

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
APRIL 16, 2007**

[Note: Minutes are not final until reviewed and approved by the Board. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Board.]

The regular meeting of the SwanzeY Zoning Board of Adjustment was called to order at 7:00 pm. by Chair Bill Hutwelker. Members present: Bill Hutwelker, Bob Mitchell, Jenn Gregory, Charles Beauregard, Sr. and alternate Bob DeRocher. DeRocher was seated for Keith Thibault. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following items were addressed:

1. Public Hearing (Area Variance Application) – Peter Delaney, on behalf of P/L Limited Partnership, requests an area variance from Section III.M.3. to permit a boundary line adjustment to occur with property owned by Winn I. Johnson which would result in P/L's property only having 25.62 feet of frontage on a town maintained road and providing Johnson's lot with 95.72 feet of frontage. P/L's property is shown at Tax Map 57, Lot 97-1 and Johnson's property is shown at Tax Map 57, Lot 97. Both properties are located off of Railroad Street and situated in the Business Zoning District. Russ Huntley and Rob Hitchcock from SVE Associates and Peter Delaney were present on behalf of the Applicant. Also present was Winn Johnson. No abutters were present. Continued from March 19, 2007. Public hearing opened.

Huntley presented colorized plans to the Board indicating the lots that would be subject to the proposed boundary line adjustment, specifically noting that area that would be conveyed to Johnson. Huntley noted that if the variance is granted and the boundary line adjustment occurs, it would provided Map 57, Lot 97 with road frontage that it does not currently have. Huntley stated that the area which is proposed to be annexed to Map 57, Lot 97 currently is encumbered by the driveway access for Johnson's business (Keene Tree).

Johnson stated that while he does own other properties adjacent to Map 57, Lot 97 that have frontage on Prospect Street, Johnson noted that his commercial vehicles are unable to make the turn at the intersections of Prospect Street and Main Street.

Huntley noted that the area proposed to be conveyed to Johnson serves little to no purpose to the property owned by P/L (Map 57, Lot 97-

1), due to a separation caused by wetlands and the fire pond. Public hearing closed.

The criteria for granting an area variance were reviewed, with the Board finding that each criterion had been met. Gregory felt that the property was uniquely situated due to the natural division of the lot by wetlands and the fire pond, noting that the parcel to be annexed to Johnson's lot serves little to no purpose to P/L's lot. DeRocher noted that granting the variance to effectuate the proposed boundary line adjustment would make Johnson's lot a conforming lot. Motion by Gregory to grant the area variance application. Seconded by DeRocher. Vote: All in favor.

2. Public Hearing (Special Exception Application) – Edward Jacob requests a special exception from Section V.B.2.e. to permit the construction of a one-family dwelling on property situated on Westport Village Road. The property is shown at Tax Map 70, Lot 40-2, situated in the Business Zoning District. Edward Jacob appeared before the Board. No abutters were present. Public hearing opened.

Jacob stated that he wished to construct a single family home on the property. Jacob noted that a garage to serve the home had previously been constructed on the site. Jacob noted that the area is primarily residential in nature.

Jacob provided the Board with a copy of the septic design which has been submitted to the State. Carbonneau noted that when this lot was originally created, state subdivision approval was obtained providing evidence that the lot could sustain a septic system meeting State regulations.

Jacob was reminded that since this property is located in the business district that there is a possibility in the future that a commercial use could be established nearby. Jacob stated that he was aware of that possibility. Public hearing closed.

The criteria for granting a special exception were reviewed. Board members found that the use is similar to uses already in the area and is in an appropriate location; that the proposed single family dwelling would not reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood; that there would not be a nuisance or serious hazard to vehicles or pedestrians; and that adequate and appropriate facilities would be provided. Motion by Gregory to grant the special exception application subject to receipt of the Approval for Construction for the septic system from NH-DES. Seconded by Beauregard. Vote: All in favor.

3. Public Hearing (Area Variance Application) – Harold and Barbara Berntsen request an area variance from Section IV.B.3. to permit the construction of a woodshed that does not meet required setbacks. The property is located at 25 Old Richmond Road, shown at Tax Map 24, Lot

41 situated in the Residence Zoning District. Harold Berntsen appeared before the Board. No abutters were present. Public hearing opened.

