

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

**MEETING MINUTES
Tuesday, October 25, 2022 at 7:00 PM**

Members Present: Chairman Ed Cherian, Dr. Scott Maltzie, Tracy Jo Bartlett, Roger Sanborn, Tama Tillman

Absent: Ann Dominguez

Others present: Kellee Jo Easler, Planning and Community Development Director, Kearsten O'Brien, Planning & Community Development Assistant, Rose Fife, Recording Secretary.

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- Call to Order by Chair at 7 pm
 - Roll Call by Recording Secretary
 - Designate member for Action Items: Tama Tillman was appointed as a voting member by Chairman Cherian.
 - Approval of draft minutes 9.27.22: Amendments: Line 8 Ann Dominguez not absent. Line 21/22: Should read Roger is retiring from being the Chairman, but will continue as a regular board member. Line 260 Mr. Maltzie wanted to be sure that the town welcomed this kind of project. Line 79 should read the home was on less an acre. Line 60 should read that this is used as a single family use. Line 92 should read statute. Line 185, 186, 198 and 229, Council should be spelled Counsel. A **motion** to approve the minutes as amended was made by Maltzie, seconded by Tillman and passed by a unanimous vote.

Old Business:

None.

New Business:

A request for a Variance seeking relief from Article V noted by 5.01, Setbacks to install a metal garage, submitted and owned by David and Elizabeth LaClair of Boscawen NH, 03303 with a property address of 36 Oak Street, Boscawen NH, 03303 on Map 83, Lot 75, located in an R2 zone.

Testified: David LaClair of 36 Oak Street. He'd like to construct a metal garage with a setback of zero feet and needs a variance. He wouldn't have any electricity or water to the garage.

Tillman noted that the garage he is requesting is denoted as a carport on the plans. She'd like to know what specifically he is building. Mr. LaClair stated he is building a metal carport. Tillman asked if it were just a metal roof. Mr. LaClair explained that it has sides. He will put a garage door on the front. Tillman asked if it would be an enclosed. Garage. Mr. LaClair is hoping so.

Easler explained that the request is for a 16 x 24 single bay carport with sides. That is what is on the application. It is prefabricated. Mr. LaClair explained that it is stronger than wood.

49 Chair Cherian asked Easler if the application were complete. Easler said it was. Cherian asked if the
50 board if this application had regional impact. A motion from Maltzie that there is no regional impact,
51 seconded by Tillman and passed by a unanimous vote.
52
53 Easler gave a short summary of the determination letter and what was requested on the application.
54 Tillman was curious as a carport is usually only the roof with no sides. Cherian explained that there are
55 different criteria of a garage and carport. Mr. LaClair wasn't sure if he could put a door on the front.
56 Cherian asked if the walls go all the way down to the ground. Easler explained that if their variance is
57 approved, and they would like to add a door, they could check with the Code Enforcement officer. If
58 the Code Enforcement officer determines that a door would alter their request, they will need to come
59 back to the board.
60
61 Tillman wanted to state for the request that the paperwork should say a 3 sided garage, not a carport.
62 Easler stated that based on the pictures and plans submitted by the applicant it is a carport. It is a single
63 bay metal carport. She further explained that if the applicant wanted to change it later, they will need to
64 go before the Code Enforcement officer. Cherian noted that whether it is a carport or garage they need
65 relief. Easler said correct. Cherian asked if it is 16 x 24. Mr. LaClair said that was correct.
66
67 Cherian asked if they want to put it up on the property line. Mr. LaClair explained that it would have a
68 3-4 foot setback. O'Brien explained that the setback requirements are 30 feet from the front, 10 feet
69 from the sides, and 10 feet from the rear. Is it freestanding, not connect to the main house or garage.
70 Mr. LaClair said that was correct.
71
72 Cherian reiterated that a 10 foot setback is required and they would like a 3 to 4 foot setback for a
73 canopy/metal carport. Maltzie asked if they had a stone wall abutting their neighbors' property. Mr.
74 LaClair said they did. The carport will be centered in the open space, but it will be closer to the
75 neighbors. Mr. LaClair explained it will be no closer to his house. Maltzie asked if the fence was all
76 part of the property toward the back of the property. He asked how close their neighbors' buildings were
77 to the stone wall. Mr. LaClair explained that they have a garage there as well, so he doesn't know.
78 Maltzie asked why they are setting it so far back on the property. Mr. LaClair explained it would give
79 them more room in the front. Bartlett asked if it were off the back corner of their existing garage. Mr.
80 LaClair said it was. Bartlett asked how far back it was from their existing garage. Mr. LaClair doesn't
81 remember. He thinks it might be 50 or 60 feet. The front of the carport will be close to his gate. He
82 wants to store his lawn mower and snow blower in it.
83
84 Cherian asked if there would be no power or lights for winter. Mr. LaClair said not. Cherian asked if
85 they would have a concrete floor or a gravel floor. Mr. LaClair said they would have hard pack. Easler
86 explained that the structure would have to meet the building code. If he wanted to put a pad it, it would
87 not change anything.
88
89 O'Brien explained that the carport does meet the requirement of a 70 pound snow load and 75 pound
90 live load and 90 mile an hour winds as determined in the building code. Code Enforcement Officer
91 Hardy went over it with the applicant when he met Mr. LaClair on site. The plans submitted are
92 engineered plans.
93
94 The public hearing was opened at 7:21 pm.
95
96 Abutters were invited to speak. None seen or heard.
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98 Any other interested parties were invited to speak. None seen or heard.
99

