

ZONING BOARD – JUNE 2, 2015 FINAL MEETING MINUTES

Present: Chairman - Jack Dearborn, Member - Stu Richmond, Member - Malcolm Wright, Member - Marc Morette, Alternate ó Donald Rogers, Land Use Coordinator ó Chip Meany, Minute Taker ó Tina Ripley

Guests: Bruce Fillmore, Art Siciliano

I. CALL TO ORDER

The meeting was called to order by Jack Dearborn at 7:30pm.

II. PUBLIC HEARING

CASE #0615, Arthur F. Siciliano: Variance: Article 28, Section 28.9; Address: 47 Pine Hill Rd., Weare, NH; Owner – Woodridge Properties, LLC., 1225 River Rd., Weare, NH; Property Address: Bartlett Drive; Tax Map #407 & Lot #155.3; Residential Zoned- Property Description: 25.82 acre lot/ 110.54' frontage; Property Use: land is vacant, will be used for residential home; why does your proposed use require an appeal to the Zoning Board of Adjustment?: A driveway is proposed to access lot 155.3. The driveway will be crossing a narrow strip of wetland and wetland buffer.

The 5 points of hardship are included signed by Chris Bolton. We have a Quitclaim Deed of Ownership, List of Abutters, tax map indicating where the property is, a survey which indicates where the effected wetland is, letter from Chris J. Bolton, Manger of Woodridge Properties, LLC empowering Arthur Siciliano to act as his agent

Stu Richmond moved to accept the variance for Case #0615, Malcolm Wright seconded. The motion passed 5-0-0.

Jack Dearborn asked Art Siciliano to give an overview of the map so they could understand what he wanted to accomplish this evening. Arthur Siciliano said they went to then Planning Board with the 3 lot subdivision. They are proposing a shared driveway for lot 155 and 155.3. Lot 155 frontage is off the end of the odd-shaped culdesac and lot 155.3 frontage. They are proposing a shared driveway to eliminate one of the crossings. The wetlands crossing is 87 sq. ft. There is a 25 ft. buffer.

Jack Dearborn asked if Bartlett Road is a Class V road, Arthur Siciliano said yes. Jack Dearborn said he didnt understand how you can have a road terminate and have 3 properties off of it without any road frontage. Arthur Siciliano said you can have 10 acres lots with 50øof frontage.

Stu Richmond ask if the stream was a seasonal flow, is there not much water during the spring time. Arthur Siciliano said during the spring time is when it flows. Stu Richmond asked if the culvert was enough to handle the flow. Arthur Siciliano said yes. Jack Dearborn asked how big the diameter of the pipe is. Arthur Siciliano said it is 18ø.

Art Siciliano read the five points of hardship into the record:

- 1) **The variance will not be contrary to the public interest:**
 öThis land is zoned residential as are the surrounding properties. The proposal is to construct a driveway through the wetland and 25øwetland buffer for a residential home. Similar uses in the same neighborhood will not diminish values.ö
- 2) **The spirit of the ordinance is observed:**
 öThe ordinance allows wetland crossings for driveways, so the spirit of the ordinance would and should allow for disturbance of the 25øwetland buffer for a driveway.ö
- 3) **Substantial justice is done:**
 öThe owner will be able to gain access to the buildable dry area of the land zoned for residential use.ö
- 4) **The values of surrounding properties are not diminished:**
 öThis is disturbance of the 25øwetland buffer for a private driveway. The disturbance will take place away from the public highway. The public will not be using the private driveway.ö
- 5) **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:**

A: The wetland & wetland buffer bisect the property from side to side. In order to get to the dry buildable land in the rear of the lot that special condition must be crossed.

I. No fair & substantial relationship exists between the general public purposes of the ordinance provision & the specific application to the property:
 öThe general purpose of this ordinance provision is to protect all wetland areas, regardless where they are in town. Application of that provision to this lot would deny residential use of the lot. The provision is there to protect not deny use.ö

II. The proposed use is a reasonable one:
 öThe owner will be able to gain access to the buildable dry area of the land zoned for residential use.ö

B: If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to 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 therefore necessary to enable a reasonable use of it.

öThe wetland & wetland buffer bisect the property from side to side. In order to get to the dry buildable land in the rear of the lot that special condition must be crossed.

Please indicate how owing to the special conditions identified above, your property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

öApplication of the ordinance provisions to this lot would be not allow access to the usable area of the lot. The lot is zoned residential use. In order to reasonably use the lot a variance is needed to construct a driveway to a home on the buildable dry area of the lot.ö

Jack Dearborn asked if there were any questions for the applicant. There were none. He invited any approving abutters to speak. There were none. He invited any non-approving abutters to speak. There were none. He invited any board to speak. He invited public at large. There were none. Jack Dearborn closed the public hearing.

Jack Dearborn motioned to accept Case #0615 section 1, Malcolm Wright moved , Mark Morette seconded. All were in favor. 5-0-0

Stu Richmond moved to accept section 2, Malcolm Wright seconded. All were in favor. 5-0-0

Marc Morette moved to accept section 3, Don Rogers seconded. All were in favor. 5-0-0

Malcolm Wright moved to accept section 4, Marc Morette seconded. All were in favor. 5-0-0

Stu Richmond moved to accept section 5 parts 1 and 2, Marc Morette seconded. All were in favor. 5-0-0

The variance was approved. Case #0615 passes.

III. OTHER BUSINESS

Request for Variance Extension for Carl D. Landon ó Case #4002; Lots 18, 33 and 35 Russell Drive, Weare, NH (Tax Map 103-018, 103-033 & 103-035)

Malcolm Wright moved to accept the variance extension. Marc Morette seconded. All were in favor. 5-0-0

Accepted last meeting minutes.

IV. ADJOURNMENT

Malcolm Wright made a motion to adjourn the meeting at 8:05 pm. Marc Morette seconded. The meeting was adjourned.

Tina Ripley