

ZONING BOARD OF ADJUSTMENT
SEPTEMBER 11, 2018 FINAL MEETING MINUTES

Present: Chairman - Jack Dearborn; Vice Chairman – Mike Meyer; Member – Marc Morette; Member – Stuart Richmond; Alternate – Gary Shelto; Land Use Coordinator – Chip Meany.

Guests: Diane Boulanger, Ronald Boulanger, Bunk Boisvert, John Sokul

I. CALL TO ORDER

The meeting was called to order by Chairman Jack Dearborn at 7:31 pm.

II. ADMINISTRATIVE ITEMS

Chairman Dearborn stated that he would address the special exception case first. He then explained the way the meeting will be run, is that all questions would come to the Chair. He first will ask for a motion to accept the application to be heard, then he will ask the applicant to come forth and he will read the synopsis of the front page, he will then ask the Board if they have any questions of the application, then he will ask the applicant to come forward to state his name and speak to the seven conditions needed for a special exception that has been included in the application, then the applicant will be asked to sit down. Chairman Dearborn will then ask for approving abutters, disapproving abutters, public at large, other boards and then will ask the applicant to come back up and rebut anything if he wants, then he will go through the process again then he will close the public hearing. Chairman Dearborn stated that once the public hearing is closed, the Board will deliberate and come up with position - approve with or without conditions, denied with conditions or continued pending issues that come up for more information should the applicant which that or if the Board needs to get a legal opinion. Procedure for a variance shall be voted at each individual point, and a special exception shall be voted on after all points have been read, realizing that there are 5 board members present and that a three to five vote would indicate an affirmative motion in each request. A granted variance must meet all five points of hardship, where a special exception is allowed by right if you meet the conditions listed in Town of Weare Zoning Ordinance. All motions will be made in the affirmative.

III. PUBLIC HEARINGS

Case #0918 Special Exception Article 19.1.10: Donald D & Diane C Boulanger, Tax Map 403, Lot 112, 80 Blake Road; "Auxiliary dwelling unit (ADU) in a Residential Zone".

Property Description: 296' frontage, 390' West boundary, 335 East boundary, 155' rear boundary

Proposed use or existing use affected: To finish the area in my cellar for use as in-law apartment.

Why does your proposed use require an appeal to the Zoning Board of Adjustment:

To get a building permit for the in-law apartment in existing house per Article 19 Sections 19.1.10 to 19.1.10.7.

Members now introduce themselves. Mr. Richmond motions to accept review of application. Mr. Morette seconded. All accepted.

Special exception application points included:

- 1. The specific site is an appropriate location for such a use or uses in terms of overall community development:** Yes, the in-law apartment will be constructed in the basement of the existing house with no change to the exterior of building.
- 2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring areas:** Yes, the in-law apartment is in existing house with no change to the exterior of structure.
- 3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians:** No nuisance or hazard by this space does not affect vehicular or pedestrian traffic.
- 4. The proposed use will not case and undue burden on the Town through the provision of basic Town services:** No additional Town services are needed.
- 5. Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment:** Adequate off-street parking exist and will not be affected by space.
- 6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees:** No changes to property are needed. The area is being constructed in basement and will not affect exterior.
- 7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with the section:** We are prepared to comply with the Board's requests.

Mr. Meyer reviewed the 7 conditions of an AUD [19.1.10.1 to 19.1.10.8], pg. 26 Town of Weare Zoning Ordinance. All met per Board.

Chairman Dearborn asked for approving abutters. There were.

Chairman Dearborn asked for disapproving abutters. There were.

Chairman Dearborn asked for public at large. There were none.

Chairman Dearborn asked for other boards. There were none.

The chairman shut down public hearing. Motion made by Mr. Meyer to accept Case #0918. Seconded by Mr. Richmond. All in favor, 5-0.

Case #1018 Variance Article 25.5.2: Romar Assistive Services, 400 South Stark Highway, Tax Map 109, Lot 12; "Industrial Zone".

The Chairman discussed importance of combining Case #0618 & Case #1018 to a parallel level, therefore they can be considered at the same time.

Chairman Dearborn read details of Case #1018 for those present and watching. Property description included 5.56 acres, as shown on the submitted plan. Proposed use will not change. The variance is to correct lack of frontage that has existed since 1995. This appeal to the ZBA is required because the lot lacks frontage on public street as required by Article 25.5.2 of Zoning Ordinance. It was stated the details of the five points of hardship are submitted. A Letter of Authorization from Robert Phillips states William Boisvert & Et Al are authorized to represent Romar Assistive Services, Inc. was also included. There is a tax map, a map of the site plan from 1995, list of abutters. The question was posed towards the Board if there were any concerns about the application. None. The Chairman proposed to

accept application Case #1018. Mr. Richmond motions, Mr. Morette seconds. All approved, 5-0. The Chairman states that now both applications are at the same status.

Case# 0618 - VARIANCE - Article 25.5.1 & 25.5.2 Continued: William Boisvert, East side of Route 114, Tax Map 109, Lot 11; "Industrial Zone".

The Chairman invited Mr. Sokul, Esquire to speak. He explained a second variance application was submitted to clear up any questions concerning the whole matter. The Chairman then read a statement position the Board will hold going forward.

It states the following:

"You have applied for two variances (lot size and frontage), on the tract depicted as Lot #109-11 to support the construction of improvements on that tract. In an attempt to confirm the identity of that lot we consulted town counsel and reviewed relevant town records. We were unable to confirm that Lot #109-11 was ever legally subdivided from the 6.5 parcel shown on recorded Plan No. 20259 (referred to as the 'parent tract').

In 1995 the Town approved a site plan on Lot #109- 12, submitted relative to that rear portion of the parent tract which incorrectly represented to the Town that it was a separate tract when it should have been represented as the 'parent tract'.

Accordingly, we are concerned that the conveyance of the portion of the parent tract that purports to be Lot #109-12 separate from the balance of the parent tract may constitute a violation of RSA 676:16.

The ZBA does not consider that it is authorized to entertain a request for the variance on purported Lot #109-11 without the consent and joinder of the nominal owner of purported Lot #109-12. It is recommended that any such request also include a proposed conceptual subdivision plan reviewed by the planning board as a threshold matter."

Chairman Dearborn moved to *"Motion to stay further action on variance applications for both Boisvert and Romar until the applicant has proceeded to a conceptual hearing before the Planning Board to determine their recommendations as to the configuration of the contemplated subdivision plan that would establish the properties identified on the previous Romar site plan as properly designated lots of record."*

Mr. Morette seconded the motion. Unanimously passed, 5-0.

Mr. Meany will send the minutes to Mr. Sokul.

Case #2707 Variance Extension: Cindy Kaczmariski/Rooney, Tax Map 108, Lot 41, 67 Pond View Road. Motion made by the Chairman to approve the extension Variance Case #2702. Seconded by Mr. Morette. Passed unanimously, 5-0-0.

Case #2504 Variance extension: Motion to extend the variance made by the Chairman, Mr. Richmond seconded. All approved, 5-0-0.

Case #4002 Variance extension: Motion to extend the variance stated by Chairman Dearborn, and Mr. Morette seconded. All approved, 5-0-0.

IV. MINUTES:

Chairman Dearborn suggests to wait on reviewing minutes until next meeting.

V. ADJOURNMENT

Moved to adjourn at 8:36 PM. Marc Morette seconded. Motion passed 5-0-0.

C. Provencher

Transcribed from meeting and recording