

**ZONING BOARD OF ADJUSTMENT
MEETING
JUNE 3, 2003
(Approved as amended 7/8/03)**

PRESENT: Forrest Esenwine, Chairman; Terry Knowles, Vice Chairperson, Jack Dearborn; Leon Methot; Naomi L. Bolton, Land Use Coordinator.

GUESTS: Joseph Dussault; Linda Chatfield; Pat Charpentier; Jude Charpentier; Peter Scott; Sandy Scott; David Bridgeman; Kathleen Bridgeman; Craig Knowles; Luther Drake; Ginger Esenwine; Dennis Aubin

I. CALL TO ORDER:

Chairman Forrest Esenwine called this meeting to order at 7:30 PM at the Weare Town Office Building. Chairman Esenwine asked each member to introduce themselves and explained the procedure by which the board conducts business.

II. PUBLIC HEARINGS:

Case #0703 Joseph A. Dussault (Continued Hearing)
Variance, Article 3, Section 3.5.1
Applicant is proposing to build a carport on a non-conforming lot in the village zone.
Tax Map 412-130 407 Riverdale Road

Mr. Dussault reminded the board that he was here last month to obtain a variance on his property to build an addition to his carport. Mr. Dussault gave the board a copy of a surveyed plan done Robert Palmer, LLS. The plan shows the proposed carport at 19' from the property line on River Road. Mr. Dussault then responded to the five points of hardship as follows:

1. That there **will not** be a diminution of value surround properties as a result of the granting of this variance because: surrounding properties have similar buildings on them and this one would fit in well, thus there would be no diminution in value.
2. That the granting of the variance **will not** be contrary to the public interest because: no adverse effect on the public interest has been identified or is anticipated.
3. That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:

- a. As applied to the petitioner's property will interfere with the petitioner's reasonable use of their property, considering the unique setting of the property in its environment for the following reasons: The required setback on a Town road does interfere with the reasonable use of the lot considering its unique size and existing location of the home, a carport is a reasonable use of the lot.
 - b. As specifically applied to the petitioner's property has no fair and substantial relationship to the general purposes of the zoning ordinance for the following reasons: All the lots in the Riverdale area are non-conforming, pre-existing. Considering the size of the lot, the requested six (6) foot setback relaxation is reasonable and no public purpose would advance by denying this variance.
 - c. If relieved by a variance, will not injure the public or private rights of others for the following reasons: no public or private rights have been identified which this request would interfere with, and none are anticipated.
4. That by the granting of this variance, substantial justice **will** be done because: a reasonable expectation of building a carport will not interfere with any neighbors or the Town. A carport is allowed on regular lots in Town and this request is the closest it can be to have the least effect, being the lot size is 0.22 acres.
 5. That the use contemplated by the petitioner as a result of this variance **will not** be contrary to the spirit of the ordinance because: there is nothing in the spirit and intent of the ordinance, which this carport would be contrary to. The carport will be setback further than the existing home and will not be encroaching closer to the maintained road.

Approving Abutters: NONE
Disapproving Abutters: NONE
Public At Large: NONE
Other Boards: NONE

Being there were no further comments or questions, Chairman Esenwine closed this hearing at 7:40 PM.

Case #0803 Robert & Jan Moore (Continued Hearing)
Variance, Article 18, Section 18.2.3
Applicant is proposing to build another bay onto the existing garage in the residential zone.
Tax Map 409-075 967 River Road

No one was present for this case at the time, so the board moved on to the next case and will come back to this one at the end of the evening.

Case #0903 William H. Boisvert
Administrative Appeal

Applicant alleges that the Building Inspector made an error on 1/30/03 by not allowing single family homes to be constructed on lots utilizing a common driveway.

