

Town of Swanzev, New Hampshire  
**Swanzev Zoning Board of Adjustment**  
Meeting Minutes – May 18, 2015

*Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.*

A meeting of the Swanzev Zoning Board of Adjustment (ZBA) was called to order at 7:00 p.m. by Chair W. William Hutwelker, III. Present were Chair Hutwelker, Vice Chair Keith Thibault, Bryan Rudgers, Sarah Tatro, Alternate Charles Beauregard, Sr., and Beverly Bernard, Recording Secretary. The Recording Secretary called the roll and the Agenda for the meeting.

**Absent:** Bob Mitchell, Alternate Mathew Rodeck, Alternate Shane Bryant, and Alternate Marty Geheran.

**Others Present:** Director of Planning and Community Development Sara Carbonneau, and Gayle Duplissie. Also present was Contractor Mike Candello.

**Minutes:**

- Meeting Minutes for March 16, 2015 were considered. Motion was made by Bryan Rudgers to approve the meeting minutes of March 16, 2015. There was a second to the motion by Thibault. No further discussion was held and all were in favor. The ***motion passed.***

**PUBLIC HEARINGS**

**Public Hearing (Variance Applications)**

1. **Variance Applications** - John and Gayle Duplissie request variances from Section XI.B.1. and IV.B.3. to permit the construction of a porch and deck that expands a non-conforming structure and does not meet required setbacks. The property is located at 4 Aldrich Road and is situated in the Residence District. The property is shown at Tax Map 23, Lot 4.

The Chair seated himself, Thibault, Rudgers, Tatro, and Beauregard, Sr. for Bob Mitchell for the Public Hearing.

**Public Hearing opened at 7:02 p.m.**

Carbonneau provided the application summary and she spoke to notices that were provided to the public, to abutters and to Department Heads. She said she received no responses from anyone. Carbonneau noted that the property is on a private well and septic system and it borders both Carlton Road and Aldrich Road. She noted that the Swanzev Zoning Ordinance requires a 30 foot setback and the home is at 26 feet setback and therefore nonconforming.

Gayle Duplissie was present and she spoke about having a porch in the past on the side of the building which has deteriorated significantly. Candello explained the diagram for the new porch to the Board. The porch will be close to the driveway.

The Chair asked for questions. Carbonneau noted there were no calls from abutters. Tatro asked about the front door being utilized and Gayle said they enter the building through the porch door. The door on the side of the house is the main entrance. It was noted that the porch is four feet deeper into the property, not onto Aldrich Road. Gayle said the current porch is hazardous for use for anyone not familiar with it. She noted that only the McClure family and Duplissie family use this end of Aldrich Road. The existing porch is 30 years old.

**Public Hearing closed at 7:20 p.m.**

It was agreed by the Board that both variances would be considered at the same time: increase in square footage and continued encroachment by four (4) feet.

Chair Hutwelker considered the request of John and Gayle Duplissie for variance from Section XI.B.1. and IV.B.3. to permit the construction of a porch and deck that expands a non-conforming structure that does not meet required setbacks. He reviewed the Checklist for Granting a Variance with the members of the Board:

1. *Could the variances be granted without being contrary to the public interest?*  
**Members said: yes – there is no further encroachment into the existing setback – not making the non-conforming situation worse**
2. *Would the spirit of the ordinance be observed if the variances were granted?*  
**Members said: yes – not encroaching any further into the 26 foot setback – not making the non-conforming situation worse**
3. *Would the granting the variances do substantial justice?*  
**Members said: yes – same reason as #2**
4. *Could the variances be granted without diminishing surrounding property values?*  
**Members said: yes**
5. *Do special conditions of the property exist that distinguish it from other properties in the area?*  
**Members said: yes – the property has 290 feet of town road frontage**
  - a. *Owing to the special conditions of the property that distinguish it from other property in the area, there is not a fair and substantial relationship between the general public purpose of the ordinance and the specific application of the provision to the property?* **Members said: yes**
  - b. *Are the proposed uses a reasonable one?* **Members said: yes**
6. *If the criteria in subparagraph a. and b. are not met, an unnecessary hardship will be deemed to exist if, and only if: Owing to the special conditions of the property that distinguish it from other properties in the area the property cannot be reasonably used in strict conformance with the ordinance, and a variance is necessary to enable a reasonable use of the property*

The Chair reported that “yes” prevailed and he entertained a motion to grant the request for Variance from Section XI.B.1. and IV.B.3.

**Motion was** made by Tatro to grant the request of John and Gayle Duplissie for variance from Section XI.B.1. and IV.B.3. to permit the construction of a porch and deck that expands a non-conforming structure that does not meet required setbacks on property that is located at 4 Aldrich Road, shown at Tax Map 23, lot 4, and situated in the Residence District. There was a second by Thibault and no further discussion. All were in favor. Motion passed.

Duplissie asked how much footage the town owns from center of Carlton Road. Carbonneau said she would investigate; most recent roads are 50 feet wide. A lot depends on the age of the road and how it became a road. Theoretically, if the road bed is 50 feet wide and the pavement is 24 feet wide, there should be about 13 feet on each side of the pavement. But pavement is not necessarily in the center of the right-of-way. Duplissie spoke about large trees close to the road which shades the road in winter and helps to create ice on the road. Duplissie said that they have had to help stranded motorists on the icy curve and she believed that it would benefit all concerned if the trees were removed.

#### **DISCUSSION/OTHER MATTERS**

##### **State Bill to reduce decision-making votes for ZBAs**

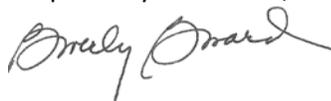
Carbonneau spoke about a bill in the State Senate to reduce the number of votes needed by a ZBA to make a decision. The current ZBA needs three members present to make a quorum. And currently all three are required to agree on a decision. Carbonneau went on to say the Senate Bill regarding reducing the number of votes required for a decision to two has been annexed to another Bill. You still need a majority, but with only three people, two could make a decision. When asked for her opinion by Thibault, Carbonneau said it would be a dis-service to the Town for only two people to make a decision for a potential ten member Board (five regular elected members and five alternates).

##### **Safford Drive Ribbon-Cutting Ceremony**

Carbonneau noted that invitations for the ribbon-cutting ceremony have been given out. There was a discussion about the status of Safford Drive. The final paving has been done, but they need to do painting/stripping.

**Motion** to adjourn was made by Thibault, seconded by Beauregard, Sr. and all were in favor. **Motion passed.** Adjournment occurred at 7:34 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary