

Zoning Board of Adjustment
Meeting Minutes
February 19, 2015

Members Present: Doug Supry, Acting Chair and Brad Parker.

Member Ex-Officio: Roger W. Sanborn.

Others present: Kellee Jo Easler, Planning & Development Community Assistant, Alan Hardy Code Enforcement Officer, Rose Fife, Recording Secretary, John Keagan, Chairman of AGCOM, Alexandria Hudek & Robert Cormier of Cuoco & Cormier Engineering Associates.

Meeting opened at 7:10 pm.

Old Business

White Plant LLC, 289 Pine Street, Manchester NH 03103 for property located at 183D, Lot 10 of 176 N. Main St., Boscawen NH 03303 in a COM Zone, for Relief from Article XIV, Cluster Development 1403c., to allow proposed structures to be less than the required 100 feet from the property line.

This is a continuation of a previous meeting.

Robert Cormier of Cuoco & Cormier Engineering Associates testified. This property is located on Map 183D lot 10. This property was purchased to do a Cluster Development and create affordable housing. The layout on the site was created to allow for as much open space as possible. They have 6.5 acres of open space. The commercial zone allows for a 10 foot side yard setback. Due to this use being residential, it has larger setback requirements. This project was designated as a Cluster. Woodland Commons, the neighboring property will not be adding anymore buildings to their complex. Setbacks from property lines to buildings are 150', 87', 58' and 100 feet to the front. They would have to slide the development south or to the east to meet the setbacks and that would create a loss of more trees. The abutting properties have similar uses. The driveway was situated at its location, shown on the map, due to topography of the road. There is substantial justice. The hardship is that this is less of an impact on the site. There are mixed uses in the area. There are no trees in the front yard of this property as it is now. Alan Hardy spoke about the Cluster Ordinance; when it was created and its intent. The applicant is trying to maintain the trees, but there are none on the corner of the lot. The setback requirement comes from the Cluster Ordinance, not the Dimensional Requirement section of the Ordinance. The septic systems have all been laid out on plans and located within proximity to the buildings. When Woodland Heights was built the Cluster Ordinance did not exist. Robert Cormier stated that there is 200 feet between the development and the residences. The same person owns abutting properties.

There were no further questions from the Board. Mr. Parker stated that due to the roadway layout there was a safety issue for the driveway and the owner of this property owns the abutting property.

In favor: none.

In opposition: none.

Abutters: none present.

Alan Hardy confirmed that Map183D-11 is also owned by the applicant.

DECISION: A motion to grant the request was made by Roger Sanborn, seconded by Bradley Parker and passed by a unanimous vote.

New Business

Alexandria Hudek, who is requesting a Special Exception for Relief from Article 4.01 Agricultural & Forestry Uses in order to keep and graze horses on her property located at 208 High Street, Boscawen NH 03303, Map 47, Lot 179, Sub lot A in an R1 zone.

Alexandria Hudek testified. She would like to bring her horse Trooper home. The property is 3.85 acres. She plans on eventually constructing a 2 stall barn. When she purchased the property she intended to bring her horse here. This property is the 2nd driveway on right after the Goodhue Road intersection.

Kellee Jo Easler stated that in January the Agricultural Commission (AGCOM) went out to walk the property. The Chairman of AGCOM is present if there are any questions from the Board.

Roger Sanborn asked where her horse is now. Ms. Hudek responded that he is with Elizabeth Cantz. Mr. Supry asked what type of horse it was. Ms. Hudek stated that it is a thoroughbred. Kellee Jo Easler stated that a Special Exception had been granted for horses' right down the road at Alan Cassidy's property.

Mr. Parker asked if it were for just one horse. Ms. Hudek stated that presently it was for one horse, but in the future maybe another horse or a goat. Alan Hardy asked if she wanted to ask for up to 2 horses now. Ms. Hudek would like to ask for 2 now. Kellee Jo Easler stated that Ms. Hudek has visited all her abutters. Mr. Supry asked who walked the property. AGCOM has walked the property. Mr. Supry asked what the size barn would be that she'd like to build. Ms. Hudek stated that currently she will be using the existing shed. The proposed barn will not be constructed until much later. Alan Hardy stated that the structure doesn't need approval, just a Building Permit. Mr. Supry noted that she had more than one horse noted on her application. Mr. Parker asked if they should specify not more than a certain number of horses. Alan Hardy stated that the land and how she feeds dictates the number of animals. He also stated that the Board would typically do is give a maximum number allowed. The town uses the Best Management Practice. Mr. Sanborn has had draft horses for 22 years and has had an acre and a half for the pair. He feels she has more than enough land to accommodate 2 horses. Alan Hardy asked if she was comfortable with a horse and a companion animal. Ms. Hudek says that she has a horse who is in his 20's that she would like to have as the companion animal. Alan Hardy said the horse could be the companion animal. Mr. Supry asked if she was restricted to the 2 animals. The application does not give a number. Alan Hardy stated that the Board could make reference to the number of animals in the decision. Mr. Supry asked how she was going to manage the manure, etc. Ms. Hudek spoke with the chicken farm about taking some of it and she will compost. Depending on what she feeds her horse, if it is organic, she can bring the manure to the chicken farm property. It will be nowhere near the well or the stream.

In favor: AGCOM sent a letter to the Zoning Board stating what they found on the site visit that they did and that they feel she can accommodate 2 horses on that property.

In opposition: none.

No abutters present.

A motion to approve the request for up to 2 horses allowed was made by Mr. Sanborn, seconded by Mr. Parker with the condition that the applicant follow the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire. The motion was passed by a unanimous vote.

Alan Hardy stated that the 2nd animal may be a companion animal of a different species. Motion and second and approval was amended to say such.

Review and Acceptance of draft Minutes from 10/28/14

A motion to approve the Minutes was made by Mr. Sanborn, seconded by Mr. Parker and passed by a unanimous vote.

Public Notice fee increase for 2015. The Board stated that they had already approve that request.

Forest Laws for Municipal Officials Workshop. Ed Cherian, who is not present this evening, went to a great workshop and brought back information.

Alan Hardy stated that there is a need for more Board members.

A motion to adjourn the meeting at 7:54 pm was made by Mr. Sanborn seconded by Mr. Parker, and approved by a unanimous vote.

Respectfully submitted by Rose Fife