

**DUNBARTON ZONING BOARD OF ADJUSTMENT
DUNBARTON TOWN OFFICES
MONDAY, OCTOBER 19, 2020 – 7:00 P.M.
MINUTES OF MEETING**

The regular monthly meeting of the Dunbarton Zoning Board of Adjustment was held at the above time, date and place.

John Trottier, Chairman, called the meeting to order at 7:00 p.m.

The following members were present:

John Trottier, Chairman
John Herlihy, Vice Chairman
Alison Vallieres, Secretary
Dan DalPra
James Soucy

Other Attendees:

Donna White, Building Department

Meeting Posting:

The Chairman verified with the Secretary that the meeting notice had been posted in two public places throughout the Town and published in the Concord Monitor for one day. It was noted the Zoning Board Meeting was posted on the Google Calendar and on the Dunbarton Town Web Site.

APPROVAL OF PREVIOUS MEETING MINUTES: MONDAY, AUGUST 10, 2020

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board of Adjustment approve the minutes of the AUGUST 10, 2020 meeting as written. James Soucy seconded the motion. The motion passed unanimously with the following roll call vote:

*Trottier – Yes
Herlihy – Yes
Vallieres – Yes
DalPra – Yes
Soucy – Yes*

PUBLIC HEARING – JORDAN A. MARCOU #2020 ZBA- 006 (12-02-04) 41 CONCORD STAGE ROAD REQUESTS A VARIANCE TO ARTICLE 4, SECTION B. TABLE OF DIMENSIONAL REGULATIONS TO ALLOW HIM TO RECONSTRUCT AND ENLARGE AN EXISTING ADDITION TO HIS DWELLING CLOSER THAN THE REQUIRED SETBACK AT HIS PROPERTY LOCATED IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH

Jordan Marcou, applicant, explained the reasons for the request for a Variance as follows:

Wanted to expand the existing portion of the house to create more space for the house and this was the best option. The addition would be to the west side of the house. A portion of the house is already within the

setback. The lot to the west is owned by the Town of Dunbarton. It appears portions of that lot are part of the Hopkinton / Everett Flood Control area and will never be built upon.

The Board members reviewed the plan and noted the house was built in the early 1960's prior to Zoning and setbacks.

John Trottier, Chairman, asked Jordan Marcou to address the criteria for the granting of a Variance.

The applicant addressed the requirements for a Variance as follows:

1. Granting the Variance will not be contrary to the public interest because:

This request is consistent with the use of the variance process to expand and/or improve a dwelling and not change the character of the neighborhood.

2. If the Variance were granted, the spirit of the Ordinance would be observed because:

I would have better use of my property/dwelling and there would be no detriment to the abutting properties.

3. Granting the Variance would do substantial justice because:

It will allow me to improve my dwelling while improving its value and that of the abutting properties.

4. If the Variance were granted, the values of surrounding properties would not be diminished because:

If the variance is granted, the values of the surrounding properties would be improved, not diminished, by adding value and character to the property.

5. Unnecessary Hardship

(a) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- (i) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property because:**

This is a private dwelling (home) and the use of the variance to improve it will not adversely affect the general public or the intent of the ordinance.

and

- (ii) The proposed use is a reasonable one because:**

It is an enlargement/improvement of an existing structure and is being used for the same purpose.

(b) Explain how, 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.

The variance for this proposal is necessary and just because of the location of the dwelling on the property in relation to the property lines. This house was built in the early 60's, before setbacks were established.

The abutters were read as follows and noted that all had been notified by certified mail.

Richard/Phoebe Schaeffer – Not Present
Michael/Meredith Casey – Not Present
Jeffery/Amy Michaud – Not Present
Joshua/Zareene Bullock – Not Present
Brian Little – Not Present
Marc/Deborah Powell Trust – Not Present
James P. Marcou -Present, stated he had no objections to the Variance
Arthur Siciliano – Surveyor for the applicant – Not Present
Town of Dunbarton - Not Present

At this point in the meeting, John Trottier, Chairman, closed the Public Hearing.

Board Discussion:

The Board members noted the request for the Variance was pretty straight forward. The house was built prior to Zoning and part of the existing house is already within the setbacks. There will be no future building on the lot to the west where the Variance is requested. There is nothing that will be contrary to the spirit of the Ordinance.

MOTION:

John Herlihy made a motion that the Dunbarton Zoning Board of Adjustment GRANT the request for a Variance to Article 4, Section B. Table of Dimensional Regulations from Jordan A. Marcou #2020 ZBA-006 (12-02-04) 41 Concord Stage Road to allow him to reconstruct and enlarge an existing addition to his dwelling no closer than 31 feet from the west boundary at his property located in the Low Density District in Dunbarton, NH. The motion was seconded by Dan DalPra. The motion passed unanimously with the following roll call vote:

*Trottier – Yes
Herlihy – Yes
Vallieres – Yes
DalPra – Yes
Soucy – Yes*

OTHER BUSINESS:

The Zoning Board of Adjustment reviewed the Rules of Procedure as presented by Donna White, Building and Planning Administrator. They made various suggestions and Donna White will incorporate the changes into the Rules of Procedure and provide a revised copy for the Board at their next meeting to be voted upon.

There being no further business, the meeting adjourned with the following vote:

MOTION:

John Herlihy made a motion that the Dunbarton Zoning Board of Adjustment adjourn the meeting at 8:30 p.m. The motion was seconded by Dan DalPra. The motion passed with the following roll call vote:

***Trottier - Yes
Herlihy - Yes
Vallieres - Yes
DalPra - Yes
Soucy - Yes***

Respectfully submitted,

Alison R. Vallieres, Secretary