest option. Mr. and Mrs. Fissette want to use the portion of Torrey Hill Road over the right of way for access.

John Hariss asked how long the driveway would be if it were to be from South Village or Comeford and it would be about 1,200 feet. He also asked if emergency vehicles could get to the new building site, Mrs. Fissette does not see any issue for emergency vehicles to access the building site.

At 7:30pm Chairman Remy opened the floor to any abutters who had questions or concerns. Laurie Burt who is an abutter asked about the alteration of Terrain permit. Mrs. Fissette is aware and is working to

get the permit. There was discussion about the map survey and where the driveway and new building site will be located on the property.

Mr. and Mrs. Fissette do not think that by having access from the deeded right away will change or diminish anyone's property value, or any future value. Abutters Frank Hunter and Kim Peavey have no issue with Mr. and Mrs. Fissette using the right of way. Laurie Ingram whom is not an abutter asked if there is anything that would prevent Mr. and Mrs. Fissette to subdivide the property in the future. Mr. and Mrs. Fissette are not looking to subdivide they like their privacy.

At 8:35pm the board discussed the application. There was discussion about sufficient road clarity that had been an issue at the previous meetings.

At 8:39pm Nancy moved to grant the appeal from an administrative decision regarding the Fissette driveway at R12 lot 100 and R7 lot 3. This decision is due to practical difficulty, slopes, and wetlands on South Village Road or Comeford Road making it reasonable to come in off Torrey Hill Road which is a class V road, in order for a building permit to be granted. Alan seconded the motion and the board unanimously agreed.

At 8:42pm Mr. Kossayda started discussing the variance application. Mr. and Mrs. Fissette are asking the board to allow access via a deed right of way and allow the driveway be closer than 10 feet from a boundary line because the driveway would necessarily abut a boundary with a neighboring lot to utilize the deeded right of way.

Mr. Kossayda went through the requirements for a variance.

1. Safest access, preserves the existing access and avoids constructing a new driveway from Comeford or South Village Road which have very steep slopes and difficult to access the building site.
2. The proposed driveway would avoid congestion, and allow use of already cleared property.
3. It would be unfair to have to come from Comeford or South Village Road.
4. The value of surrounding properties would not be diminished.
5. The hardships are from South Village Road there are steep slopes with run off and Comeford has different wetlands

At 9:01pm the board went through and discussed the 5 criteria

The board found that

1. Granting the variance would not be contrary to the public interest because the driveway would be using an already existing access to the lot, it also avoids run off.
2. The spirit of the ordinance would be observed because the driveway would avoid more congestion on South or Comerford Road.
3. It would be unfair to force putting a driveway from Comeford or South Village Road.
4. The values of surrounding properties would not be diminished, it may in fact increase the value.
5. The land is unique, and the proposed site is reasonable because it already has access, and is better for the town to avoid run off issues.

At 9:03pm Alan moved to grant the variance of section 414 of the Town Ordinances for lots R7 lot 3 and R12 Lot 100 for Daniel and Alison Fissette with conditions that the two lots will be merged, get an alteration of terrain permit, and will be a one building lot with a single home driveway. Ernie seconded and the board unanimously agreed.

At 9:13pm Nancy moved to adjourn the meeting, Ernie seconded , the board unanimously agreed and the meeting concluded.