

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

In attendance were JoAnn Duffy—Chairman (at 7:20 pm), Gail Labrecque—Vice Chairman, Emily Sandblade—alternate, and Len Stuart—alternate. Also in attendance were Patty Gale—Planning & Zoning Assistant, and Darrell Halen—GTV audio/video technician.

Gail Labrecque called the meeting to order at 7 pm. She explained the procedures the Board would follow for the hearings and deliberations, as well as the appeal process. She said if anyone is interested in serving on the ZBA they can contact the Planning office. She asked the Board to introduce themselves. She said Emily Sandblade and Len Stuart would be a voting alternate this evening.

There were about 7 people in the audience.

MINUTES—meeting of December 1, 2015

Emily Sandblade made a motion to approve the minutes to the ZBA meeting of December 1, 2015. Alan Yeaton seconded the motion. VOTE: 3-0-1. Len Stuart abstained. Motion carries.

PUBLIC HEARINGS

John Bohan & Laurie Dowse, Applicants/Owners, are seeking Variances to allow two (2) existing tent sheds on the right side of the property to remain. The Variances will be needed as follows: Both proposed sheds need a Variance for being 3 ft. from the side property line whereas Section 5.1.1 of the Goffstown Zoning Ordinance requires a minimum of 10 feet. The front shed requires a variance because it is placed as close as 12 feet to the front property line, whereas Section 4.3 and Section 5.1.3 of the Goffstown Zoning Ordinance restrict the shed to be a minimum of 25 feet from the front property line. Another Variance is required for the rear shed to be as close as 80' to the edge of the Piscataquog River whereas Section 13.3 of the Goffstown Zoning Ordinance requires structures to be 100 feet from the water's edge. The property is located at 7 Channel Lane, a private road, (Map 19, Lot 11), in the Residential-2 Zone. (Continued from the December 1, 2015 Meeting)

Len Stuart made a motion to find the application has no regional impact. Emily Sandblade seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

John Bohan said the front of the road is 25 feet. It's a private road and they take care of it. Both abutters signed a paper saying they have no problem with it. The green one is over 100 feet from the water, and we already went through about the white one at the last meeting. They were fine with it.

Laurie Dowse said if we didn't have those we would have stuff all over our yard.

Alan Yeaton asked if we were given a site plan. He is looking at the GIS and it looks like the tent is right on the lot line.

John Bohan said Brian Rose came down and checked it. That yellow line is way off. It's about 12 feet from the edge of the hut to the end of his driveway.

Alan Yeaton said that doesn't mean that's the edge of the property line.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

John Bohan said the neighbors on the left with the fence just had their property surveyed. That is with the property line is. We take care of the road. If I don't plow it the ambulances don't come down the road. Nothing does.

Gail Labrecque asked what their paving the road has to do with the tents on his property.
Laurie Dowse said it's not like there is a lot of traffic.

Alan Yeaton said there is a lot of stuff in the yard.

John Bohan said it's now inside it.

Gail Labrecque asked when he moved be stuff inside. Was it within the last couple of weeks?

John Bohan said after they put the tent up they put the stuff inside. There is nothing out there now except a trailer, a boat, and jet skis.

Gail Labrecque said when she went by the lot it rather congested.

Laurie Dowse reviewed the variance criteria. Granting the variance would not be contrary to the public interest because it would help clean up my yard and not have things thrown everywhere. The spirit of the ordinance is observed because without ordinances people would be putting garages and sheds up everywhere on their property. Granting the variance would do substantial justice because I keep all my tools and motorcycles, snow blowers, snowmobiles, bikes and other things underneath. Otherwise everything would be all over the yard and the appearance of my yard would be a problem with my neighbors. The values of the surrounding properties will not be diminished because it makes my yard look better instead of having everything all over my yard with tarps over them. Regarding hardship, my yard would be filled with all my things. It would not be pretty. He couldn't afford to build a structure. The proposed use is a reasonable one because it keeps all my tools, bikes, etc. from being out in the open for everyone to see.

John Bohan said the neighbors have no problem with it on either side.

Alan Yeaton asked why a private road would be different from a public road.

John Bohan said it's a dead end private road. If we don't maintain it the garbage trucks don't come down, the fire trucks don't come down, and the ambulance will come.

Emily Sandblade said the fact that you road is private doesn't have anything to do with setbacks or zoning.

