

Westmoreland Zoning Board of Adjustment

Unapproved Meeting Minutes

18 October 2023

Board Members Present

Peter Remy, Nancy Ranson, Brian Merry, Alan Bell, John Harris, Ernie Perham, and alternate Mark Terry

ZBA supporting staff

Kaelyn Willette, ZBA Clerk

Public Present

William Bassler and representative, Adam Kossayda, Select Board chair Frank Reeder, Planning Board Chair Lauren Bressett, member of planning board Bruce Smith, abutter Alan Bressett, abutter Michael Cersosimo, abutter Jeff Ingram, Zoning Administrator Laurie Burt, Building Inspector Larry Muchmore

Minutes

6:45 the board started by reviewing the meeting minutes from September 20. Mr. Merry moved to accept the meeting minutes, Mrs. Ranson seconded, and the board unanimously agreed.

At 7:00pm Chairman Remy opened the public hearing and invited Mr. Reeder to explain a little as to why the building and zoning permit have been revoked. The reason why the Select board had to revoke the permits was because camps are not allowed in Forest Residential, and you cannot build off of a class 6 road.

At 7:03pm Chairman Remy invited Mr. Kossayda who was representing Mr. Bassler to speak about their appeal of an administrative decision. Mr. Kossayda started discussing why the zoning board should allow Mr. Bassler to continue the construction of his hunting camp.

- The hunting camp is 16x24
- will have no plumbing or electricity
- is only intended to stay the night occasionally.
- Mr. Bassler has sufficient frontage
- There will be no additional burden to the town, the hunting camp will not change any maps or the master plan.

At 7:22pm There was discussion about the relevant town ordinances, along with RSA 674(series) related to this case. Mr. Smith discussed the history of camps in Forest Residential.

- Camps were allowed in forest residential in 1988,
- March of 1992 the town voted to remove camps in Forest Residential
- There was a petition to the town to allow camps in Forest Residential in March of 1997 but the town voted no

Mr. Terry noted that there was a mistake made in the beginning by issuing the zoning and building permits. Mrs. Burt said she would have not issued the zoning permit if she was aware that they were going to put a driveway in anywhere other than Johnnycake Road. Mr. Reeder discussed that it was made clear that Mr. Bassler could not put a driveway from a class 6 road.

One of the abutters Mr. Ingram then discussed how it would not affect him or anyone, and that Mr. Bassler is a great steward to his property. Another abutter Mr. Bressett was concerned about the enhanced traffic and right away over his land. Abutter Michael Cersosimo is not opposed to Mr. Bassler hunting camp. There was a lengthy discussion that revoking the permits was done legally and that the town recognizes there was a mistake made that has caused hardship on Mr. Bassler.

At 8:10 Chairman Remy closed the public hearing so the board members could discuss. Mr. Harris discussed that a waiver limiting town liability for the hunting camp should be documented at the register of deeds. There was discussion about the liability for the town if there was a fire or accident that happened at Mr. Bassler's hunting cabin. Mr. Harris noted that Mr. Bassler could sign a municipal responsibility and liability waiver, found in RSA 674:41. There was concern that reinstating Mr. Bassler's permits would open doors for more people to come and ask for camps in Forest Residential. This case is unusual and sets no precedence for future cases.

8:22pm Chairman Remy opened the public hearing again.

- Mr. Bassler is not opposed to sign the waiver

At 8:35 Mr. Bell made the motion to reinstate the building and zoning permits to Willaim Bassler on condition that he signs the waiver of municipal responsibility and liability which does not hold the town liable for any extenuating circumstances regarding the safety or injury on his property due to this structures access on a class VI road, the waiver should be filed with the county registry of deeds before certificate of occupancy issued. Mr. Perham seconded. Chairman Remy, Mrs. Ranson, and Mr. Harris were in agreement. Mr. Merry opposed.

8:38pm Mr. Perham moved to adjourn the meeting; Mr. Merry seconded. The board unanimously agreed and the meeting concluded.