100 The public meeting was closed at 7:21 pm.

101

102 DECISION:

103 Maltzie asked if it mattered whether the applicant put a door on the building. Easler doesn't believe he
104 will have to come back before the Board. It's an accessory use.

105

106 Criteria:

107 #1 – Is it contrary to the public interest: Tillman doesn't see how it will affect the public. The only
108 affected parties would be the next door neighbors and they are not at the meeting. It shouldn't increase
109 traffic, etc. Maltzie doesn't believe it affects the character of the neighborhood as long as they put up
110 what is presented. Tillman doesn't see where it will affect anything. A **motion** to approve was made
111 by Sanborn, seconded by Maltzie and passed by a unanimous vote.

112

113 #2 – Is the spirit of the ordinance observed: Bartlett noted that the applicant has done what was requested
114 of him. He's observed the spirit and intent of the ordinance. Cherian agrees. There are no abutters here
115 to oppose. A **motion** to approve was made by Cherian, seconded by Sanborn and passed by a unanimous
116 vote.

117

118 #3 – Is substantial justice done: Sanborn believes substantial justice is done. The request does not cause
119 harm to the general public. There is no adverse impact on the neighbors. Is it consistent with what is in
120 the surrounding area. A **motion** to approve was made by Sanborn, seconded by Tillman and passed by
121 a unanimous vote.

122

123 #4 – Will the surrounding property values be diminished: Maltzie noted that there was no specific
124 evidence from the applicant with regard to impact. Maltzie cannot determine there is any adverse impact
125 to property. The applicant has met that burden. A **motion** to approve was made by Maltzie, seconded
126 by Tillman and passed by a unanimous vote.

127

128 #5 – Literal enforcement will result in unnecessary hardship: Cherian doesn't see any special conditions
129 of the property, but enforcing an additional 5 or 6 feet of setback will impose a burden. If they put the
130 carport behind the house, they'd have construct a new driveway. Tillman noted that the applicant would
131 have to tear down their fence. Cherian noted that it is not an odd shaped property. If they require strict
132 conformance to the ordinance, they could not build a garage with reasonable access. Tillman asked if
133 he was parking his truck there now. LaClair said yes. A **motion** to approve was made by Cherian,
134 seconded by Tillman and passed by a unanimous vote.

135

136 The Board discussed whether they should take each criteria, as they did this evening, and vote on them
137 individually or if they should take it as a whole and vote on it and say what criteria they felt it met.
138 Tillman said the town attorney recommended doing 5 separately, so she's comfortable with it.
139 Discussion regarding how to make motions.

140

141 Easler wanted to discuss with the Board the time that they meet. All of the Boards and Commissions
142 are being asked to push their meeting back to 6:30 pm. She'd like to know if they would be interested
143 in doing so as well. The board agreed to the 6:30 pm start time starting in January 2023. O'Brien wanted
144 to discuss the 2023 meeting calendar. December 2023 will fall on Christmas and the office is closed
145 December 26, 2023. They would have the option to have on their meeting on December 27, 2023 or
146 December 20, 2023. Cherian wants no meeting in December 2023. If a case comes forward, they will
147 discuss when they will meet at that time.

148

149 A **motion** to adjourn at 7:41 pm was made by Bartlett, seconded by Sanborn and passed by a unanimous
150 vote.

151

152 • **Other Business:**

153 None.

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155 • Next Meeting: November 22, 2022.

156

157 *Respectfully submitted,*

158 *Rose Fife, Recording Secretary*