

RANDOLPH BOARD OF ADJUSTMENT

Minutes of Meeting
Randolph Town Hall
March 26, 2026

Members Present: Paul Cormier, Guy Stever, Tami Hartley, and Phil Guiser

Members Absent: Gary Newfield, Nathaniel Adams, and Annie Colella

Public: Jeremiah Hawkins, and Shelli Fortin, Minutes

The meeting was called to order at 6:19 pm by Paul Cormier.

Public Hearing

Paul Cormier noted that the application for a variance from John Weatherly, for road frontage requirements for the lot at the end of Pasture Path, Lot R11 7-A, was accepted as complete at the last meeting, and opened the Public Hearing at 6:19 pm.

Paul Cormier noted that the Land Use Ordinance requires 200 feet of road frontage.

Paul Cormier attempted to contact Mr. Weatherly by phone to participate, however there was no answer.

Paul Cormier noted that he received a call from Harriet Phinney with questions about the request for a variance, however she did not have an opinion for or against the request.

Tami Hartley advised that she notified Howard Wemyss of the hearing, as he is out of town, and he was aware and did not have any comments.

Jeremiah Hawkins described the proposed project, noting that that Mr. Weatherly is planning to build a small home on the lot, which will be built for use as a full-time residence but will be seasonal to start.

A letter was received from Mark Weatherly, which was shared with the Board:

From: Mark Weatherly [mailto:markweatherly6@gmail.com]

Sent: Wednesday, March 25, 2026 3:07 PM

To: pcormier@ne.rr.com

Cc: Danila Weatherly <danila.weatherly@gmail.com>

Subject: John Weatherly's request for a variance on Pasture Path property

Hi Paul. I hope this finds you and Michele doing well. I imagine you're more than ready for spring after this brutal winter. Although the ski slopes should all be in the black - don't know how many times in the last decade they've been open into April.

I'm writing as an abutter just to confirm for you and the other members of the Zoning Board of Adjustment that my wife Danila and I support John's request for a variance, which is needed to enable him to build a house on his property.

Ever since that lot (now designated as 7A) was created - in 1986 I believe when my mother and her brother subdivided the property inherited from their father - a right-of-way to it was included in the deed of the adjacent property, now known as 81 Pasture Path, in order to permit a house to be built on it. So to us the variance would be consistent with the option-to-build that has been assumed for that parcel throughout its history and iterations reflected in plans approved by Randolph's Planning Board in May 1986, April 2004, and September 2024.

The April 2004 approval by the Randolph Board of Adjustment seems particularly relevant. At that time John and I were requesting to subdivide the 5.6 acres adjacent to 81 Pasture Path that we jointly owned, and we had to request a variance from the frontage requirement. In granting the variance the Board noted that "The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because the lots meet the minimum size requirement. They will have deeded access. Construction of the two houses will not create any additional traffic since they will only be occupied during summer months."

The Board also noted that the public interest would be served by granting the variance, since in its Notice of Decision it conditioned its approval on John's and my written agreement for the town to construct a Town turnaround at the end of Pasture Path, and we granted an easement to the Town for that purpose, as noted in the plan.

I'd be happy to discuss this or any other issues with you and other Board members at your convenience.

Thanks, and we look forward to seeing you all in the upcoming mud season.

Mark and Danila Weatherly

The notice of decision from the Planning Board for the lot line adjustment, which was done on September 5, 2024 was shared with the Board. The decision stated that the property does not have frontage on an approved street and must conform to NH RSA 674:41, Erection of Buildings on Streets. June Hammond Rowan has suggested that there will need to be a Waiver of Liability for the Town filed with the registry before the building permit can be issued, and has contacted NHMA, who agreed with that opinion. Their email is as follows:

From: jhammondrowan@gmail.com [mailto:jhammondrowan@gmail.com]
Sent: Saturday, March 07, 2026 11:03 AM
To: pcormier@ne.rr.com
Subject: FW: Randolph: Question about RSA 674:41

Hi Paul,

Here's the email from NHMA.

June Hammond Rowan, EdD
jhammondrowan@gmail.com

From: Legal Inquiries <legalinquiries@nhmunicipal.org>
Sent: Friday, January 16, 2026 11:05 AM
To: jhammondrowan@gmail.com
Subject: Randolph: Question about RSA 674:41

Hello June,

Under the terms of RSA 674:41, no building permit shall be granted for any lot unless the street giving access to the lot meets the statutory requirements. Looking at the portion of the statute which talks about easements and ROW's it says the following:

III. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e)

So, based on this information, if the property owner is intending to obtain a building permit, and the only access they have to a town road is via a right of way, they are going to need to file a waiver of liability with the registry regardless. Whether or not they will even be able to get a building permit will depend on the type of easement and how much frontage is required in your zoning ordinance. If they do not have proper frontage, they will need to seek a variance before they can obtain a building permit.

Jonathan Cowal
Legal Services Counsel
New Hampshire Municipal Association
25 Triangle Park Drive Concord, NH 03301

Tami Hartley asked why a Waiver of Liability would be needed for a driveway on a cul-de-sac, noting that she believes the RSA applies to a private road. The Board discussed other properties in Randolph with driveways that do not have waivers, and agreed that the issue before them was the road frontage, not the right-of-way and Waiver of Liability.

It was noted that when the lot line adjustment was made in September of 2024, the location of the right-of-way was changed.

Paul Cormier noted that the lots on Pasture Path were created with the intention of development.

The public hearing was closed at 6:47 pm.

The Board agreed on the following Findings of Fact:

1. The Weatherly lot has a deeded right-of-way.
2. When the lot line adjustment was made in 2024, there was one less lot on the property, as it went from three lots to two.
3. The Pasture Path extension no longer exists.
4. The lots were designed to be built on.
5. Literal enforcement would not do justice.

Paul Cormier reviewed the requirements for the variance:

1. The variance will not be contrary to the public interest.
The Board agreed that the variance would not be contrary to the public interest, as this area was intended for development.
2. The Spirit of the Ordinance is observed.
The Board agreed that the Spirit of the Ordinance is observed.
3. Substantial justice is done.
The Board agreed that substantial justice would be done by granting the variance, as it is not right to landlock a parcel of property that has been owned for a long period of time with the intention of building a house.
4. The values of surrounding properties are not diminished.
5. Enforcement of the provisions of the Ordinance would result in unnecessary hardship.
The Board agreed that literal enforcement of the Ordinance would not do justice.

On a motion by Guy Stever, seconded by Phil Guiser, the Board voted unanimously to approve the application for a variance from John Weatherly,

**for the road frontage requirement, for the property at the end of Pasture Path,
Lot R11 7-A.**

Adjournment

**On a motion by Guy Stever, seconded by Tami Hartley, the meeting was
adjourned at 7:08 pm.**

Respectfully submitted,
Shelli Fortin

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