

ZONING BOARD OF ADJUSTMENT
Boscawen Municipal Complex
January 30, 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, Coordinator, Planning and Community Development
Ruth Ashby, Assistant, Planning and Community Development

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

• Roll Call by Kara Gallagher

Chair Cherian understood that Mr. Sanborn was going to resign from the board as he is unable to make the meetings. Chair Cherian believes Mr. Sanborn has served on the Zoning Board for 35 years, which is impressive. It is very much worth noting his long service to the board. Ms. Easler also mentioned that Mr. Sanborn was a long time Select Board member. Chair Cherian added that Mr. Sanborn was also part of the AgComm Committee and the Conservation Commission as well. He is a well-respected member and a long-term volunteer to the town. Ms. Tillman asked if they could recognize him at the Town Meeting. Mr. Cherian asked Dr. Maltzie if he could reach out to the Governor's Office to have a Proclamation done. Dr. Maltzie asked if information such as facts and timelines could be emailed to him so he can get something to the Governor's Office for action. Once they create the Proclamation, they also do a press release to the Concord Monitor. Ms. Easler will send an email out to the Select Board as well.

• Approval of Minutes: Ms. Tillman is unhappy with the wording of one of her Motions. See Line 102. She is not sure how to reword it. Chair Cherian believes Ms. Tillman was trying to say that there was no negative interest. Ms. Tillman asked how it could be worded differently? Ms. Gallagher suggested 'Miss Tillman does not believe it would be contrary to the public interest.' Ms. Tillman approved of that version.

A **motion** to approve the Minutes with the amendment was made by Dr. Maltzie, seconded by Ms. Bartlett and passed by a unanimous vote.

• Updated Rules of Procedure to include Utilization of Town Counsel Policy:

They are proposing to update rules and procedures to indicate that the town has adopted a new utilization of outside council policy. Any requests for legal council should go through staff first and it will be more cost effective for the town. The rules currently say that they need to notice any changes for two consecutive meetings and on the third consecutive meeting they can vote on it. Ms. Easler explained they can change that. Chair Cherian is assuming this rule is to allow for the public to have adequate opportunity. It seems that any change to rules and procedures need to go through 3 meetings. Dr. Maltzie would like to know why the rule exists. Discussion regarding the changes and how to go forward took place. Chair Cherian read the proposed change, which is under Section #5 Meetings, into the record. Ms. Easler noted it is #5 on the list. Ms. Tillman wanted to propose that it says that these rules and procedures can be amended by a majority vote

of the members of the board. She would like to get rid of the rest of that sentence. It was decided the change will read: These rules and procedures can be amended by a majority vote of the members of the board. Public notice of meeting shall be posted in town office, town library and town website not less than 5 days before the date fixed for the meeting. Chair Cherian would like this brought back for the next meeting as two agenda items.

- A request for a Special Exception seeking relief from Article IX Section 9.02 (b) Provisions, to allow a one-time expansion of 25% of the gross building area submitted and owned by Rita & Clarence Thibodeau of 19 Chandler Street, Boscawen, NH 03303 with a property address of 19 Chandler Street, Boscawen, NH 03303 on Map 183C, Lot 112 located in an R2 zone.

Applicant present: Lisa Stokes, daughter of the owners, Rita Thibodeau and Clarence Thibodeau.

Chair Cherian asked if the application was complete. Ms. Easler answered it was complete.

A motion that there was no Regional Impact was made by Dr. Maltzie, seconded by Ms. Bartlett and passed by a unanimous vote.

Public Hearing Opened: 6:53 p.m.

Applicant explained what they were looking to do. Lisa Stokes has just moved into the property. They would like to remove the old mobile home and replace it with a 4-bedroom mobile home and bring it up to date. The existing home is very old.

Chair Cherian asked if it was a 25% increase in size and what was the square footage? Ms. Stokes answered that the new mobile home would be 1813 s.f. Ms. Easler added that they are keeping it under 25% or they would need a variance. The current home is 1,548 s.f. Chair Cherian asked if there were a Code Enforcement letter in the package? Ms. Easler answered that there is one in the front of the packet. Ms. Stokes added that 25% would bring the square footage of the mobile home to 2,500 s.f. and they are asking for less. Chair Cherian added that you cannot get smaller sized mobile homes anymore to replace it for the same size. Ms. Bartlett asked how soon they would be replacing the home? Ms. Stokes is selling her home in Canterbury and will be closing on it on Friday. The new home should arrive in 4 or 5 months. They will be placing it behind the existing mobile home. They will be living in the older one until the new one comes in. They will be keeping the existing sheds, but moving them further back. Ms. Tillman asked if moving the sheds would violate the setbacks? Ms. Stokes answered that it would not as there is quite a bit of land back there. Chair Cherian asked how large the lot was? Ms. Easler answered that the lot was 0.619 acres. Dr. Maltzie added that the lot is narrow and the home, as it exists, is close to the road. Ms. Tillman asked what they would do with the existing carport? Ms. Stokes answered that it will stay where it is. Mr. Thibodeau added that this is a 1960 mobile home and he has resided there for 40 years.

There was no comment from any abutters or public.

The Public Hearing was closed at 7:01 p.m.

Motion and fact finding.

The Board reviewed the application based on variance criteria vs. special exception criteria.

Ms. Tillman: Granting the special exception would not be contrary to public interest because it would improve the neighborhood. Chair Cherian asked Ms. Easler if a building permit is required? Ms. Easler answered yes. It will be placed on slab.

Chair Cherian: The spirit of the ordinance will be observed because the ordinance calls out a one-time expansion of 25% and you cannot obtain a manufactured home the current size.

Ms. Barlett: Granting would do substantial justice as it is a safety issue. Dr. Maltzie added that granting would allow them to upgrade their home.

Dr. Maltzie: Values of surrounding property would not be diminished but increased with the replacement.

Ms. Tillman: It is an unnecessary hardship. Dr. Maltzie added that this is the only mobile home on the street and new ones look more like a regular home than a mobile home and are attractive. It will be an upgrade to the neighborhood. The surrounding homes are older Victorians. To impose that kind of a burden on the applicant is an undue hardship.

Ms. Tillman: It is a reasonable use as it is occupied now.

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

Ms. Easler informed the applicants that a notice of decision will be send out within 5 days.

Other Business

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Next Meeting: February 27th, 2024 @ 6:30 p.m.

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

*Respectfully submitted,
Rose Fife, Recording Secretary*

The seven Criteria for a Special Exception (taken from our application):

1. The use must be listed as a special exception in Article IV Use Regulations in the district for which application is made.
2. The requested use does not impair the integrity or character of the zoning district nor be detrimental to the public health, morals, or general welfare.
3. The specific site is an appropriate location for the proposed use and the character of adjoining uses will not be adversely affected.
4. No demonstrable diminution in value to surrounding property will result.
5. No undue traffic, nuisance or reasonable hazards will result.
6. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.
7. The proposed use has an adequate water supply and sewage system and meets all applicable requirements of the State of NH.