

ZONING BOARD OF ADJUSTMENTS

4/17/2014 MINUTES

Present: Robert Clark (RC) Scott Champagne (SC) and Jennifer Trelfa (JT)
Suze Tavernier-Secretary
Tom Smith (TS) Robert Brooks (RB) Kristine Brooks (KB)

6:00-RC opened meeting

SC made a motion to accept minutes from prior meeting, JT 2nd so voted all

RC- Stated the purpose of this meeting is to review the application for variance on Hodge Hill in regards to RSA 674:41 District D Map u07-37 approx.45 acres

There appears to be no issue with abutters or with other towns as no one has arrived or responded in that regard

TS- Said, May I interrupt, reading zoning regulations I have found something in regards to 5:11. He went on to explain the same situation currently exists with other home, and the way he read the regulations, it give them the right to do it without variance.

RC- State, If you want to get technical, you presenting this is too late, no more paper work can be entered after due date

TS- We did not ask for this meeting. We got paperwork back from Stan, and then got different paperwork. And the way I read the currently regulations we don't need a variance.

SC- Asked if he could see the regulations Smith was referring too

TS- Showed aerial print of area and explained why the currently allows for the plan

After looking at the print SC said, this is a shed not a home, otherwise I would agree, but that is a shed, not a home. He explained it states between two existing homes and you have a home and shed, not the same.

SC- Asked how far from the road is the purposed home going to be?

TS- Said it could be 10', I don't know yet, we other things that will factor in. We spoke to the Planning Board and showed this regulation to them as well.

SC- If it was two houses I would agree, but it's not and maybe that is why you were requested to have this hearing. I understand the point you are making, but it is not proposed between two houses.

RC- Said, the other is a shed

SC- Said if you think it is a house, we need to go look at it again, I don't recall seeing a house there, I remember a shed.

TS- If you go by the neighborhood it is fitting in with what is already there

SC- I don't have a problem as long as not in or too close to road

TS- We will be as close to the steep slope as possible, not looking to be in road. Purposed is within setbacks but not the road. We will put it back as far as possible

RC- What you would like to do is be as close to the bank as you can?

RB- Asked if he could show on the picture where the proposed house would set. He explained the house would be 25'feet back to the top of the bank

TS-I like to say something else, lots are buildable by the State of NH-DES. I called and barring the perk test. The lots are Grandfathered and if they have good test pits

RB- I would like to get as close to the 25'foot as possible, then put a slap on grade

SC- Asked where the septic tank would be

TS- Septic will be up high with house, maybe off corner of house with leach field down below. We need to consider well ratios, have to have some stuff spread out to make it work

JT-Asked what the road is like. Is this where the ambulance was broken?

RC-Asked if RB was looking to build both homes, right now.

RB- Said no, just one for now the other would be down the road sometime

RC- Said there is no other public input, and you have made your presentation.

RB- Asked if anyone had any further questions of him

SC- Said you answered the one I had, which was my concern about the road

RC- Said what we can do is go through the Criteria's, then postpone deliberation for a week so we can go up and take a look again. We can't go together, but over the next week go up and look. Take some pictures so we can have an idea, and see if it's two houses or a shed

SC- Again, I would agree, if it was two houses and my biggest concern is we don't want anything built any closer than what is already there now.

TS-Said I have been up there and have done survey work, I am sure there are houses closer to the road than what we are proposing

SC- I don't have a problem relaxing the regulations, but want to make sure where it is going in relationship to what is already there and the road

RB- The problem is I was the first to survey the property. It will stay off the road, and will improve the road and will put in a driveway.

RC-Is the driveway going on the side of the road

RB-No I have a different spot for the driveway.

SC- I have concerns about the availability for Fire and Life Squad. There have been issues on the road in the past

RC-The RSA states the Town is not liable

TS-Has that been addressed by others in the past for class 6

RC- We have not been involved in the past, we are a newer board and just trying to do things right and whether class 6 or private the liability is a concern. If fire and life squad can't get there, it needs to be in the deed.

RB- I told the planning Board I would sign an agreement

RC- Well we have gone through everything, we can make a motion to deliberate or postpone.

SC- I think we should take a second look, I think that should some idea how far from the right a way you are going to build and compare to the other

RB- The further up the road you go the closer the houses are

SC- Before we do a final deliberation I would like to go through the criteria

RB- I would like to go through the criteria too

RC- Criteria #1 granting the proposed variance will not be contrary to public interest

RC- I think it's appropriate considering existing homes, it is residential

SC- I have no problems with this

JT- Yes, I have no problems

RC- Criteria#2 the proposed variance would be consistent with the spirit of the ordinance:

RC- I feel that it won't bring values down, I think we are all in agreement with this response

SC- I agree

JT- Yes

RC-Criteria#3 the Variance will provide substantial justice because

RC- The use won't cause adverse effect, how close to the road was my only concern

SC-Don't believe it will adversely affect abutters

JT- I have no issues

RC-Criteria#4 variance will not diminish the value of surrounding properties

RC- My only thing is basically the state says to have liability in deed

TS- I don't know if it does

RC- The RSA states Shall

SC- I don't think we have a choice, it needs to be done

JT-I agree

RC-Criteria Denial of variance would result in unnecessary hardship to the owner because of the following special circumstances...

RC- I think you stated you would widen road and make improvements

TS-State need to approve septic, started here then moving on

JT-Yes, I am fine with it after explanation

RC- Well we have reviewed everything, would you like to make a motion

SC- I make a motion to postpone for 1 week, I don't have a problem relaxing the rules but I want a second look

JT-2nd The motion So voted all

RC- So we will meet again next Wednesday, at 6:00

JT-Made a motion to adjourn RC 2nd so voted all