

*Town of Orange, New Hampshire  
Zoning Board of Adjustment*

*Donald Pfaefflin, Chair*

*Minutes of October 7, 2017*

*Present:* Donald Pfaefflin, Chair; Beverly Ells, Rosemary Hanes, Bob Ells (alternate), Dorothy Heinrichs (Select Board ex officio), and Sandi Pierson (clerical).

*Absent:* Richard Jaeger and Judith Connelly

*Others present:* Anita Garland, Joe Ready, and Sal Guadagnino.

The ZBA convened at 8 AM to consider a request for a variance to the property line setback of the Orange Zoning Ordinance (Article 4, Section C) at 39 Peaslee Road (Map 3, Lot 44A) owned by Anita Watson Garland. Anita would like to construct a garage that would be 25 feet from the road. The Zoning Ordinance requires a 35 foot setback.

Roll call taken. Sandi affirmed that the meeting had been noticed in the Valley News, legally posted, and abutters were notified by certified mail. Anita submitted payment for these expenses.

Don read the Orange Zoning Ordinance section regulating setbacks. Anita distributed an outline of the proposed structure showing its proximity to the abutting property lines and roadway. She summarized her positions on the following prerequisites for a variance:

- A variance would not diminish the value of the surrounding properties: *We left a buffer of trees along the road to minimize visual impact.*
- Granting the variance would be a benefit to the public interest: *The way we set up and laid out the site design. There is no obstruction to roadway travel.*
- The variance would result in unnecessary hardship to the applicant seeking it:
  - *Without a variance we would have to fill in a portion of the wetland area with gravel.*
  - *The minimal increase in space we need [for the structure] will not increase a visual impact.*
  - *There is only one abutter in view of the proposed site; tress will be left as a visual buffer.*
- Granting the variance would do substantial justice: *It would simplify the building process.*
- Granting the variance would not be contrary to the spirit of the ordinance: *We are asking for only a ten-foot variance on a minimally used, dead-end gravel road.*

Don asked if anyone present wanted to speak in favor of granting the variance. There was no response. Don read a letter from Planning Board Secretary Bob Proulx stating that the Planning



Board voted unanimously 6/0 to recommend that the ZBA approve the variance as requested. Bob wrote that due to the topography of the property with its area of wetland and steep slopes, the Planning Board felt it was reasonable to grant a variance.

Don asked if anyone present wanted to speak against granting the variance. There was no response.

Don asked if any Board members had questions or comments. There were none. Before voting on the variance, Don asked if any ZBA members had any conflicts of interest with the applicant. There were none.

There being no comments or questions, Don closed the public hearing.

Don recapped the five prerequisites for a variance and asked the Board for a vote. The Board voted unanimously in favor of granting the variance.

Don stated that a re-hearing can be requested within twenty days as of October 9, 2017 if a party has just reason for said request.

*Meeting adjourned 8:45 AM*

Respectfully submitted,

Sandi Pierson  
Secretary  
Orange NH Zoning Board of Adjustment

