

ZONING BOARD OF ADJUSTMENT
Boscawen Municipal Complex
December 11, 2023
Final Minutes

Present: Edward Cherian Jr., Chair, Scott Maltzie, PhD, Vice Chair, Tracy Jo Bartlett, and Tama Tillman.

Alternate Members Present: none.

Excused: Roger Sanborn

Staff Present: Kellee Jo Easler, Director, Planning and Community Development
Kara Gallagher, Assistant, Planning and Community Development

6:30 p.m.-Call to Order by Chair

- Roll Call by Kara Gallagher
- Minutes from 11.28.23 – Ms. Tillman did not find any errors, but more of clarification changes. Line 97 she believes the word ‘they’ should be ‘applicants. Line 97 same thing, the word ‘they’ should read ‘applicants. Line 101 where it reads that Mr. Kurkjian wanted to be sure that ‘they’ are requesting the number of feet, she believes it should say ‘the board’ instead of ‘they’. Line 104 where it reads that ‘they’ want to be sure ‘they’ re-notice the abutters, who is ‘they’? The town? It should be clarified. Ms. Bartlett noted that on line 118 where it says the next scheduled meeting is 1.23.23 which is different than on Line 109 where it says 1.30.23. Ms. Gallagher explained.
A **motion** to approve the Minutes as amended was made by Dr. Maltzie, seconded by Ms. Bartlett, and passed by a unanimous vote.

New Business:

- Application for a request of **Six Variances** for relief from **Article V Lot Dimensions and Area** prior to requesting a two-lot subdivision with the Planning Board:

1. Relief from **road frontage requirements** for proposed new lot 76-1. Request is to allow for 37.33' frontage on Academy Street where 80.00' is required.
2. Relief from **lot area requirements** for proposed new lot 76-1. Request is to allow for a lot size of 7,373 SF where 10,000 SF is required.
3. Relief from **setback requirements** for proposed new lot 76-1. Request is to allow 14.6' front setback from Academy Drive to existing Manufactured Home where 30' is required.
4. Relief from **lot coverage requirements** for proposed new lot 76 to allow for 36.8% lot coverage where 30% is the maximum allowed.
5. Relief from **setback requirements** for proposed new lot 76 to allow for 5.5' front setback from Jackson Street to existing structure where 30' is required.
6. Relief from **setback requirements** for proposed new Lot 76 to allow for 8' side setback from side abutter to existing garage, where 10' is required.

Submitted and owned by **David E. Kurkjian Revocable Trust, 11 Jackson Street, Boscawen, NH 03303, Map 183D, Lot 76** located on Academy and Jackson Street, in an **R2 zone**.

Next Meeting: January 30th, 2024 @ 6:30pm

Chair Cherian noted that this is a different request and it was re-noticed. Ms. Gallagher read the request into the record.

Ms. Bartlett wanted it noted that request #3 says Academy *Drive* and it should read Academy *Street*.

Chair Cherian asked Ms. Easler if the application was determined complete. Ms. Easler answered that the application was complete. Chair Cherian asked if the abutters had been noticed. Ms. Easler answered that they had been noticed.

A **motion** that this application does not have Regional Impact was made by Dr. Maltzie, seconded by Ms. Tillman, and passed by a unanimous vote.

Public Hearing was opened at 5:37 pm.

Chair Cherian wanted to be sure the applicant knew that they do not have a full 5-member board and as such, the applicant has the right to request to be heard by a 5-member board later. Mr. Kurkjian would like to move forward.

Mr. Kurkjian testified. He would like to separate the lot into 2 lots. One would have the mobile home on it and one would have the house on it. They would be separated into two properties.

Chair Cherian noted that the request has been noticed for 6 variance requests. He also noted for the record that there was no public in favor, opposed or neutral in the audience.

Ms. Tillman asked if anyone responded by mail. Chair Cherian responded that there were no comments from the public one way or other.

Ms. Bartlett asked Mr. Kurkjian why he wanted to separate the lot. Is it to sell one in the future? Mr. Kurkjian answered that was correct. He is also doing it for insurance purposes. He has had a difficult time insuring his own home let alone the home and mobile home. And he cannot get insurance for both. It is a non-conforming lot and it was difficult to gain financing.

Chair Cherian noted that the lot is a non-conforming lot which predating zoning. That is the reason the mobile home is allowed on a stand-alone lot. Ms. Tillman is aware of insurance issues. Mr. Kurkjian explained that if this were granted, he would be able to get two separate insurance policies from separate insurance companies.

