

ZONING BOARD OF ADJUSTMENT
Boscawen Municipal Complex
November 28, 2023
Draft 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: Rose Fife, Recording Secretary
Kellee Jo Easler, Director, Planning and Community Development
Kara Gallagher, Assistant, Planning and Community Development

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

- Roll Call by Kara Gallagher
- Approval of draft minutes – Edits: Line 44 should read “Mr. Hardy explained they would be allowed 2 duplexes. Line 76 where it reads The York’s should read “the Yorks” talked with Engineering. Line 119 and 120 instead of reading “Would be not non-owner occupied” should read “would not be owner occupied.” Line 153 the word “conversion” should be “conversation”. Line 169 where it says “Chair Cherian though” should read “Chair Cherian thought”. Line 192 “.and” should be “and,”. A **motion** to approve Minutes, as amended, was made by Dr. Maltzie, seconded by Ms. Tillman, and passed by a unanimous vote.
- Designate member for Action Items: none.

New Business:

- Application for a **Variance** for relief from **Article V Lot Dimensions and Area, for frontage, lot area, and lot coverage**, submitted and owned by **David E. Kurkjian Revocable Trust, 11 Jackson Street, Boscawen, NH 03303, Map 183D, Lot 76** located in an **R2 zone**.

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

A **motion** that this application does not have Regional Impact was made by Dr. Maltzie, seconded by Ms. Tillman, and passed by a unanimous vote.

Public Hearing was opened at 6:37 pm.

Mr. Kurkjian testified. They want to do a subdivision of the property. As it exists, it is one property with 2 homes. He would like each home to have its own property. The Academy Street home will not meet the dimensional regulations. Chair Cherian asked if the lot runs from Academy Street to Jackson Street and if Academy Street will have the mobile home. Mr. Kurkjian answered that was correct.

Chair Cherian noted that there is a difference between the notices and the Determination Letter. The lot in question, which is proposed to be subdivided into two new lots, is a pre-existing, non-conforming lot, in multiple ways; coverage, setbacks and use. The lot(s) are located in an R2 zone.

The following variances were determined to be needed; 3 of which were not noticed or listed.

1. Variance request for relief from road frontage requirements for the proposed new lot 76-1. The request is to allow for 37.33 feet of frontage on Academy Street where 80 feet is required under Article V.
2. Variance request for relief from lot area requirements for the proposed new lot 76-1. The request is to allow for a lot size of 7,373 sf where 10,000 sf is required under Article V.
3. Variance request for relief from setback requirements for the proposed new lot 76-1 The request is to allow (the number of feet is a number that the applicant needs to provide) front setback from Academy Street to the existing mobile home where 30 feet is required under Article V.
4. Variance request for relief from lot coverage requirements for the proposed new lot 76 to allow for 36.8% lot coverage where 30.0% is the maximum lot coverage allowed under Article V.
5. Variance request for relief from setback requirements for the proposed new lot 76 to allow for (the number of feet is a number that the applicant needs to provide) setback from Jackson Street to an existing structure where 30 feet is required under Article V.
6. Variance request for relief from setback requirements for proposed new Lot 76 to allow for (the number of feet is a number that the applicant needs to provide) setback from side property line near abutter Hoyt to the existing garage, where 10 feet is required under Article V.

Requests #3, #5, and #6 were not noticed and are needed.

Dr. Maltzie asked the applicant if he had any interest in removing the mobile home and replacing it. Mr. Kurkjian has no intention of changing either home. They will stay as is.

The Board discussed whether the setback variances were needed or not. It is a pre-existing non-conforming lot, and it was thought that, once subdivided it would not need variances from the dimensional regulations as it was pre-existing. Clarification was given. When a lot is subdivided, and creates two new lots, each lot needs to be conforming. The variances for dimensional relief, once noticed and if granted, will allow legalization for what exists and will be a clean record for any inquiries in the future.

As the plans do not show the setbacks from the property line, the applicant will need to get that information to go forward. Chair Cherian noted that this will need to be re-noticed. It will need to be continued. Ms. Easler suggested they continue to a date certain.

Chair Cherian gave the next scheduled meeting date as being the day after Christmas. The Board decided to schedule a special meeting to hear this request. The chosen date is **Monday, December 11th at 5:30 pm.**

The public hearing closed at 6:57 pm. This application will be continued to a special meeting of the Board scheduled for December 11, 2023 at 5:30 pm.

Ms. Easler noted that the Planning Board meeting is December 5, 2023. Unfortunately, the applicant will not be able to attend that meeting if the Zoning Board does not meet to decide until after that date. They will need to go to the January 2024 Planning Board meeting.

Mr. Kurkjian wanted to be sure that what the Board is requesting is the number of feet they need relief for on the 3 different setbacks.

Chair Cherian wants to be sure that the PCD Office re-notice the abutters with the 6 requests. Ms. Gallagher will take care of that. Ms. Easler stated that there will be no charge to the property owner for a new application or renoticing. She also asked if the Determination Letter should be changed to reflect all 6 requests. It was decided that a new Determination Letter should be done showing all 6 requests.

- 2024-2025 Proposed Meeting Dates – January’s meeting is moved to January 30th due to the First in the Nation Primary. Dr. Maltzie did not think that the deadline for September 10th would be an issue. Ms. Easler did not think so either. They will keep September 10th as a deadline.

A **motion** to adjourn at 7:15 pm was made by Ms. Tillman, seconded by Ms. Bartlett, and passed by a unanimous vote.

The Next Meeting will be the special meeting scheduled for December 11, 2023 at 5:30 pm.

The next regularly scheduled meeting: January 30th, 2024 @ 6:30pm

*Respectfully Submitted,
Rose Fife, Recording Secretary*