

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

MEETING MINUTES
Tuesday, July 23, 2019 at 7:00 PM

Members Present: Dr. Gail Devoid, Chair, Vice Chair Doug Supry, Ann Dominguez, Tracy Jo Bartlett, Roger Sanborn.

Others present: Kellee Jo Easler, Planning & Development Community Director

Absent: Edward Cherian Jr.

Meeting opened at 7:00 pm.

Meeting called to order by Chair.

Roll Call by Kellee Easler.

Open the public meeting.

New Business:

Special Exception for a 25% Expansion of a Structure submitted by **Sharon Nolin**, with a location of **4 Maple, Boscawen, NH 03303** on **Map 83, Lot 90** in the **R2 zone**.

Testified: Sharon Nolin. She would like to remove her older mobile home and replace it with a new one. The older home has sagging ceilings, soft floors, etc. and it is not worth fixing up. She'd like to place the new home in the center of the lot. The new one is going to be 1,056 s.f. and the old one was 924 s.f. so it still falls in that 25% additional size allowed by the Ordinance. It will be an improvement on the lot. She showed the Board photographs. Easler said it's going to meet the HUD standards. It will need a slab and it will need it to be anchored down. All of this will be taken care of through the Building Permit process. Ms. Nolin said the old mobile home will be removed. The only thing left will be the shed and the pad for the parking. Everything else is going. Easler said Concord Home Sales does it all for her. The old home didn't have a slab. Ms. Nolin said they would have a slab and tie downs. Dr. Devoid asked if this would be on a different lot. Ms. Nolin said no, this would be on the same lot. Easler said she has a lot that is not part of the park, but it is inside of Woody Hollow Park. She has her own land so she's moving the home from one side of the property to the other. Supry asked about the outside central air with the old mobile home. Ms. Nolin said it was being removed and not reinstalled for the new home. Ms. Nolin said this is a smaller sized double wide, but still larger than what she had. Bartlett said it's about 12% larger. Easler said that it is a pre-existing nonconforming property. Supry asked if it was going to be on city water and sewer. Ms. Nolin said it was.

Abutters in favor: none.

Abutters opposed: Joyce Manning, President of Woody Hollow Co-op. Dennis Frost, Jen Comeau etc. were also there. They were concerned with their infrastructure. They are in the process of redoing the water and sewer. The water and sewer system Ms. Nolin hooks up to is theirs. She's asking to put a bigger load on their system. They have had problems with Ms. Nolin. Woody Hollow is a private entity and owns its own land and Ms. Nolin owns her own land within the park. She doesn't believe that the old piping from her old mobile home will handle the stress of the new mobile home. They have a copy of her deed that says she's only allowed to use the roadway for ingress and egress. Woody Hollow is putting water shut offs on all mobile homes, including the individually owned land homes. She's in agreement that her home is older and could use updating, but doesn't believe she needs to go so big.

Dr. Devoid wanted to clarify what Ms. Manning is saying. Ms. Nolin owns the land and the trailer. Is she paying for water? Ms. Manning says she is metered and she is billed from Penachuck, not them. She went on to say that they were told every home needs their own shut offs, etc. And Ms. Nolin needs to gain access to their system so she can have water. Dr. Devoid asked if they have had any discussions at all with Ms. Nolin. Ms. Manning said she has not. They do not get along. Ms. Manning said that their infrastructure is their main concern.

Daryn Frost who lives in Woody Hollow testified. He agrees with Ms. Manning. He feels Ms. Nolin needs to comply.

Dr. Devoid reiterated that Woody Hollow wants to protect their infrastructure. There is no contractual agreement between the organization and Ms. Nolin. Mr. Frost said that was correct. Dr. Devoid asked if at some point the agreement was made verbally.

Ms. Manning said their park went co-op in 1994 and Ms. Nolin bought her home in 1997. People were given the option to purchase their lots. There has never been a contract and there has never been anything placed on a deed. They will be charging the private property owners a service access fee. Dr. Devoid understands that when Ms. Nolin came into the park the infrastructure was already there. And then she was offered the land to buy, which she did, and no one thought about the water system and how that should be approached. Ms. Manning said the water was originally put in by the old Boscawen Penacook water district.

Supry asked how many private homes are in the park. Ms. Manning said there are 6 privately owned lots in their park. Lot numbers 2, 4, 6, 9, 10 and 11 are private property owners. Dr. Devoid said the land is there and there should be an agreement amongst the parties in writing. Sanborn corrected that it is Penacook Boscawen Water district, not Penachuck.

Supry wanted confirmation that 4 of their other private land owners have agreed to go along with the upgrades. Ms. Manning said correct. Supry asked if the agreement with the other 2 has not been reach due to animosity. Ms. Manning said correct.

Dr. Devoid asked if they had the right to decline her hooking up into the new infrastructure. Ms. Manning understands that they have the right to decline her access. But they are not planning on denying her the access. They are allowed to charge her an access fee though.

Supry stated that the Board is here to deal with whether Ms. Nolin is allowed to replace her home with a newer mobile home with an increase of size. Easler explained that the water issue would be dealt with through the building permit process as without water Ms. Nolin wouldn't receive a certificate of occupancy to live there. Supry said Ms. Manning made a statement that the larger mobile home would add onto their system, but they do not know if it will or won't. Ms. Manning said the size of pipe has changed and it will increase the demand.

Sanborn stated that the Board is concerned with the increase size of the new double wide home. The water supply is outside of their scope. Supry agrees. Ms. Manning thinks that there will be an increase in water use, but there is not an increase in bathrooms from the old mobile home to the new home.

Public in favor: none.

Public in opposition: none.

Public hearing was closed at 7:40 p.m.

Rebuttal: Ms. Nolin. Most of what was being said, especially regarding the infrastructure, she understands. But as far as notification, the excuse that they do not get along is no reason for them not to talk to her or inform her of changes. There are 5 other people that own their own lots. The mobile home that she'd like to replace has 2 bathrooms. The new one has 2 bathrooms. She is the only one who lives there. The water consumption won't increase.

Dr. Devoid explained that the Board is looking at the land, the use and the regulations. If Ms. Nolin decides to sell in the future, what the Board decides tonight will affect future owners. Different agencies will need to be sought out as she will need water. If she doesn't have water, she will not be able to live there.

Ms. Nolin explained that she didn't buy it from the mobile home association, she bought it from an individual land owner. Easler said she currently has water and sewer right now.

Dr. Devoid stated that if evidence doesn't come forward that this mobile home doesn't comply with the requirements of a special exception, then the Board will have to grant it. If she is within the regulations, they have to say yes. Supry noted that some of the testimony they heard tonight is extraneous to what they have to do tonight. It becomes more conforming as it is laid out.

Easler stated that Ms. Nolin will pull a building permit and her installer will set up the connections. Supry felt that the other situations can be resolved at a later date as this isn't within the purview of the Zoning Board.

DECISION: Devoid reminded the Board that they are focusing on a request for a 12% increase.

A **motion** to approve the special exception was made by Supry, seconded by Dominguez and passed by a unanimous vote.

MINUTES: A **motion** to approve the Minutes was made by Supry, seconded by Dominguez. Bartlett wanted a correction made to Line 59. It reads 'a motion to grant'. She feels it should be changed to "a motion to approve". Motion was modified, and seconded. Motion was passed by a unanimous vote.

Next Meeting is **August 27, 2019**.

A **motion** to adjourn the meeting was made by Supry, seconded by Dominguez and passed by a unanimous vote.

*Respectfully submitted,
Rose Fife, Recording Secretary*