

**City of Berlin, NH**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**April 20, 2026**

**Members Present:** Dana Hoyt, David J. Lavallee, Sr., Sarah Mafera, Christian Judson and Nancy Armstrong

**Members Excused:** Scott Losier and Linda Lamirande

**Members Absent:** None

**Others Present:** David & Linda Rich, applicants

**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 by Dana Hoyt.**

**Roll call was taken:**

**Dana Hoyt – present**

**Scott Losier-excused**

**Dave J. Lavallee Sr.-present**

**Sarah Mafera-present**

**Christian Judson-present**

**Linda Lamirande-excused**

**Nancy Armstrong present**

**Chair Hoyt appointed member**

Chair Hoyt appointed Nancy Armstrong, a regular voting member, to have a full five-member board.

**Approval of March 23, 2026, Minutes:**

Christian Judson made a motion to approve the minutes as presented. The motion was seconded by Nancy Armstrong. A vote was taken by members that were present at the meeting voted in favor. The motion to approve March 23, 2026, minutes passed.

Chair Hoyt read the 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 2*

*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.*

### **Case 02-26 David & Linda Rich – Special Exception**

Mr. Lavalley Sr. read the request into the record.

**Request:** Applicants seek a Special Exception for 5 Gordon Avenue, Tax Map 114, Lot 10, in the Residential Single-Family Zone requesting a Special Exception to allow a 15-foot x 30-foot carport (450 square feet) to be added onto a 24-foot x 30-foot garage (720 square feet) for a total proposed 1,170 square feet which exceeds the allowable 800 square feet. This request comes under Article II, Section 17-26.1 and Section 17-26.5 of the Berlin Zoning Ordinance.

### **Public Hearing Open for Case 02-26**

David Rich of 5 Gordon Avenue, Berlin NH 03570 was sworn in to give information on his request for a Special Exception.

Mr. Rich was hoping to build a 30-foot x 40-foot garage but hit ledge which made him downsize to a 24-foot x 30-foot garage with an added carport.

Mr. Lavalley Sr asked if the carport will be open?

Mr. Rich answered it will not be open but will have a metal-sloped roof that will be 30 feet in length with four posts.

Mr. Judson asked if it would be built on a slab.

Mr. Rich answered that it would be built on a slab.

Mrs. Mafera asked what size the original proposed two garage plan would have been?

Mr. Rich answered the proposed plan would have been 30-foot x 40 foot located behind the house.

Mr. Judson mentioned the applicant's property is almost in Gorham.

Mr. Rich stated the center of the road is on the town line.

Mr. Lavallee Sr asked if the applicant owned Lot 11?

Mr. Rich answered no it was owned by a neighbor who put a mobile home on property.

Chair Hoyt asked if there was anyone to speak in favor of the applicant. There was none.

Chair Hoyt asked if there was anyone in opposition of the applicant. There was none.

Chair Hoyt asked if there were any last words from the petitioner.

Mr. Rich mentioned he lived on a dead end near the woods so this wouldn't impact the neighbors. Just sold parents property and have konex box full of woodworking tools that need to be put in a heated garage.

Chair Hoyt summarized the case and asked if anyone disputed the accuracy. No comments.

**Public Hearing Closed at 6:40 pm.** Chair Hoyt closed the public hearing at 6:40 pm and advised applicant, David Rich, that a decision would be made that evening and a letter of decision would be sent. He was 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 02-26 Deliberation**

Chair Hoyt read "A special exception will be allowed if the following conditions are met:

- a. the specific site is an appropriate location for such a use;
- b. property values in the district will not be reduced by such a use;
- c. no nuisance or unreasonable hazard shall result;
- d. No adverse traffic impact will result from such a use;
- e. adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer, and parking;
- f. no material adverse impact on the view, light and air of any abutter will result: and (Ord. 8/20/2012)
- g. such a use would not be detrimental to the public health, safety, and general welfare.

Chair Hoyt and board members discussed each condition.

Chair Hoyt read in approving a Special Exception, the Board of Adjustment may impose such additional conditions as it finds reasonably necessary to safeguard the neighborhood or otherwise serve the purposes of the Ordinance. Such conditions may include the following:

- a. increased lot area exceeding the minimum lot area required in a particular zone:

- b. increased front, side or rear yard set backs:
- c. height limitations;
- d. parking requirements specific to use and location:
- e. appropriate screening, buffers or planting strips, fences or walls;
- f. modification of the exterior appearance of the structure;
- g. limitation upon the size of any buildings, number of occupants, method and time of operation, or extent of facilities;
- h. relocation of the driveway or change in driveway configuration; and
- i. other conditions attached to specific uses permitted by special exception under the provisions of the Ordinance.

### **Findings of Facts:**

- 1) Applicant wanted bigger garage but couldn't build due to ledge.
- 2) Applicant opted for a carport instead.
- 3) Total accessory buildings will be 1,170 square feet.
- 4) Applicant was required to seek Special Exception to exceed 800 square feet but less than 1,200 maximum square footage allowed by Special Exception.

### **Approve Findings of Facts**

Dave Lavalley Sr. made a motion to accept the findings of facts as presented for Special Exception Case 02-26 and Sarah Mafera seconded the motion. The board took a vote and voted unanimously 5-0 in favor of passing the motion.

### **Case 02-26 Decision**

Dave Lavalley Sr. made a motion to grant the Special Exception in Case 02-26 for 5 Gordon Avenue, Map 114, Lot 10, which will allow a 15-foot x 30-foot carport (450 square feet) to be added onto a 24-foot x 30-foot garage (720 square feet) for a total proposed 1,170 square feet which exceeds the allowable 800 square feet in the Residential Single-Family Zone, per Article II, Section 17-26.1 and Section 17-26.5 of the City of Berlin Zoning Ordinance. Sarah Mafera seconded the motion. The board took a vote and voted unanimously 5-0 to grant the request.

### **Member Comments**

Jennifer Ouellet asked the board if they can meet on Monday, May 18<sup>th</sup>, 2026. The board can attend this meeting due to the following Monday being the Memorial Day Holiday.

### **Other Business**

Chair Hoyt would still like to continue to be the Chair. Scott Losier would still like to continue to be the Vice Chair.

Sarah Mafera made a motion to have Chair Hoyt continue to be the Chair and Scott Losier to be the Vice Chair. Dave Lavallee Sr. seconded the motion. The board was in favor, and no one opposed.

### **Adjournment**

On a motion by Christian Judson, seconded by Sarah Mafera, the meeting was adjourned at 6:58 pm.

Respectfully Submitted,

Jennifer Ouellet,

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