Tax Map 406-51.3, 51.6 & 51.7 River Road

A letter was received on May 29, 2003 from Attorney Michael Ryan, which requests a continuance to the July meeting as he is out of Town on business. Naomi informed the board that the July meeting would be for July 1st. The board discussed this and felt that each year the board struggles to have a quorum the week of July 4th, so the July meeting would be the following week which would be July 8, 2003.

Case #1003 Luther Drake

Special Exception, Article 19, Section 19.1.10

Applicant is proposing to convert the garage into an in-law apartment.

Tax Map 405-065

141 Duck Pond Road

Luther Drake was present and explained that he would like to convert the existing garage into an in-law apartment, for his parents who are a retired couple. The reason for bringing his parents here is to help them out as well as to help him out with working the farm. Mr. Drake addressed the seven conditions required for a special exception as follows:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development: Yes, residential farmhouse.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: No change, will finish the exterior to match current construction. The garage doors will be removed and windows will be added.
3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: Two retired individuals, we'll try to keep them on the yard. They will have one car and they will be using the existing driveway so no changes are needed to the existing driveway.
4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: No additional impact foreseen, no children to the school, no additional fire protection needed because the garage is already existing, it is not a new structure.
5. Adequate off-street parking to be provided if determined necessary by the Zoning Board of Adjustment: Yes, house sits back from road, the driveway is approximately 100 feet long and with the farm yard as well it allows plenty of off-street parking.
6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees: buffers exist on the property.
7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section:

Chairman Esenwine asked about a bathroom, which Mr. Drake explained that the house has two bathrooms, one right off the living room which is next to the garage and the other is located at the other end of the house. The board discussed the septic system. Mr. Drake stated that he has been in touch with Mr. Stone who informed him that the septic would probably have to be looked at because of the age. Mr. Drake explained that he hasn't done anything yet, he was waiting to see if this was approved first.

Approving Abutters: NONE
Disapproving Abutters: NONE
Public At Large: NONE
Other Boards: NONE

Being there were no further comments or questions, Chairman Esenwine closed this hearing at 8:03 PM.

Case #1103 Jude & Pat Charpentier (Owner: Allan Laduke)
Variance, Article 17, Section 17.1.1
Applicant is proposing to build a single family home.
Tax Map 403-163 Reynwood Lane (Private)

Chairman Esenwine stated that the applicant is not the owner of this lot and asked Mr. Charpentier if he has a letter from Mr. Laduke to speak on his behalf for this property. Mr. Charpentier stated that he has a purchase and sales agreement that is contingent upon receiving a variance to build a home. The board informed Mr. Charpentier that without the letter, the board cannot act because they are not allowed to issue or deny a variance to a property that someone doesn't have any rights too. Mr. Charpentier stated that he understood. The board discussed continuing this to next month. Mr. Charpentier stated that he will not be here next month on July 8th and asked if Mr. Bridgeman (next applicant) who is buying the lot adjacent could speak on his behalf. The board informed him that he could with a letter of permission.

Case #1203 David & Kathleen Bridgeman (Owner: Allan Laduke)
Variance, Article 17, Section 17.1.1
Applicant is proposing to build a single family home.
Tax Map 403-164 Reynwood Lane (Private)

As indicated in the next case these applicants need to get a letter of permission from the owner to speak to this applicant and parcel. This case will have to be continued to July 8th as well.

III. CASE DECISIONS:

Case #0703 Joseph A. Dussault
Variance, Article 3, Section 3.5.1

Applicant is proposing to build a carport on a non-conforming lot in the village zone.

Tax Map 412-130

407 Riverdale Road

The board went through the five points of hardship. Point #1: Leon Methot moved to accept point #1, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #2: Terry Knowles moved to accept point #2, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Points #3a, 3b, 3c: Chairman Esenwine moved to accept points 3a, 3b and 3c, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #4: Terry Knowles moved to accept point #4, Chairman Esenwine seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #5: Chairman Esenwine moved to accept point #5, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Terry Knowles moved to approve case #0703 with the condition that the overall structure shall be located no closer than 18.5 feet from the River Road property line as shown on plan prepared by Robert C. Palmer, LLS #590, dated May 23, 2003, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn.

