

**BOARD OF ADJUSTMENT**  
**MEMORIAL BUILDING**

**MAY 7, 2019**  
**7:00 P.M.**

*These minutes are to be considered draft minutes until approved by the Board.*

ZBA Members present: Susan Chiarella, Chair; Justin Hastings, Bryan O'Day, Peter Abair, and Alternate Tanner Jacques. Absent: Cody Patten, and Alternate Jim Bednar.

Others present: Tamara Butcher, Frank Anzalone, Jonathan Silver, George McCusker, Susan Neuwirt, Joyce and Denny George and Whit Smith.

Susan Chiarella called the meeting to order at 7:00 p.m. Susan asked Alternate, Tanner Jacques to step in due to the absence of Cody Patten.

Minutes of April: Susan reported the April meeting was a brief work session only. Minutes were not taken.

Susan reviewed the rules of procedure and discussed joint hearing protocol with the Board. Whit has given her a heads up there will be some applications coming up that will require both Site Plan Review hearings and Special Exception Hearings. Susan noted her concern with the scheduling of these hearings. Whit stated Joint hearings have been suggested for the convenience of the applicants. Statutorily the Planning Board must meet every month, while the ZBA does not. Whit recommended Susan, and Planning Board Chair, Kevin Lee get together to review how they wish to proceed. He needs direction in how to proceed to take care of the notice requirements. There will be two, possibly three applications for June, and possibly 2 for July. On applications where Special Exceptions are not required, the ZBA would not be required to meet. Susan asked the members what their preference was for meeting nights. Bryan is on both boards and must be at both meetings anyway. Justin and Tanner are ok with Tues-Weds-Thurs. Peter preferred Tuesdays.

Susan opened the Variance Hearing for William St. Cyr regarding Article III, Section 3.13 B and Article IV, Section 4.12 B. Applicant proposes to construct a new garage and bedroom, within the front yard and wetlands setback. Frank Anzalone is representing the owner. The property is located at 2334 Main Street, Map 23; Lot 575-204. Board members reviewed the application for completeness. The application does not mention the porch, but it is shown on the plan. Abutters have been notified, and the notice posted in the Valley News and locally posted. Bryan O'Day moved to accept the application, seconded by Justin and unanimously approved.

Frank Anzalone reviewed the application with the Board. Currently the one-bedroom home is located right at the 35' setback from the street. At some point zoning was amended to add a 100' setback to wetlands, so the whole structure is now in the wetlands setback. Whit reported the entire property is pretty much designated wetlands. Frank stated the one-bedroom home is small and there is really no place to park. The proposal is to add a garage and a bedroom above the garage with a screened porch on the side. There will be a new entry connecting the existing

house to the garage. In addition to the setback, the house is on a steep slope. Moving the structure away from the street back toward the wetland is not economically feasible. The only other flat area is where the septic is located. The Board addressed NH DES requirement for a new state approved septic design due to the expansion on the property. The current septic is for a two-bedroom system but is greater than 20 years old and the lot is less than 5 acres (2.4 acres). The system does not have to be installed unless there is a failure of the existing system. Frank requested the septic design be made a condition of the approval. The driveway will extend to the garage with parking for one car and a fairly-level area for parking two cars. Fill will not be needed, there will be no changes to the slope. French drains will be built to catch run-off from the slope and structure and drip edges for the roof (as per the variance plans submitted). Frank has spoken to the State of NH Department of Transportation and they don't have a problem with the plan. They want to get the cars way from the edge of the road, especially in the winter. The garage is 24' x 24' with a mechanical room, a place for a washer and dryer, and a small closet and stairs. The bedroom will have knee walls and won't be a full 24' x 24', with a bedroom, a small office, bathroom, and a deck off the back. The existing home is 24' x 24' and is not built so that it could support a second story. There will be no change to the footprint of the existing house, other than the addition of a screened porch as shown on the plan.

Susan asked for questions from abutters. Johnathan Silver of Sandy Beach Road asked about the impact to the wetlands and Sandy Beach leach-field from the run-off. He also asked if parking one car in the garage and two in the driveway will be adequate. Frank noted the plan is to capture the up-hill water so it could seep and reduce the flow downhill. The square footage of parking is adequate. Dennis George noted his concern about the impact to the wetlands. Whit Smith noted, for clarification, the whole neighborhood behind the George's and the Sandy Beach area is predominantly wetlands.

Susan asked if the Board needed to make a site visit. They did not. Justin asked if the new construction was going to be any closer to the road than the existing shed. Frank stated it is not. The shed will be going away. Justin asked if the existing deck will stay a deck and not be closed in at some point. Frank stated the deck is not in good shape and may need to be replaced, but there are no plans for it to be closed in. The screened porch will be a one pitch roof only, on sono-tubes, with water run-off caught in the drip edges.

Susan asked the Board for their thoughts. The hearing was not closed for deliberations, so that questions could be addressed.

Susan: The proposed plan is an improvement and gets the cars off the road. The plan is consistent with the neighborhood, and she does not believe the lot is being overburdened. This is a difficult property with limited options. Adding a garage and another bedroom is reasonable. The issue for run-off and impact to the wetlands has been addressed in the plans submitted.

Justin: There is not an option to add any more living space to the existing structure. This is a moderate addition. The cars will be able to get off the side of the road. The run-off will be mitigated.

Bryan: The lot is difficult, and this seems to be the best location for the proposed structure.

Peter: Asked about the existing structure. Frank stated the house foundation of the existing structure is of minimum footing size, and the fill was not the best material. They would be reluctant to add to the existing structure. Peter agreed the proposed location appears to be the best.

Tanner: The scope of the addition is doubling the size of the house by square footage. The garage will give relief for at least one car near the road. He agrees the options for the site are limited.

Review of facts supporting this request:

1. The variance will not be contrary to the public interest because:  
This will be no different from other area homes. They are asking for a moderate increase in living space, and improved parking.
2. The spirit of the ordinance is observed because:  
The character of the neighborhood is not being altered.
3. Substantial justice is done because:  
The property owner gets to use his property in the manner he wishes without impact to the neighborhood.
4. The values of surrounding properties are not diminished because:  
The request is clearly an improvement to the property.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship owing to special conditions of the property that distinguish it from other properties in the area because:
  - A. No fair and substantial relationship exists between the general public purpose of the ordinance and the specific application of that provision to the property because:  
The lot is very limited and clearly has special characters making it difficult to do anything. The proposed plan is quite reasonable.
  - B. The proposed use is a reasonable one because:  
A two-bedroom home is reasonable.

Decision:

1. To grant a Variance for the proposed addition to be no less than 12 feet 8.5 increase from the most westerly corner of the structure (22 feet 1.5 inches) from the front yard setback.

2. To approve the garage addition with bedroom and connector to the existing house within the wetlands buffer.

3. The proposed building plans note a screened porch.

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4. Obtain the necessary Department of Environmental Services Septic permits.

Motion made by Bryan O'Day to approve the Variance as discussed. Motion seconded by Peter Abair and unanimously approved.

The hearing was closed, and the meeting adjourned at 8:20 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant

DRAFT