Patty Gale said there was discussion with the staff as to where Town maintained road ends and the private road begins. They know they have to go to the Selectmen to build on the private road and that's why they're talking about road to you. This is new to them as they are going to 3 different boards. The Town maintained road ends just before his lot. He coming here for the setback issues regarding the shed.

Emily Sandblade said the setbacks of the same whether the road is private or not.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Patty Gale said they are the same.

Len Stuart asked if the property lines have been clearly delineated. As a survey been done to know where the front line is?

Patty Gale said some lots have been surveyed in that area but she doesn't know which have.

Laurie Dowse said in some of the pictures the line goes right through her house.

Alan Yeaton said the aerial photography doesn't do them any favors.

Patty Gale said Brian Rose assisted the applicants with some of this application and she believes he took the pictures when viewing the property.

Alan Yeaton asked why he couldn't the one that is closest to the road back some.

John Bohan said he would have to move the other one 1st. The house is in the way.

Alan Yeaton explained that even the paved portions of the road don't necessarily show where the lot lines are. The road becomes private where your sheds are.

Emily Sandblade said she saw in the documentation that he had 3 tents. Did he get rid of one of them?

John Bohan said there are 2. There is also a shed.

Alan Yeaton said the diagram given to us shows an existing allowed shed, a tent shed, and the Quonset hut. All 3 of them are very close to the property line on the right-hand side.

John Bohan said in that neighborhood everyone is on top of one another their neighbor is 10 feet from the property line.

Alan Yeaton said you are saying that there are some who are closer to the property line than you are.

Len Stuart asked if there was another configuration tents.

John Bohan said on the other side the birch trees would hang right over them in the winter. They crush it. The birch trees are on the neighbors properties.

Alan Yeaton asked about the 3 buildings shown on the site plan presented.

John Bohan said the shed has been up for years.

Gail Labrecque opened the hearing to the public. There was no public comment, and the public hearing was closed. The board entered deliberations

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Alan Yeaton said he is confused about the front property lines. He doesn't think the GIS is that inaccurate? They haven't given us a site survey that would indicate without line is. He doesn't want anyone to think that it is 12 to 15 feet from the property line to the face of that shed. Until that is resolved he doesn't see himself making a decision. It would like more information to find that the front property line is where they say it is. In that neighborhood there are all kinds of shed the garage was that close to the property line. But he is concerned about the location of the front storage building. He's not concerned about the riverfront setback because the conservation commission had no issues, and many others are close to the river also. He just doesn't want to get into a position to find there are 0 feet to this shed. That would only be a detriment.

Len Stuart said he thinks along the same line. When know the problems with these former camp lots that are barely wide enough for a house. His question is if there is a clear determination as to where the front boundary line is. That front setback is the big issue.

Patty Gale said this is an existing lot. GIS is primarily for tax purposes. Sometimes we do find errors with the lot lines.

JoAnn Duffy asked if we know the size of the right-of-way.

Alan Yeaton said it was stated that neighbors had had surveys done. It would be ideal to have that information.

Emily Sandblade it would be less expensive than having it surveyed.

Alan Yeaton said the GIS may be incorrect

Gail Labrecque said that while it may not be easy, if something did come up about the front property line, the tent is portable and could be moved.

JoAnn Duffy said Brian Rose's letter talked of 3 sheds in violation.

Gail Labrecque said the shed closest to the house was found in violation but it was moved to be in compliance. There is also a shed that will be removed. She asked about the variance criteria.

Alan Yeaton said it is true that cleaning up their property is not contrary to the public interest. Regarding the spirit of the ordinance, it is yes and no. He still stuck on the front shed. The proximity to the front property line is beyond anyone else down there. Substantial justice is difficult because all of this is of his own creation. It has nothing to do with the uniqueness of the lot. Regarding substantial justice he thinks the back to our fine but the front one is not.

Gail Labrecque said she did nothing property values would be diminished. Hardship is where we get into the aspects of the lot.

Len Stuart said the hardship is that it's a small lot. You can't keep bringing in more and more structures.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Gail Labrecque said that is why the conservation commission suggested any future structures must be within the setbacks. If she were inclined to vote positively on this application, she would consider a condition that there be no additional structures.

Len Stuart said the lot is cleared, but the number of structures on the property exceeds other properties in the area.