Berntsen provided Board members with photographs of the property. The site plan submitted with the application was also reviewed. Carbonneau noted that the structure that Berntsen wishes to construct is less than 100 s.f. and does not require a building permit. However, Carbonneau noted that the location where Berntsen wishes to place the structure does not meet setback requirements. The structure would provide cover for Berntsen's wood supply, which is currently stored outside under a tarp. Berntsen stated that the structure will be a temporary structure and will not be set on a foundation.

Board members discussed whether there were other areas on the property where the structure could be located. Due to the location of the line for the septic system, the location of other structures and gardens on the property, and the aesthetics of the property, Board members felt that there was no other reasonable location. Carbonneau provided the Board with a copy of the subdivision plan for this property; said subdivision was granted in 1998. The Applicant and the Board felt that there was enough room to set the structure at least 10 feet from the property line. Public hearing closed.

The criteria for granting an area variance were reviewed, with the Board finding that each criteria had been met. Board members felt that due to the location of the line for the septic system, the location of other structures and gardens on the property, and the aesthetics of the property, that there was no other reasonable location to site the proposed structure. Motion by Beauregard to grant the area variance subject to the condition that the proposed structure be situated no closer than 10 feet to the property line. Seconded by DeRocher. Vote: All in favor.

4. Public Hearing (Area Variance Application) – Edward and Sharron Thomas request an area variance from Section IV.A.3. to permit a reduction in required lot size in order to effectuate a boundary line adjustment between Map 18, Lot 77-25 and Map 18, Lot 77-27. The properties are located off Mt. Huggins Drive and situated in the Rural/Agricultural Zoning District. Map 18, Lot 77-25 is owned by Tanya Minichiello and Map 18, Lot 77-27 is owned by Edward and Sharron Thomas. Jim Phippard from Brickstone Masons and Ed Thomas were present on behalf of the Applicants. No abutters were present. Public hearing opened.

Phippard reviewed the proposed boundary line adjustment plan. Phippard noted that the property is situated in the Rural/Agricultural District and that the lots in the Mt. Huggins subdivision (for the most part) do not conform to existing 3 acre requirement in the District. Phippard noted that the lot sizes were permitted to be reduced, after obtaining a special exception a number of years ago, under a zoning provision that is no longer in effect. Phippard noted that the proposed

boundary line adjustment would not change the frontage for either lot, but would reduce Map 18, Lot 77-25 by approximately 1/3 acre, resulting in Map 18, Lot 77-25 being 1.56 acres after the adjustment.

Phippard provided the Board with a map of the Mt. Huggins subdivision highlighting the lots that currently have less than 1.56 acres. Phippard noted that out of 29 lots in the subdivision, 14 lots have less than 1.6 acres.

Phippard also noted on the proposed boundary line adjustment plan that the 4K area for Map 18, Lot 77-25 would not be impacted by the adjustment.

Thomas stated that the reason the boundary line adjustment was being requested is that when Thomas purchased the property, it was represented that the boundary line between the two lots was the line that is reflected by the proposed boundary line adjustment. Thomas also noted that when one looks at the lawn area for Map 18, Lot 77-27, it currently encroaches on Map 18, Lot 77-25. Public hearing closed.

The criteria for granting an area variance were reviewed, with the Board finding that each criteria had been met. Board members noted that the resulting size of the Map 18, Lot 77-25 would not be substantively different from the other lots in the area; that the 4K area for Map 18, Lot 77-25 would not be impacted and that the portion of the lawn area for Map 18, Lot 77-27 that currently encroaches on Lot 77-25 would be remedied. Motion by DeRocher to grant the area variance. Seconded by Mitchell. Vote: All in favor.

5. Public Hearing (Special Exception Application) – Ideal

Consolidated Services, Inc. requests a special exception from Section IV.B.2.a. to permit the construction of multi-family housing (6 buildings, each having 2 living units therein) on property situated off Eaton Road. The property is shown at Tax Map 41, Lots 9-2 and 9-3, situated in the Residence Zoning District. The property is owned by the Jeannette Rondeau Living Trust. Hutwelker noted that this item has been continued without further notice at the request of the Applicant to Monday, May 14, 2007 at 7:00 p.m.

Motion by Beauregard to adjourn. Seconded by Gregory. Vote: All in favor. Meeting adjourned at 9:00 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner