

**City of Berlin, NH  
Zoning Board of Adjustment  
Meeting Minutes  
November 13, 2023**

**Members Present:** Dana Hoyt, Scott Losier, Mark Evans  
David J. Lavallee Sr. and Linda Lamirande

**Members Excused:** Tiffany Hale and Greg Marrer

**Members Absent:** Tiffany Hale and Greg Marrer

**Others Present:** Corey Lefebvre, applicant

**Others Present at City Hall:** Michel Salek, Building Inspector/Zoning Officer;  
Jennifer Ouellet, Code Enforcement Administrative Clerk/recorder of minutes

**The meeting was called to order at 6:30 pm.**

**Roll call was taken:**

**Dana Hoyt-present**

**Greg Marrer-absent**

**Tiffany Hale-absent**

**Mark Evans-present**

**Scott Losier-present**

**David J. Lavallee Sr.-present**

**Greg Marrer-absent**

**Linda Lamirande-present**

**Approval of August 2023 Minutes:**

Mr. Lavallee made a motion to approve the minutes as presented. Motion was seconded by Mr. Losier. A vote was taken of each member by Mr. Hoyt, chair of the board and all members voted in favor, the motion to approve the August 2023 minutes passed.

**Case 03-23:** Corey Lefebvre, applicant for Special Exception at 21 Charron Avenue, Map 111 Lot 133

Chair Hoyt appointed Mr. Lavallee and Mrs. Lamirande to be voting members due to Mrs. Hale and Mr. Marrer's absence.

Chair Hoyt then moved to the Reading of Zoning Board of Adjustment Rules:

*The Building Inspector and/or Zoning Officer is required to follow the strict letter of the Ordinance while the Board of Adjustment is required to follow the intent and spirit of the*

*Ordinance. Our function is to hear both sides, use judgment within the Ordinance, and render a decision in writing, within a reasonable time. The main purpose of the public hearing is to allow property owners and anyone concerned with the case to testify how the proposed variance (or special exception) will affect them and their property. The reason for these hearings is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against the appeal. While the evidence may be in the form of an opinion rather than an established fact; it should support the grounds which the board must consider when making a determination.. During the hearing, all persons wishing to speak will raise their hands, be recognized, give their names, address and interest in the case, then be sworn. If you wish, it is your right to be represented by counsel.*

*Please address all your questions and statements to the Board and not to any individual in this room. In order to give everyone a chance, no one will be allowed to speak a second time until all persons have been given a chance to speak for the first time...and the petitioner will be given the last word. If you feel any member of this board is prejudiced for or against your case, please let me know and if the facts warrant it, they will abstain from participating or voting in your case. I want you to know that although the board is to be impartial, it must abide by the intent and spirit of the ordinance and cannot rewrite the ordinance to please any particular individual.*

Mr. Evans read the request into the record.

**Request:** Case#03-23: The request for a Special Exception for 21 Charron Avenue, Tax Map 111 Lot 133 in the Residential Single-Family Zone. If permitted would allow: 1,200 square feet for proposed new garage. This request comes under Article II, Section 17-26 General Provisions of the Berlin Zoning Ordinance.

Corey Lefebvre of 21 Charron Avenue, Berlin, NH was sworn in by Chair Hoyt.

Mr. Lefebvre explained that he is looking to build a 30 x 40 garage in the back center and right side of his property. He wants to build a big garage.

Mr. Lavallee stated that 30 x 40 garage is a good size.

Mr. Lefebvre answered it is bigger than standard.

Chair Hoyt asked if there were any questions from the board.

Mr. Lavallee questioned what was 75s on aerial map?

Mr. Hoyt asked what the space was in between his property?

Mr. Lefebvre answered that it a dirt road that abuts property.

Mr. Evans asked who owns the property?

Mr. Lefebvre answered it is owned by an LLC from Colorado.

Mrs. Lamirande asked if they responded to the letter that was sent to them?

Mrs. Ouellet answered no there was no response.

Chair Hoyt asked if there were any other questions from the board. There was none.

Chair Hoyt asked if there were anyone to speak in favor of the applicant. An email was read by Mrs. Ouellet stating "Please note that my wife and I have no objection for the Special Exception filed by Mr. Lefebvre to 1,200 square feet for a new garage. Thank you, David & Vicki Sloan, 19 Charron Avenue, Berlin, NH 03570."

Chair Hoyt asked if there were any public comments in opposition to the applicant. There was not.

Final words from Mr. Lefebvre were that he is just changing square footage of proposed new garage everything else is standard.

Chair Hoyt summarized case.

Chair Hoyt asked if anyone disputed the accuracy of the case summary.

Mrs. Lamirande asked if the abutters have 30 days to dispute the decision?

Chair Hoyt answered that the abutters don't get to dispute after the ZBA makes their decision.

**Public Hearing Closed at 6:43 pm.** Chair Hoyt closed the public hearing at 6:43 pm and advised Mr. Lefebvre, applicant that a decision would be made that evening and a letter of decision would be sent. He was also welcome to wait and be present to hear the Board's deliberations and decision. He was informed that if anyone chose to appeal the decision, the appeal must be filed within thirty days.

### **Case #03-23 Deliberation**

Chair Hoyt did a review of the criteria for the granting of a Special Exception as laid out in the Zoning Ordinance and ran through the checklist with the board. He asked for the board to speak up if they disagreed with any of the criteria noting that the property is an appropriate site; it would not impact property values; there would be no nuisances to neighbors; no impacts to traffic; adequate & appropriate facilities will be provided; no material effects on views; no impact to the general public or general welfare; the board agreed that there were no issues in the checklist.

Chair Hoyt asked the board if they felt there needed to be any conditions and went over that checklist as well, none of the board members felt it would be necessary.

Chair Hoyt asked for final comments or for someone to make a motion.

**Case #03-23 Decision**

Mr. Lavallee made a motion to grant a Special Exception in Case #03-23 for 21 Charron Avenue, Map 111, Lot 133 which will allow 1,200 square feet for proposed new garage in the Residential Single-Family Zone. Per Article II Section 17-26 General Provisions of the City of Berlin Zoning Ordinance. Mr. Losier seconded the motion, the Board took a roll call vote of each member, and all members present voted unanimously in favor of the motion, motion passed 5-0.

**Member Comments:**

**Other Business:** Chair Hoyt read Mrs. Hale's resignation letter. Mr. Evans also mentioned he is going to be on the school board and will need to resign. Chair Hoyt stated that Mr. Lavallee and Mrs Lamirande will be regular members of the board. It was tabled for the next meeting to vote on the new Vice Chair.

**Meeting Adjourned:** Mrs. Lamirande made a motion to adjourn, seconded by Mr. Lavallee. The meeting adjourned at 6:54 pm.

Respectfully submitted, Jennifer Ouellet

*\* Note: These minutes are unofficial until they have been accepted by the Zoning Board of Adjustment by motion.*