

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

**FINAL MEETING MINUTES
Tuesday, April 24, 2018 at 7:00 PM**

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

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

Not present: Ed Cherian Jr.

Meeting opened at 7:00 pm.

Roll Call by Secretary.

Open the public meeting.

New Business:

Application for a Variance for relief from the following: **Article V & 18.04 (c), Road Frontage Requirement, requesting 60' where 100' is required**, submitted by **The Mary Weeks Trust, 181 King St, Boscawen, NH 03303, Map 81A, Lot 37** in the **Village District zone**.

Christie Goodhue represented Mary Weeks. The property is a 13 acre parcel. The back part of the acreage is not accessible due to the slope of the land. They would like to subdivide the lot for one single family home. She is willing to restrict the use to residential and is also willing to not subdivide the rest of the property. There is 60 feet of road frontage of Lew Alice Drive. She would leave 10-12 acres in the back of the property as a residential lot and the rest would stay with 181 King Street. She feels this is the highest and best use of the lot.

Chair Devoid wanted confirmation that this is a subdivision. Hardy said the subdivision would follow through with Planning Board action after the variance for relief of road frontage was decided. Ms. Goodhue noted that the back portion of the lot would be the single residential building lot at the end of Lew Alice Drive. An engineer will survey the property. Sanborn asked how much of the area was wet area. Ms. Goodhue does not know. It is a rolling and sloping site. Kellee Jo Easler noted that the assessment card does not show any wetlands. Bartlett noted that there was a letter in the file that mentioned wetlands. Supry mentioned that there is a spring flowing through the property. Supry asked if this property had come before the Board before. Hardy said an application was made for more than one lot and it was withdrawn. He discussed the hammer head and the entry into the parcel. The issue is the 60 feet of frontage when 100 feet is needed.

Abutters in favor: none.

Abutters opposed: Ford Pearl Sr. who lives on Lew Alice Drive. The road was built in 2001. He is concerned with an isolated lot left in the Village District. There are 8 residential lots there and the zoning was changed to residential. The land has been commercial, residential and now village district. There are 8 residences on that road. He would like to see a covenant to say that the other lot be deeded as single family home lot. The only access to this lot would be through the residential district. The applicant said she would keep it residential and he'd like to see it kept that way. He submitted a letter. There is a letter from Dean Hollins of Public Works in ZBA FM 4.24.18

the packet. Hardy clarified that the issue before the Board this evening is only the frontage issue. The Zoning Board could make certain recommendations to the Planning Board. Mr. Pearl had concerns with items that will be taken up with the Planning Board. He also had concerns with water flow, topography and this lot is surrounded by ledge. He thinks they may have a 2 acre buildable lot. There is surface water concerns. There are two different zones there. He is against this request.

Peter Pearl, an abutter is also in opposition. He concurs with Ford Pearl. One hundred feet is what's required and they are asking for 60 feet. If this property has frontage on King Street, why would 60 feet be acceptable on Lew Alice Drive. He asked how the Board made their decision. Dr. Devoid explained. His concern is that the property comes back to the owners when the 'ears' would be removed and a new 't' is put in on the extension. They want a 't' at the end of the dead end road. They need it for emergency vehicles to turn around there. Hardy explained that the Board can impose conditions. Mr. Pearl said he would request that they do. Devoid asked how it would be categorized as residential. Hardy said that the applicant is committing to the Board. It is in the record. It's in writing that this will remain residential. The Planning Board can ask for deed restrictions. Hardy said that the Board could put conditions that the use be single family and that no further re-subdivision take place.

Public in favor: none.

Public in opposition: none.

Comments from Hardy – none.

Rebuttal by Christie Goodhue. They have tried to address the concerns of the Mr. Pearl. The highest and best use of the property is NOT commercial. The highest and best use is residential. Mary is 100% committed to no further subdivision and for it to remain single family. She also called the water department. Even if the water line can't support one more home, they could also put a well and septic on the property.

Peter Pearl had concerns with fire hydrants.

Closed the public hearing at 7:34 pm.

DECISION:

Kellee Jo Easler noted that the sketch is under tab 4. There isn't an official plan yet. Dominguez asked if the zone could be changed to residential. Devoid asked who changes the zone. Hardy explained that the Village District is a multi-use district. The concern was that because it's village district in the front that it may be throughout. The applicant, on the application, discussed with Hardy two conditions that it is for a single family home only and that no further re-subdivision is possible. Hardy explained that they can't rezone with subdivision. Planning Board had made the decision that whatever the zoning is at the street, it is carried throughout the parcel.

Supry asked if they get their frontage because the 't' is moved onto the lot. Hardy said that was correct. The ownership of the 't', once removed, reverts to the property owners. Supry asked if it would be necessary to continue the hammer head onto the other lot as that would be an extension of the road onto their property. It's rare that you do not have a length of road. It is a unique solution that is being proposed. Hardy explained that they can do a Class V town road by prescription, or by layout. A good example of prescription is Hardy Lane. Size wise it's not what they expect of a class V town road. Water Street is a road by layout. It was planned to happen. Supry asked where their frontage is coming from. Hardy explained it was coming from the end of Lew Alice Drive. They have 60 feet there. Sanborn asked if the Board could put restrictions on the decision. Hardy confirmed.

A **motion** to approve the request with the conditions that the use stays residential with a single family home and the parcel is not subdivided further as was presented. This motion was made by Sanborn, seconded by Dominguez and passed by a 5-0 vote.

Review and Acceptance of draft minutes 12.27.17. A **motion** to approve the Minutes was made by Supry, seconded by Bartlett with a correction noted on line 78 and line 79, and passed by a unanimous vote. Sanborn abstained.

Election of Officers for 2018: A **motion** was made by Sanborn to make Dominguez a full member, seconded by Devoid and passed by a unanimous vote. This recommendation will go forward to the Selectmen for final approval. Chair Devoid **nominated** Supry for Vice Chair, seconded by Bartlett and passed by a unanimous vote. Supry **nominated** Devoid for Chair, seconded by Bartlett and passed by a unanimous vote.

Other Business:

Planning Board June 5, 2018 6-7pm Training with James Raymond of Upton & Hatfield regarding:

1. Conducting a meeting
2. 91-A (right to know law)

This is an option for training. Devoid asked where it was located. Hardy said at the town hall meeting room. Kellee Jo Easler will send out a reminder to all Boards a week before.

A **motion** to adjourn at 8:13 pm was made by Supry, seconded by Sanborn and passed by a unanimous vote.

Respectfully submitted,
Rose Fife