Case #0803 Robert & Jan Moore

Variance, Article 18, Section 18.2.3

Applicant is proposing to build another bay onto the existing garage in the residential zone.

Tax Map 409-075

967 River Road

Terry Knowles moved to continue to this case to July 8th, 2003, Jack Dearborn seconded the motion. Discussion: Chairman Esenwine stated that he has an issue with just automatically continuing it without informing the board that they needed more time. The board took a vote as follows: 2 in favor (Methot, Dearborn) and 2 against (Knowles, Esenwine), therefore the motion fails. Chairman Esenwine moved to dismiss this case, Terry Knowles seconded the motion. A vote was taken as follows: 3 in favor (Methot, Knowles, Esenwine) and 1 abstention (Dearborn), therefore motion passes and this case is dismissed because there was no notification or representation requesting a continuance.

Case #0903 William H. Boisvert

Administrative Appeal

Applicant alleges that the Building Inspector made an error on 1/30/03 by not allowing single family homes to be constructed on lots utilizing a common driveway.

Tax Map 406-51.3, 51.6 & 51.7

River Road

Chairman Esenwine moved to continue this case to July 8, 2003 as requested by Attorney Michael Ryan, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn.

Case #1003 Luther Drake
Special Exception, Article 19, Section 19.1.10
Applicant is proposing to convert the garage into an in-law apartment.
Tax Map 405-065 141 Duck Pond Road

The board went through the seven conditions required for a special exception. Point #1: Leon Methot moved to accept point #1, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #2: Terry Knowles moved to accept point #2, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #3: Chairman Esenwine moved to accept point #3, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #4: Terry Knowles moved to accept point #4, Chairman Esenwine seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #5: Chairman Esenwine moved to accept point #5, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #6: Leon Methot moved to accept point #6, Chairman Esenwine seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Point #7: Jack Dearborn moved that no special restrictions be applied, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn. Terry Knowles moved approval of case #1003 with the condition that the applicant complies with articles 19.1.10 through 19.1.10.7, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn.

Case #1103 Jude & Pat Charpentier (Owner: Allan Laduke)
Variance, Article 17, Section 17.1.1
Applicant is proposing to build a single family home.
Tax Map 403-163 Reynwood Lane (Private)

Terry Knowles moved to continue case #1103 to July 8, 2003, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn.

Case #1203 David & Kathleen Bridgeman (Owner: Allan Laduke)
Variance, Article 17, Section 17.1.1
Applicant is proposing to build a single family home.
Tax Map 403-164 Reynwood Lane (Private)

Leon Methot moved to continue case #1203 to July 8, 2003, Terry Knowles seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn.

IV. OTHER BUSINESS:

MAY 6, 2003 MINUTES: Chairman Esenwine moved to approve the May 6, 2003 minutes as amended, Leon Methot seconded the motion, 3 in favor (Methot, Esenwine, Dearborn) and 1 abstention (Knowles), therefore minutes are approved.

CARL LANDON-REQUEST FOR EXTENSION OF A VARIANCE ON CASE #4002 GRANTED JUNE 4, 2003: Terry Knowles moved to extend the variance on this case for an additional two years, now to expire June 4, 2005, Leon Methot seconded the motion, unanimous vote in favor: Methot, Knowles, Esenwine, Dearborn.

CLARIFICATION OF BY-LAWS: Naomi asked the board for clarification in the by-laws. The newly changed by-laws state that the board will limit the agenda to only hear six cases in one evening. The question is does the six mean six new ones or six total? For instance next month we already have three case continued, so does that mean the board can only take three new ones. The board felt that the six would be new cases rather a total.

V. ADJOURNMENT:

As there was no further business to come before the board, Leon Methot moved to adjourn at 9:00 PM, Jack Dearborn seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator