

DUNBARTON ZONING BOARD OF ADJUSTMENT

Monday, August 9, 2021

7:00 p.m. – Town Office

MINUTES OF MEETING

A 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

Alison Vallieres, Secretary

Dan DalPra

John Herlihy

Other:

Donna White, Planning and Zoning Department

Lynda Gagne, Applicant

APPROVAL OF PREVIOUS MEETING MINUTES: MONDAY, MAY 10, 2021

**MOTION:**

*John Herlihy made a motion that the Dunbarton Zoning Board of Adjustment approve the minutes of the May 10, 2021 meeting as written. Dan DalPra seconded the motion. The motion passed unanimously with the following roll call vote:*

*Trottier – Yes*

*Vallieres – Yes*

*Herlihy – Yes*

*DalPra - Yes*

**PUBLIC HEARING – LYNDA GAGNE, 9 STARK HIGHWAY SOUTH, (E3-06-11) REQUESTS A VARIANCE FROM ARTICLE 4, SECTION C. NONCONFORMING LOTS, ARTICLE C. OF THE DUNBARTON ZONING ORDINANCE TO ALLOW HER TO CONSTRUCT A GARAGE CLOSER THAN THE REQUIRED 30 FEET AT HER PROPERTY IN THE VILLAGE DISTRICT IN DUNBARTON, NH.**

Lynda Gagne appeared before the Board regarding her request for a Variance and stated as follows:

Stated she would like to build a small garage for one car. It will be 25' from the south property line of the lot.

Stated she could have it touch the existing building, but she was advised that it would look bad. She would not have to have a variance if she choose to do that. Everyone else close to her has a garage. All her neighbors have garages.

At this point John Trottier, Chairman, noted that she should address the required criteria for the granting of a Variance. He noted that she had filled out the requirements for the Variance but felt the responses did not address the requirements. One response was incomplete, etc. He stated that in order for the Zoning Board of Adjustment to act on the request, she must address the criteria for the granting of the Variance. Other Board members were in agreement with John's observation of the responses.

Lynda Gagne stated that it has taken her two years to get to this point. She had contacted Jacques Belanger, Surveyor, to do the survey (Certified Plot Plan) and it was determined that she could not meet the setback of 30 feet which was a requirement. Therefore, she would need a Variance. At that time, Jacques Belanger stated that the garage would look better if it was detached from the home which would put the garage 25' from the south property line but would need a Variance. She stated that no one is objecting to her having the garage there.

John Herlihy stated that the previous owner had turned the existing garage at that time into living space. There was previously a garage there.

Lynda Gagne noted that this was now her bedroom.

John Trottier, Chairman, again stated that she must address the five criteria necessary for the granting of a Variance (contrary to public interest, spirit of the ordinance, property values diminished, substantial justice, unnecessary hardship) which she has failed to do with responses as submitted. He suggested she look at the criteria for the granting of the Variance. The criteria is the most important part of the Variance. Board consensus was at this point, she has not addressed the criteria correctly and it doesn't meet the criteria. If the Zoning Board of Adjustment were to vote on this application right now, it would have to be denied on the basis that it does not meet the criteria for the granting of a Variance.

Lynda Gagne stated that it had been very confusing for her to fill out the paper work, etc. She did not understand the process, etc.

At this point in the meeting, John Trottier made the following motion:

**MOTION:**

*John Trottier made a motion that the Lynda Gagne Request for a Variance as presented this evening be continued until the next meeting of Monday, September 13, 2021 at 7:00 p.m. which will give the applicant time to address the five criteria as required. John Herlihy seconded the motion. The motion passed unanimously,*

**OTHER BUSINESS:**

**Review of Draft Rules of Procedure for the Dunbarton Zoning Board of Adjustment**

The Zoning Board of Adjustment reviewed the draft Rules of Procedure with the following suggestions and recommendations:

1. Page 1, paragraph Officers – It was suggested that the sentence referring to “in the month of April” be changed to read “at the first meeting after Town Meeting”. This would apply to the chairperson, the vice-chairperson and the secretary.
2. Page 3, under Applications/Decisions, a. third paragraph. The Board noted that the sentence “For/At each meeting, the secretary and/or zoning administrator shall present to the board all applications received by him/her at least seven days before the date of the meeting.”, was confusing.

Donna White noted she would try to clarify this sentence and bring it back to the board next month.

3. Page 4, under Public Hearing: The Board removed items g. h. i. j. from the items.
4. Page 4, under Public Hearing, item k.: The Board changed the wording of item k. to read as follows:  
“*Any Board member* who wants the board to compel the attendance of a witness shall present his/her request in writing to the chairperson not late than three days prior to the public hearing.

Donna White will work on the wording of this change and bring it back to the board next month.

5. Page 4, under Public Hearing, item m.: The Board requested that the following sentence be removed: “Opportunity shall be given for correction from the floor”.
6. Page 4, under Public Hearing, add a paragraph titled Deliberations and spell out the five criteria to be addressed individually and voted on individually, etc.

There being no further business, the meeting adjourned at 8:10 p.m. with the following motion:

**MOTION:**

John Herlihy made a motion that the meeting adjourn at 8:10 p.m. Dan DalPra seconded the motion. The motion passed unanimously.

Respectfully submitted,

Alison R. Vallieres, Secretary