Emily Sandblade said she is thinking about the fact that they don't have a garage, which a lot of homes to. This looks like it has about 600 feet of storage and that's not much bigger than a two-car garage. She doesn't see a problem with the storage. The problem she sees is making sure that the Quonset hut is actually on the property itself. With the line shown on our paperwork it looks like part of it may be on public property.

Gail Labrecque asked Patty Gale if there was a way to verify the front property line without requesting a survey to be done.

Patty Gale said possibly DPW knows the width of the road it could measure back. The road might be 30 feet or could be smaller.

Alan Yeaton said he thinks it's about 24 feet.

Patty Gale said staff may be able to measure from the centerline of the road once the width is established.

Alan Yeaton suggested the applicant quiz his neighbors and try to get copies of whatever surveys they had done. We could continue this until next month area to allow the applicant to provide us with a little more information as to where that front shed is. We can reopen the public hearing and leave it open so they can provide that information.

Patty Gale suggested a continuation with reopening the public hearing pending more information regarding the location of the lot and the road.

Len Stuart made a motion to re-open the public hearing and continue it to the ZBA meeting of February 2, 2016, pending additional information from the applicant regarding the front property line and the road. Alan Yeaton seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

Jason Ux, Applicant/Owner, is seeking a Special Exception and Variance to convert the second floor of an existing garage into an accessory attached dwelling unit. The Special Exception is required because Section 3.12, Table of Accessory Uses, (Table A6) of the Goffstown Zoning Ordinance lists an accessory attached dwelling unit as a use permitted by Special Exception. The Variance is required because the access is proposed to be via exterior decks connected to both the garage and the house, whereas Section 5.2.3 of the Goffstown Zoning Ordinance requires at least one interior connecting door, or other access for persons to pass between the primary residence and the accessory dwelling unit. The property is located on 48 Chatel Avenue, (Map 24, Lot 23), in the Residential-2 Zone. (Special Exception approved on December 1, 2015. Variance was continued from the December 1, 2015 Meeting)

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Alan Yeaton said we were asking about how it might be connected. There are decks and steps but no walls connecting the two.

Jason Ux said he went through some ideas and got quotes to come up with an idea of what could be done to make it physically connected. It got stirred up with the requirements of it being connected. It's a little vague. We've had quotes to put a roof over the steps to connect the two structures. The only thing is that it would look out of place or ugly to throw up a cover between the two. If we go the steps to connect via a breezeway with a foundation, that would get involved with moving the septic system there. It is right below the deck. It would have to be a two story breezeway and moving of the septic system. We are using it for an in-law apartment. Everything else lines out. It is connected with another access. There is no other access to get to that door without going by our entry way. What we are doing isn't changing the footprint of the property. We are just using the existing space, with the connecting being that deck.

JoAnn Duffy said usually an accessory apartment is a part of an attached garage or part of the home. So the door leading into the apartment is not exposed to the outside. In your case, the garage is detached.

Jason Ux said now the connection is via the deck. The first half of the deck was always there. We added the portion to go above the garage.

Alan Yeaton said if he had to put a foundation in to make an enclosure, he'd have to move the septic tank.

Len Stuart asked the secondary egress in the event of an emergency.

Jason Ux said it was built to the deck. There is a regular door and a sliding door about 10 feet apart.

JoAnn Duffy asked if this is already built.

Jason Ux said it is not. It is just framed in for extra space for the kids. But things have changed with his mother-in-law living with them.

Alan Yeaton said he couldn't see another way to do it with the existing structures.

JoAnn Duffy opened the hearing to the public. There was no public comment and the public hearing was closed.

Alan Yeaton said he's come back to us with the fact that he's studied the alternatives and found they are not practical. He believes they meet the criteria for granting the variance.

Len Stuart said he considers it two separate units with a bridge between them.

Gail Labrecque said she agrees. It doesn't meet the spirit of the ordinance criteria.

Len Stuart said it doesn't fit. It doesn't fit the definition at all. Accessory is intended to be a part of something.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

JoAnn Duffy said there was on New Boston Road that approved. In this case if he didn't have the garage and wanted to build it detached and add the accessory, it would be more of an issue.

Emily Sandblade asked if the septic placement was approved.

Alan Yeaton said it was there first.

Emily Sandblade asked if he would have gotten a building permit with the septic system where it is. She thinks it's probably permitted properly. There are probably not a lot of possibilities here. There's not much flexibility in the situation.

