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**Town of Boscawen, NH**  
**ZONING BOARD OF ADJUSTMENT**  
**Boscawen Municipal Complex**

**MEETING MINUTES – Draft**  
**Tuesday, March 26, 2019 at 7:00 PM**

Members Present: Vice Chair Doug Supry acted as Chair, Ann Dominguez, Tracy Jo Bartlett, Roger Sanborn and Ed Cherian Jr.

Others present: Kellee Jo Easler, Planning & Development Community Director, Alan Hardy, Town Administrator and Recording Secretary Rose Fife.

Absent: Dr. Gail Devoid

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Meeting opened at 7:08 pm.

Roll Call by Secretary.

Open the public meeting.

Minutes: Amendment on Line 145 to note Doug Supry made the motion. A **motion** to approve the February 26, 2019 with amendments was made by Sanborn, seconded by Bartlett and passed by a unanimous vote.

An application for a **variance for relief from setbacks and reconsideration of the 02.24.99 decision for setbacks** submitted by **Bernard O. Davis Jr., 44 DW Highway, Boscawen NH 03303, on Map 81D, Lot 8** in the **COM Zone**.

Bernie Davis Jr. testified. He reiterated the history of the variance which was approved in 1999 and the stipulation the Board put on his property. Tonight he's asking for a new variance based on the fact that his property is commercially zoned now. The setbacks went from 20 feet in 1999 to 10 feet now. The two buildings are pretty parallel. He measured 19'3" from the rear property line. The front setback is 20 feet and the corner of the little garage to the office is 20'3". He is only inches off from what is required. If approved it would eliminate the need of stipulation that the Board put on the original variance request in 1999.

Cherian asked for setback requirements now. Easler explained it is now 10 feet. Mr. Davis explained they have 2 separate property lines. Cherian asked what the 1999 requirement was. Easler explained it was 20 feet. Cherian questioned the wording in the write up that reads 'variance and reconsideration'. Are they requesting a variance or reopening the old request. Hardy said there was a reference to an approval with a covenant in 1999. He believes justice would be to drop the covenant requirement all together. Cherian felt that a new variance granted would clearly state what the relief would be. Davis explained that the variance isn't a problem, it's the stipulation saying he can't sell the property to anyone but relatives. Easler explained that the request would go before the Planning Board next and ask to have the covenant requirement removed from the

47 plan. Cherian felt that a variance to replace and void out the conditions of 1999 is what should be  
48 requested. He's worried that 'reconsideration' would set precedents. Hardy explained that the  
49 Zoning Board of Adjustment does not have the power to require covenant. Davis explained it was  
50 a mistake that was made back in 1999. He just needed a variance. Hardy explained that the Board  
51 would be correcting an error. Supry asked if he would have to correct his deed. Hardy said it  
52 would allow him to correct his deed and remove the restriction.

53  
54 Cherian suggested that the motion should be to grant a variance from the setback requirements in  
55 a commercial zone, map 81D, Lot 8 that would supersede the Zoning Board of Adjustment's  
56 decision in the 1999 case and remove the covenant requirement. A **motion** to grant a variance  
57 from the setback requirements in a commercial zone, map 81D, Lot 8 that would supersede the  
58 Zoning Board of Adjustment's decision in the 1999 case and remove the covenant requirement  
59 was made by Sanborn, seconded by Bartlett and passed by a unanimous vote.

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61 Davis noted that the agenda has a request written on it to request a one hundred dollars waiver for  
62 variance fee. This was written in error. He is not requesting that.

63  
64 Public hearing was closed.

65  
66 Appointment of Chair and Vice Chair. Easler asked if they wanted to take this agenda item up  
67 now or wait. Typically it is done the meeting after town meeting. Supry would like to have Devoid  
68 here for that. Easler phoned Dr. Devoid to see if she was interested in continuing on the Board  
69 and continuing as Chair. Easler reported Devoid would be interested. Hardy asked if Supry was  
70 willing to act as vice chair. Supry thinks his term is up in October of this year and would like to  
71 think about it. Cherian suggested they defer this until next month. Board conceded. Bartlett  
72 reported that Devoid's term expires in June 2019. A **motion** to recommend to the Selectmen that  
73 Devoid be reappointment to the Board was made by Sanborn, seconded by Dominguez and passed  
74 by a unanimous vote.

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76 Discussion regarding procedures, number of Board members and numbers of alternates.

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78 Easler noted that on the last tab of their booklet she put in a copy of Riggins Rules for the Board's  
79 preview.

80  
81 A motion to adjourn the meeting at 7:45 pm was made by Dominguez, seconded by Sanborn, and  
82 passed by a unanimous vote.

83  
84 *Respectfully submitted,*  
85 *Rose Fife, Recording Secretary*