

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

DUNBARTON ZONING BOARD OF ADJUSTMENT

MONDAY, FEBRUARY 10, 2020

DUNBARTON TOWN OFFICES - 7:00 P.M.

The regular monthly meeting of the Dunbarton Zoning Board was held at the above time, date and place with Chairman John Trottier presiding.

The following members were present:

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

John Herlihy, Absent

Town Offices:

Donna White, Planning and Zoning Department

Others Attending:

Debra Foster, Applicant
Patrick H. Gordon, Architect for Applicant

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

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.

7:00 P.M. - APPROVAL OF PREVIOUS MEETING MINUTES: MONDAY, DECEMBER 9, 2019

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board of Adjustment approve the minutes of the Monday, December 9, 2019 Meeting as written. James Soucy seconded the motion. The motion passed by a majority vote with John Trotter abstaining as he was not present at the meeting.

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PUBLIC HEARING: DAVID AND DEBRA FOSTER REQUEST A VARIANCE TO ARTICLE 4, SECTION D., PARAGRAPH d. TO ALLOW THEM TO INCREASE THE FOOTPRINT OF AN EXISTING NONCONFORMING STRUCTURE AT THEIR PROPERTY ON 11 STARK HIGHWAY SOUTH, DUNBARTON, NH 03046 IN THE VILLAGE DISTRICT IN DUNBARTON, NH

Patrick Gordon, Architect, presented the proposed plan showing the changes on the David and Debra Foster property at 11 Stark Highway South in Dunbarton, NH. He noted the property is within the Village District. They are proposing to increase the current non-conforming footprint by approximately between 253 and 300 square feet. He also presented pictures of the property including the location where the increase would occur. He stated the increased square footage would be on the west side of the property and would include an upgraded kitchen and laundry room. They would also increase the garage to be wider to accommodate vehicles with more room. At the present time, once a vehicle is in the garage it is difficult to open the doors because of the narrowness of the garage. This increase in the garage would be no more invasive of the setback than it is presently.

Patrick Gordon also presented a floor plan of the entire house with the proposed addition, etc. They plan to rebuild in the same footprint on the 40' setback and expand to the west boundary where it is not within sight distance of the road or the surrounding neighbors. The existing total square feet is 1775 feet and they would be asking for approximately 253 – 300 square feet increase which is 14% more. With a new roof it would still remain under the 35' height requirement.

Patrick Gordon presented a Certified Plot Plan.

He noted that the entire property was non-conforming. We are not doubling the size of the house. It will still be a residential house. The addition will allow them to do a lot of cooking and utilize the garage they have now. Will be expanding the existing kitchen to the west.

James Soucy asked what the items outlined on the plan represented. It was noted they were a table and chairs, etc.

The questions for the granting of the Variance were answered as follows:

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

The majority of the increase will occur in the rear of the property. It is out of the public view on the major street.

2. The spirit of the Ordinance is observed because:

No change of use is requested and requested increase is marginal.

3. Substantial justice would be done because:

The current owners will increase the function of their property to improve quality of life.

4. The values of surrounding properties are not diminished because:

Upon a future tax assessment and appraisal, the property value will increase to the benefit of the surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- (a) 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:

- (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, and;

The current structure constructed prior to the ordinance is currently non-compliant.

- (ii) The proposed use is a reasonable one.

The use remains the same and the increase requested in non-conformance is marginal.

Abutters were as follows and noted that all had been notified by Certified Mail:

Albert G. Statuto, McNasty Trust – Not Present

Mathew Severance Not Present

Michael S Kaminski Rev Trust & Sharon L. Kaminski Rev. Trust – Not Present

Thomas & Amanda Tassias – Not Present

Nancie G. Stone Rev. Trust – Not Present

Jeff & Bronda Crosby – Jeff Crosby present. Asked about the Certified Plot Plan. What are you using for a point for the boundary on the south? Are you using the center of the wall? The surveyor is not here. I am hoping it is the center of the wall. There is no drill hole in the wall.

Robert M Foster – Not Present

Scott & Debra Andrews – Not Present

Lynda Gagne – Not Present

David P. Montgomery Trust & Linda Montgomery Trust – Not Present

Mark Andrews & Gretchen Andrews – Not present

Board Comments:

Alison Vallieres noted there were no measurements on the Proposed Floor Plan. How far away from the west boundary line is the proposed addition?

It was noted that they were not seeking a variance for distance from the west boundary but instead they were asking to expand an existing non-conforming use.

Jeff Crosby asked about the other non-conforming structures on the property. There are a couple of sheds.

Debra Foster stated that Hurricane Sandy blew the barn down. It was built in the ROW and when we went to the Town, they said we could rebuild in the same footprint. She stated that the second structure was 96 square feet and did not need a permit. It is 1 ½ feet from the stone wall.

James Soucy noted they are asking for an addition 232 square feet on the westerly boundary. They have stated between 253 and 300' square feet. Will it be 250 square feet or a maximum of 300 square feet?

Dan DalPra asked about the requirement for a Certified Plot Plan. They should show the existing septic system on the Plot Plan along with any topography. The well is already on the plan.

Alison Vallieres stated they need dimensions on the Certified Plot Plan so when the Building Inspector goes out there to inspect the addition, there are some measurements to go by. At this point, there are none on the plan. They should be specific as to how much greater the square footage will be rather than between 253 and 300 square feet. We could say "no greater than 300 square feet".

Dan DalPra also asked about the Public Notice and application which states D. d. It should read D. 1. a. They need to amend the application in order to be correct.

James Soucy noted the home is already non-conforming. It was built in 1881 long before zoning. In working through the criteria, the majority of the proposed addition is actually heading toward the back and not towards the road. I find it to be consistent with the public interest. The only other thing the applicant must understand is that there will be no encroachment of the easterly sidelines. They really can't go towards the sidelines.

John Trottier, Chairman, closed the Public Hearing at 7: 35 p.m.

The following motion was made:

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board of Adjustment approve the request for a Variance from David and Debra Foster to Article 4, Section D., Paragraph 1. a. to allow them to increase the footprint of an existing nonconforming structure at their property on 11 Stark Highway South, Dunbarton, NH 03046 in the Village District in Dunbarton, NH subject to the following conditions:

- 1. The addition is not to exceed 300 square feet.*
- 2. That there be a revised survey plan to show existing distances from property lines on the north, south and easterly boundaries.*
- 3. That the plan include the existing septic system.*
- 4. The addition is not encroaching any further into the existing setback on the southerly boundary.*

John Trottier seconded the motion. The motion passed unanimously.

Other Business:

Donna White, Planning and Building Department reported that there will be five Zoning Amendments on the ballot in March.

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board adjourn the meeting at 8:00 p.m. James Soucy seconded the motion. The motion passed unanimously.

Respectfully submitted,

Alison R. Vallieres
Secretary