Alan Yeaton made a motion to approve the variance as requested, finding it meets the variance criteria. Emily Sandblade seconded the motion. VOTE: 3-2-0. Len Stuart and Gail Labrecque against. Motion carries.

Gregory P. Scarlett, Applicant & Harvey Dupuis Family Revocable Trust, Owners, are seeking a Time Extension to extend the approval for the following Special Exception that was approved on December 3, 2013: Mike Gallo, Applicant & Harvey J. Dupuis Family Trust, Owners are seeking a Special Exception to build a single family home on an existing nonconforming lot that does not meet the minimum frontage requirements. Section 14.7.3 of the Goffstown Zoning Ordinance states that development of a non-conforming may be allowed by Special Exception if it can meet the conditions of that section. The property is located on Danis Park Road, (Map 6 Lot 36-1-1) in the Residential-1 District. (The applicant requested this time extension on December 3, 2015, exactly 2 years from the date it was approved.)

JoAnn Duffy asked if they need to request the extension ahead of the date it expires.

Patty Gale said he came in to ask for a permit and we noticed it expired the day he came in.

Alan Yeaton recused himself.

Gregory Scarlett said he was coming in to inquire about the lot. Then we discovered the permit was expiring that very day. Mike Gallo started the process, changed his mind, and it was picked up with the family trust. They got the special exception. Two years later he found out about the lot and came in to find out what to do about this.

Patty Gale said it originally got denied. The owners requested a rehearing and got it approved. The owners have been trying to sell the lot as a building lot.

Emily Sandblade asked how long he needs the extension for.

Gregory Scarlett said he'd start in the spring.

William Hart, 47 Danis Park, said he's trying to figure out how it could be a buildable lot. The Conservation Commission walked this property about a year and a half ago and it was 90% wet.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Patty Gale said when it originally came it, it gets submitted to the Conservation Commission for their input. They didn't recommend it.

William Hart asked if he'd have to meet setbacks.

JoAnn Duffy said if he's granted an extension, this just extends his approval for that period of time. Gregory Scarlett said there are state permits he'd have to comply with. A wetland scientist walked the property said there is more than adequate area for a house. It will be set way back.

William Hart said the 60 foot access is all wetland.

Gregory Scarlett said it would require a wetland crossing permit from DES.

JoAnn Duffy said this is an existing non-conforming lot due to frontage. There are wetlands on site but the lot was created in 1985. Anything prior to 1993 has no wetland setbacks.

William Hart said it was subdivided.

JoAnn Duffy said it says in August 2013 the ZBA met, the Conservation Commission did a site walk and recommended it not be built upon. The ZBA denied it because of the wetlands and conditions of the lot. There was a rehearing and it was granted.

William Hart said he wasn't noticed of the rehearing.

Patty Gale said this was re-noticed and you should have received notice. She said she has one signed by Ann Hart.

Gregory Scarlett said the wetland scientist said there are setbacks required with the state and they can be met. You have to have certain setbacks to the septic system and that was his concern.

JoAnn Duffy said there was basically a rehearing and then it was approved.

Gregory Scarlett said he thought it was already granted and he was here for an extension. He thought it would be more administrative.

JoAnn Duffy said you are coming into this after the fact. The owners are trying to sell it.

Gregory Scarlett said he had someone go out there because he wasn't going to buy it if not buildable. He was told it could put a house on there.

Emily Sandblade made a motion to find the application has no regional impact. Len Stuart seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

Emily Sandblade made a motion to grant an extension from today for one year, until January 4, 2017 for Map 6 Lot 36-1-1. Gail Labrecque seconded the motion. VOTE: 3-1-0. JoAnn Duffy against. Motion carries.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Alan Yeaton returned to the Board.

Joseph Champagne, Applicant/Owner, is seeking two Variances to build an 18' X 21' metal-framed carport that will be 11ft. from the front property line, whereas Section 4.3 of the Goffstown Zoning Ordinance requires a front yard setback of 35 feet from the front property line, The second Variance would be to have an accessory building in the front yard setback whereas Section 5.1.3 of the Goffstown Zoning Ordinance states that accessory buildings shall not be located within the front yard setback. The property is located on 53 East Dunbarton Road, (Map 9 Lot 1), Zoned: Agricultural

Gail Labrecque made a motion to find the application has no regional impact. Len Stuart seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

Joseph Champagne said the measurements he took to his white canvas tent—he proposes to add a metal structure that would add another 9 feet to the other side. From the edge of the road he has existing is 32'11". Inside he has 31'8".

