

**Town of Boscawen, NH
ZONING BOARD OF ADJUSTMENT
Boscawen Municipal Complex**

**MEETING MINUTES
Tuesday, February 25, 2020 at 7:00 PM**

Members Present: Dr. Gail Devoid, Chair, Doug Supry, Vice Chair, Ann Dominguez, Tracy Jo Bartlett, and Roger Sanborn

Others present: Kellee Jo Easler, Planning & Community Development Director, Alan Hardy, Town Administrator and Rose Fife, Recording Secretary

Absent: Ed Cherian Jr.

- Call to Order by Chair
- Roll Call by Secretary
- Open the public meeting at 7 pm

Old Business

Continued from 01.28.20: Devoid recused herself and Supry acted as Chair.

- 02.22.20 Site Walk Meeting Tote Road
- An Application for a Variance for relief from Article V, 5.01 Minimum Dimension & Area Requirements. This would allow the applicant to make use of a conforming lot to subdivide it into one conforming lot and one non-conforming lot by means of a Lot Line Adjustment. The non-conforming lot created will have 0 road frontage where 200 ft. is required on an accepted Town Road and access to lot will be Tote Road (private). This is submitted by Gary S. Martin, 53 New Rye Road, Allenstown, NH 03275, property owned by Gail Devoid, Trustee of Page Pond Trust, 431 High Street, Boscawen NH 03303 located off High Street on Map 49, Lot 57 & 58 located in an AR zone.

A motion to have Doug Supry be temporary Chair for this request was made by Sanborn, seconded by Bartlett and passed by a unanimous vote.

This is a continuation of the Saturday 2.22.20 meeting when a site visit was conducted to view the right of way into the property.

The Board discussed the site visit and further discussed the request. Sanborn noted that all were at the site visit. Bartlett doesn't feel that the right of way is 30 feet wide. Dominguez questioned if the Fire Department approved. Hardy explained that the Fire Department wouldn't draw from a pond unless it is an extreme emergency. They use tankers now. Supry asked the Board if they had an opportunity to read through the 5 criteria of a variance along with their explanations. The Board went through the criteria one by one. 1. Not contrary to public interest: the Board had no comments. 2. Spirit of Ordinance is observed: Sanborn is concerned with the lack of frontage. With the changes on the plans will it decrease frontage? Bartlett explained. Sanborn asked where frontage is on Route 4. Supry explained that the frontage would be reduced to zero. Bartlett explained that Devoid's property would be reduced to zero and the other property would have 400 feet. 3. Substantial justice would be done/harm to general public: Sanborn felt that some of neighbors were not happy and they want to make sure that the 200 foot frontage is kept. Easler explained that there is a house already on the property. They are not building new. Hardy explained that Selectmen will not issue or allow Building Permits to be issued on a Class VI road. Coming forward, even if a variance was granted for frontage relief, it still doesn't help with prohibition of construction of single family homes on Class VI or private roads. The value of surrounding properties will not be diminished: Sanborn feels it will devalue surrounding properties. Granting will

devalue other properties. Supry noted that the Board had no information showing that surrounding properties would be devalued, such as a realtor's testimony. A quick preview of the Minutes showed two abutters had concerns. Supry obtaining a variance will not reduce abutting property value. 4. Liberal enforcement of provision of ordinance will result in unnecessary hardship: Sanborn doesn't believe granting this request would be the intent of the ordinance. Bartlett had questions regarding the site plan submitted. Easler explained. Supry asked the Board if the 5 criteria had been met. Sanborn doesn't believe so. Bartlett believes there has to be another option. Devoid needed the frontage to build when she originally built her home. Hardy advised the Board that if they move to deny this request, they needed to be specific in their reasons why it was not granted.

A motion to deny the creation of a non-conforming lot was made by Sanborn, seconded by Bartlett. Dominguez discussed the criteria. She doesn't see where granting this would be creating a problem for anyone else. Supry asked Dominguez if she feels they met the criteria. She said yes. She abstained from the vote. Supry voted no. Reasons: Sanborn is not in favor of 'spaghetti lots'. He feels they do not meet the criteria for a variance. Supry asked if he felt it was due to the creation of non-conforming lot. Sanborn agreed. Sanborn felt there were alternatives. Bartlett felt there was no hardship. She believes there are other options to meet the needs of both parties and to maintain frontage. Dominguez explained that she abstained because she is not in favor of non-conforming lots, but she felt the criteria is met. Sanborn agrees with Bartlett. This is a self-created hardship. Supry agrees that the hardship criteria has not been met. The vote is 3 votes for denial of the variance and 1 abstained.

New Business

- An Application for a Variance seeking relief from Article VIII, 8.02 40' Front Setbacks to 10' as noted by 8.03, submitted and owned by Sovereign Grace Fellowship, PO Box 9055, Penacook NH 03303 with a property address of 235 High Street, Boscawen NH 03303 on Map 47, Lot 31, Sublots B & BA located in an R1 zone

The Board for this case consisted of Dr. Devoid, Chair, Supry, Barlett, Dominguez and Sanborn.

Meeting opened at 7:32 pm.

Testified: Steve Shorey, TTEE of Sovereign Grace Fellowship. He is a Deacon at the church. In 2014 the church applied for the same variance. The variance has a 3 year term. They didn't have the funds to complete work related to the variance, but they have funds now to complete a portion of it. They want to do part of it. They are looking to reapply for the same variance as in 2014. This Spring/Summer they can make some progress with the parking lot.

Devoid asked if they were 10 feet from the road. Mr. Shorey agreed they were and the parking lot they have is approximately 10 feet from the road. They are boxed in by wetlands. They have limited space. They have an option of going back 40 feet but they would lose a lot of their required parking spaces. They would like to keep the 10 foot setback straight back. Sanborn asked if they are asking for a continuation of what they had. Mr. Shorey said technically no, but it is the same request. Sanborn asked if this involves wetlands. Mr. Shorey said yes. The church has hired Nobis Engineering to get this done correctly. Hardy explained that there was another factor. The reason that the town was working with the church at the time is that the congregation was bringing so many vehicles to the site that they were parking vehicles on Route 4. The compromise of reducing the setback would give the church more space. Mr. Shorey explained that they have no painted lines in their parking area yet. They are trying to take steps to comply. Supry doesn't recall the previous application. Hardy explained that it has expired, so it doesn't exist. Hardy explained that this is the only place that they have to gain parking. South of the building is the leach field.

Abutters in favor: none.

Abutters in opposition: none.

Public in favor: none.

Public in opposition: none.

A motion to close the public meeting at 7:40 pm was made by Devoid, seconded by Sanborn and passed by a unanimous vote.

A motion to approve the request was made by Sanborn, seconded by Supry and passed by a unanimous vote.

Minutes: Amendments were noted as follows: Line 28 and 29. Line 34 have instead of has. Line 66 reason's'. Line 77 strike it – Dominguez said no. Easler said no. Line 130 five year's'. Line 178 – Boucher – Line 192 Sanborn thought. Line 200 Supry asked. Line 210 Devoid amended. A motion to approve the Minutes as amended was made by Supry, seconded by Sanborn and passed by a unanimous vote.

Next meeting: March 24, 2020 next meeting.

A motion to adjourn the meeting at 7:44 pm was made by Sanborn, seconded by Supry and passed by a unanimous vote.

*Respectfully submitted,
Rose Fife Recording Secretary*