Ms. Bartlett explained that if he were to replace that mobile home, he would not be able to get the same size. This would create issues down the road. Ms. Easler explained that the owner could address it later if need be. In the town ordinance there is a 25% increase allowed by special exception. They have one such application coming before them in January for relief from size requirements.

Dr. Maltzie asked if the applicant were to replace the mobile home with a stick-built home, would the variance no longer apply? Or would the applicant have to ask for a new variance. Ms. Easler explained that the owner would have to build within the setbacks.

The Board decided that they would do one set of findings for the variances with 6 different votes.

Deliberation took place.

1. Ms. Tillman does not believe this would be contrary to the public interest as it exists today. Dr. Maltzie concurs and Chair Cherian noted that no one from the public spoke for or against it.

2. Ms. Bartlett did not know it was not 1 lot. She doubts anyone else knew either. No one is here to speak for or against. Chair Cherian noted that it was a pre-existing lot. Dr. Maltzie noted that the lot was there prior to zoning.
3. Chair Cherian noted that this is a pre-existing non-conforming lot, which limits the land owner's opportunities. Granting will allow him to get insurance. It has 2 road frontages.
4. Dr. Maltzie noted that the values of surrounding properties would not be diminished as nothing changes but the lot line.
5. Ms. Tillman believes they have a hardship. There is fair and substantial relationship between the Ordinance and the provision of the property.
6. Dr. Maltzie noted that the idea of getting financing and insurance speaks to a current hardship that would be mitigated by taking this action.
7. It is a reasonable use as it is already there. Chair Cherian noted that the hardship due to having a grandfathered nonconforming status.

Ms. Easler asked about the Findings of Facts. Chair Cherian explained that is essentially the criteria. There is no opposition; it is a reasonable request; there is no one in opposition; and the hardship is in getting insurance, etc.

Dr. Maltzie noted that the ap has been updated with the data. Planning should have what they need as well.

Chair Cherian closed the public hearing at 5:47 pm.

DECISION:

1. Relief from **road frontage requirements** for proposed new lot 76-1. Request is to allow for 37.33' frontage on Academy Street where 80.00' is required. A **motion** to grant the request was made by Dr. Maltzie, seconded by Chair Cherian, and passed by a unanimous vote.
 2. Relief from **lot area requirements** for proposed new lot 76-1. Request is to allow for a lot size of 7,373 SF where 10,000 SF is required. A **motion** to grant the request was made by Ms. Tillman, seconded by Dr. Maltzie, and passed by a unanimous vote.
 3. Relief from **setback requirements** for proposed new lot 76-1. Request is to allow 15.4' front setback from Academy Drive to existing Manufactured Home where 30' is required. A **motion** to grant the request was made by Chair Cherian, seconded by Dr. Maltzie, as amended, and passed by a unanimous vote.
 4. Relief from **lot coverage requirements** for proposed new lot 76 to allow for 36.8% lot coverage where 30% is the maximum allowed. A **motion** to grant the request was made by Ms. Tillman, seconded by Ms. Bartlett, and passed by a unanimous vote.
 5. Relief from **setback requirements** for proposed new lot 76 to allow for 24.5' front setback from Jackson Street to existing structure where 30' is required. A **motion** to approve the request, as amended, was made by Dr. Maltzie, seconded by Ms. Bartlett, and passed by a unanimous vote.
 6. Relief from **setback requirements** for proposed new Lot 76 to allow for 2' side setback from side abutter to existing garage, where 10' is required. A **motion** to approve the request, as amended, was made by Ms. Tillman, seconded by Chair Cherian, and passed by a unanimous vote.
- Other business: none.

Ms. Easler went to a conference put on by NHMA and she brought back training materials for the Board members.

Chair Cherian noted that the Planning Board is involved with a robust revision to the Zoning Ordinance. They are having a hearing next Tuesday and the Planning Board will decide to vote in favor of changes. Ms. Easler explained that the public hearing will be on January 2, 2024. Next week's meeting is for the draft which will be on Tuesday December 19, 2023 at 6:30 pm. This is a work session. Ms. Easler discussed the changes in the Ordinance that would be discussed at the meeting and subsequent hearing. There will be a Visioning Session for housing on January 2, 2024 at 6 pm. Central NH Planning Commission will be there to help.

A **motion** to adjourn was made by Dr. Maltzie, seconded by Ms. Tillman, and passed by a unanimous vote.

The next regularly scheduled meeting: January 30, 2023 @ 6:30pm

Respectfully Submitted,
Rose Fife, Recording Secretary