JoAnn Duffy clarified the building in the pictures he showed would remain. He's adding to it. You don't meet the 35 foot setback because you are at 31 ft. 8 in. And you aren't allowed an accessory building in the front yard but you already have one there.

Alan Yeaton said distance is deceiving. The measurements—are they to the edge of pavement or to the property line?

Joseph Champagne said it is from the edge of pavement. That's his property line.

Alan Yeaton said according to the survey you gave us the property line is 15 feet from the edge of pavement.

JoAnn Duffy said your property doesn't actually go to the pavement. There is a right-of-way. The GIS map shows the pavement running through the right-of-way. (Patty Gale showed him on the map.)

JoAnn Duffy explained to him where the lot lines are in relationship to the street. Instead of having 31 feet 8 inches, it's actually much less because of that area owned by the town. It's probably another 15 feet short. You are about 16 feet from the property line versus the 31 feet 8 inches. It means you have less of a setback than you think you do. It's smaller than you thought.

Joseph Champagne said he has a hill there so he couldn't go back more.

Patty Gale said Brian Rose caught the difference and he noticed the application is correctly.

Joseph Champagne said he's looking to put things under lock and key. He's trying to lock up his material. That's why he wants the addition on his ragtop.

JoAnn Duffy said he's asking for two variances. She reviewed the variance criteria and the applicant's explanation to them. Basically he's asking to build in this area of his yard, as well as building within the front setback. He has 11 feet versus the 35 feet needed. He talks about a slope.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Joseph Champagne said it's on the side of the ragtop. If he have to move it over, he'd have to take that hill out. He has a lot of ledge and doesn't know it would be worth the expense. If he could move it, would it be okay. His contractor would be willing to check it out.

JoAnn Duffy said to be in compliance it would have to be moved about 20 feet.

Len Stuart said the slope is toward East Dunbarton Road.

Joseph Champagne said he'll be taking the ragtop down and use the footage for the new one. It has to be ordered months ahead of time.

Len Stuart said he's just expanding the footprint.

JoAnn Duffy opened the hearing to the public. There was no public comment and the public hearing was closed.

Emily Sandblade made a motion to approve the variance as presented. Len Stuart seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

Richard Georgantas & Kevin Georgantas, Applicants/Owners, are seeking a Variance to allow the owners to connect the two abutting parcels with pavement whereas a 5 ft. setback is required on each property. This concerns Section 7, Parking & Loading Requirements and Section 7.3.5 Setbacks & Restrictions, of the Goffstown Zoning Ordinance. The properties are located on 239 Mast Road (KRG Motor Sport, Map 26, Lot 10A) and 243 Mast Road (vacant abutting lot, Map 26, Lot 12), Zoned: CIFZ (Commercial Industrial Flex Zone).

Gail Labrecque made a motion to find the application has no regional impact. Len Stuart seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

Matt Peterson presented for the applicant. We put a site plan together. In doing so believe we need this variance. Derek Horne reviewed it and wasn't 100% sure but felt we should come to make the project clean. We'll go to the Planning Board next. Mike Dahlberg did the survey. We've looked at drainage with Meghan Theriault. We are trying to utilize the two lots with two separate ownerships. It's pretty evident after the last recession, the days of combining lots are really gone. Keeping lots separate is definitely more valuable. To do that we potentially need this variance. This is allowed all over town. 3 Church Street and 10 Church Street is an example. Tire Warehouse is another example. They have parking up against the building and the drive aisle. The third one is the Dunkin Donuts and Mobil Station. They have parking and a drive-through on the property line. On this site at KRG it's pretty tight. It would clean up the circulation for the site. One of the things in the criteria that he included was that they are willing to do, is to increase it to 10 feet on the rail trail side. He reviewed the variance criteria. Granting the variance would not be contrary to the public interest because the public interest related to the 5 foot required setback is to ensure a buffer between property owners and ensure a landscape screen buffer around parking lots. On this parcel the 2 parcels are owned by the same family and in order to obtain the most functional parking lot circulation design the applicant is asking the board to allow the removal of the 5 foot setback between the 2 properties the applicant would like to propose that in blue of granting this variance increases side setback to 10 feet along his southerly property which only requires 5 feet but abuts the rails to trails property. So based on the

