

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

MEETING MINUTES
Tuesday, October 22, 2019 at 7:00 PM

Members Present: Dr. Gail Devoid, Chair, Vice Chair Doug Supry, Ann Dominguez, Tracy Jo Bartlett, Edward Cherian Jr.

Others present: Rose Fife, Recording Secretary

Absent: Roger Sanborn, Kellee Jo Easler, Planning & Development Director

- Meeting opened at 7:00 pm.
- Meeting called to order by Chair.
- Roll Call by Rose Fife, Secretary

Old Business: none.

New Business:

- An Application for a **Variance for relief from setbacks for a shed** submitted by **Nathaniel & Tracy Penninger, 132 No. Main St, Boscawen NH 03303, on Map 183D, Lot 49** located in the **COM zone**.

Nathaniel Penninger testified. The property is considered commercial. If he were to build a shed with today's requirements it would place the shed in the middle of the yard. It would not allow them to use the yard at all. He would like it to be 3 feet from the side and rear property lines. It will be a 10x14 shed.

It is not contrary to the public interest as it will be within the property lines. It will not interfere with fences. There are other sheds and garages that are either next to, on, or over the property line. Mr. Penninger spoke with Mr. Hardy who suggested he take pictures of other sheds or garages in the area. The shed will be set back enough so that it will not affect other properties.

Cherian asked if it were a non-conforming lot. Mr. Penninger wasn't sure what that meant. Supry thought it was a lot of record. Devoid asked for clarification of the photographs that were submitted. There are other garages within a foot of their property lines.

Devoid asked how the spirit of the Ordinance is observed. Mr. Penninger said he is adding a shed similar to what has been done before. Prior there was 2 other buildings there. One was for a pool and one was a small shed. Those have been torn down. He is trying to make the yard aesthetically pleasing.

Devoid asked how substantial justice is done. Are the values of surrounding properties diminished? Mr. Penninger stated that other properties have had sheds built on their property lines. It's not going to affect values of other properties.

Supry spoke about landscaping. Asked if the fence would be a stockade fence. Mr. Penninger said it would be a wooden fence. He took down the old deteriorated fence and put this one up in the same place. It is six feet high. Dominguez asked how tall the shed is. Mr. Penninger stated it would be no more than 10 feet high. Dominguez asked

51 if there were anything else on the other side of the property. Mr. Penninger said there was nothing else on the other
52 side of the property.

53
54 Dr. Devoid asked how the literal enforcement of the ordinance would result in unnecessary hardship. Mr. Penning
55 stated that they are sprucing up the property. They are going to build an outdoor fireplace. Dr. Devoid asked if there
56 were any spot on their property that would meet the setback.

57
58 Dr. Devoid asked if the proposed use is reasonable due to similarity to others in the area. Mr. Penninger said yes.

59
60 Cherian stated that the setbacks per Ordinance were 7 feet from side yard and 17 feet from the rear. Devoid asked
61 Board members if they could see any other spot for the shed to go. Dominguez asked why he decided he needed a 3
62 foot setback. Mr. Penninger said that he spoke with Alan Hardy. Alan Hardy did a site visit after he staked it out.
63 Anything further than 3 feet puts the shed in the middle of the yard.

64
65 Supry asked if they were building it themselves. Mr. Penninger said yes they are and it will match the exterior of the
66 house.

67
68 Abutters in favor: Jennifer Haggerty, 7 Academy Street. She sees no problem with this.

69
70 Abutters in opposition: none.

71
72 In favor Public: none.

73
74 In opposition Public: none.

75
76 Supry asked how they determined that 3 feet was what they needed. Mr. Penninger stated the fencing and gravel
77 they were placing around the fence helped determine it. Bartlett asked if they were going to have a metal roof of
78 asphalt. Mr. Penninger said asphalt.

79
80 Public hearing closed at 7:15 pm

81
82 DECISION:

83
84 Dr. Devoid feels the relief fits in with the neighborhood.

85
86 A motion to approve the request was made by Dominguez, seconded by Bartlett and passed by a unanimous vote.

87
88
89 ➤ Review and Acceptance of draft Minutes

90
91 A motion to approve the Minutes from July 23, 2019 was made by Bartlett, seconded by Supry and passed by a 4-0
92 vote. Cherian abstained.

93
94 A motion to adjourn the meeting at 7:20 pm was made by Supry, seconded by Bartlett and passed by a unanimous
95 vote.

96
97 **Other Business:**

98 Next Meeting is scheduled for **November 26, 2019**

99
100 *Respectfully submitted,*
101 *Rose Fife, Secretary*