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

applicant's desire to increase 1 setback along the public's rails to trails and remove the 5 foot requirement between the 2 properties of this request would not be contrary to the public's interest. The spirit of the ordinance would be observed if the variances granted with the added increase to the rails to trails property line setback instead of buffering between the properties with the same business on both. The applicant believes that by allowing the business owners to lay out their parking lot as requested compared to the alternative would do substantial justice for the business owner and still obtain the overall goals of the 5 foot setback requirement. The value of the surrounding properties will not be diminished. If the zoning Board of adjustment were to grant this variance for the removal of the required 5 foot non-pavement area between the same business owner we do not feel like it would have any impact on surrounding properties. We believe this based on 2 things. 1st the majority of properties along mast road already do not adhere to this 5 foot setback. Examples are Duval towing, the automotive place, and maybe the daycare. Secondly, with the increase buffer along the rails to trails would be a better location of more non-pavement areas that between the same businesses. Regarding hardship, no fair in substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because the relationship between the public and the ordinance is to buffer abutting properties from each other. In this case the 2 properties are owned by the same family and are going to be used for the existing business on site, which we feel if denied would result in an unnecessary hardship between the 2 parcels of land. The proposed use is a reasonable one because the applicant is proposing to combine his existing use of one of the properties on to the abutting property which is an allowed use in the district and we feel it is a reasonable use for that area.

Alan Yeaton said you forgot to say the Master Plan wants to connect parcels together. He thinks it's a great improvement compared to what is there.

Dick Georgantas said there will be a split rail fence to go with the rails trail theme. It will be a big improvement. It doesn't make sense. KRG isn't just a car lot. We have a big service business. Customers drop off their cars. It's not an increase in business or employees. He's just trying to move his cars for sale to have room for the parking lot.

Alan Yeaton said parking is on the property.

Dick Georgantas said it's a grandfathered lot. That pavement was there when it was a garden center. The sign is grandfathered.

JoAnn Duffy opened the hearing to the public. There was no public hearing and the public hearing was closed.

Alan Yeaton made a motion to approve the variance as presented, finding it meets the variance criteria. Gail Labrecque seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

Correspondence:

Request for Rehearing from abutters Edward & Linda Fleming to the granting of the 95 Elm Street Special Exception for an accessory dwelling (Map 4 Lot 105A, Eberhardt & Messa). This was approved on December 1, 2015. Additional Documents from Edward & Linda Fleming were also reviewed supporting their request for rehearing for Map 4 Lot 105A, Eberhardt & Messa application.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 5, 2016

Alan Yeaton said the Fleming's were not here the night of the hearing. There was a site plan that was shown that had parking areas half in and half out of the right-of-way. Technically speaking he thinks they could extend that parking onto their property and have legal parking spaces.

Patty Gale said to expand the parking area with pavement you have to go to DPW.

Alan Yeaton said he thinks there's a long running dispute with the neighbors. He's not sure the resolution rests with the ZBA. It would be a civil action.

JoAnn Duffy said the special exception was for an accessory dwelling.

Patty Gale said his concern was that his letter expressing his parking concerns wasn't read.

JoAnn Duffy said he may be thinking an accessory dwelling would make parking worse.

Alan Yeaton said it was stated there was an accessory apartment when they bought the property years ago. He doesn't know who came first—the applicant for the variance, or the Flemings who have the right-of-way. These are pretty deep properties, but not wide.

Patty Gale said the Flemings own the right-of-way.

Emily Sandblade said the complaint is that people are parking in the right-of-way.

Gail Labrecque said this was a special exception application and that doesn't consider parking.

Gail Labrecque made a motion to deny the request for the rehearing because the special exception granted was solely for the purposes of the accessory dwelling. The parking issue is a civil matter. Alan Yeaton seconded the motion. VOTE: 4-0-1. Len Stuart abstained. Motion carries.

Patty Gale said the Spring Street application was submitted to Attorney Drescher and Derek Horne will be talking with him. There is some additional information that was dropped off today for the Board to review.

Gail Labrecque made a motion to adjourn. Len Stuart seconded the motion. VOTE: All in favor. Motion carries.

The meeting adjourned at 9:05 pm.

Respectfully submitted,

Gail Labrecque, Recording Secretary

These minutes are subject to approval of the Zoning Board of Adjustment.