

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

In attendance were JoAnn Duffy—Chairman, Gail Labrecque—Vice Chairman, Cathy Whooten, and Emily Sandblade. Also in attendance were Jon O'Rourke—Planning & Zoning Administrator, Patty Gale—Planning & Zoning Assistant, and Darrell Halen—GTV audio/video technician.

JoAnn Duffy called the meeting to order at 7:08 pm. She asked the Board to introduce themselves. She explained we only have four board members present tonight. There needs to be an affirmative vote of at least 3 to approve the application. Applicants have the option of a continuance if they prefer. They also have a right to appeal if they don't like the decision. That must be done within 30 days.

There were five people in the audience.

MINUTES—meeting of March 1, 2016 :

Emily Sandblade made a motion to approve the minutes to the ZBA meeting of March 1, 2016. JoAnn Duffy seconded the motion. VOTE: 3-0-1. Cathy Whooten abstained. Motion carries.

PUBLIC HEARINGS:

Joey & Kimberly Bolduc, Applicant/Owners, are seeking Variances to build a 10' X 42' addition to the front of the existing family home that will be 10 ft. from the front property line, whereas the Goffstown Zoning Ordinance requires a 25 ft. front setback from the front property line. Another variance is required as the addition will be built 9 ft. from the side property line whereas a 15 ft. setback is required. This concerns Section 4.3 Table of Dimensional Regulations, of the Goffstown Zoning Ordinance. The property is located on 114 Sharon Street, (Map 19 Lot 50), in the Residential-2 Zone.

Joey Bolduc said he would like to move forward with the four member Board this evening.

Gail Labrecque made a motion to find the application has no regional impact. Cathy Whooten seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

Joey Bolduc said the addition they want to put on would go the entire length of their existing home. It would be 15 feet into the front setback. The side setback is only 9 feet. We want to do this because we need to expand our home due to us having another child. The house was originally a one bedroom home. We added a bedroom for our first child. We'd like to stay here and not move somewhere else. The building will make the house look better aesthetically. It will allow us to raise our kids here and contribute to Goffstown.

Cathy Whooten asked if there was any consideration of putting an addition off the back where the deck is.

Joey Bolduc said the problem is that they have a cliff in their back yard. It is about a 70 foot drop and they don't have much back yard to work with. The front of the house is the only usable space.

JoAnn Duffy said after the cliff is the river.

Cathy Whooten asked if they could put a second floor on the home.

Joey Bolduc said cost-wise it wouldn't make sense. It would take them further out of their budget. It would also be a pretty hard build. The roof is also a deterrent. The house was built in the late 1960's.

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JoAnn Duffy said it may not even hold the weight of another story built to today's codes.

Cathy Whooten said she is concerned about how close it is to the neighbors. Did anyone check these measurements?

Jon O'Rourke explained said there is a previous survey included. That is why this was continued. The setback was measured from edge of pavement.

Joey Bolduc said he knows the setback is off of the yard. He was measuring to the pavement.

JoAnn Duffy clarified the addition won't go any closer to the side setback than the existing house. It is just the front setback that gets closer to the road.

Cathy Whooten asked if they got a variance to build within the 9 foot setback.

Joey Bolduc said they did. They added the living room on the back, at 12 feet from the side yard setback. Bedroom #1 was originally the living room. Bedroom #2 was the bedroom of the house. We put a living room on the back and got two bedrooms on the side.

Cathy Whooten said this house was already built within the 9 foot side setback was before you bought the house.

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

Joey Bolduc said the first variance is because we are protruding into the front setback by 10 feet. The side setback is 9 foot. Those are the two variances.

Jon O'Rourke said it is actually going into the setback by 15 feet.

Cathy Whooten asked if the door protrudes from the front of the house.

Joey Bolduc said it does. That is our whole kitchen and dining room area. The area is cramped. We have nothing to work with.

Cathy Whooten asked if they use the finished basement.

Joey Bolduc said that would be a third phase. We would finish it off for a laundry room and a play room. We are about keeping it simple and having what you need. What we need is a bedroom.

JoAnn Duffy said she thinks he's covered the variance criteria.

Emily Sandblade asked how large the lot is.

Patty Gale said it's on the assessment card.

JoAnn Duffy said it is .18 acre.

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Patty Gale said it is 8,000 square feet.

JoAnn Duffy clarified they have public water and sewer.

Joey Bolduc said they do.

JoAnn Duffy closed the public hearing.

Gail Labrecque said after driving by she is concerned about how close to the road it would be. She didn't see other houses in the neighborhood that are as close as this would be.

JoAnn Duffy said her neighbor put a huge addition right on the road. Some people want to be way back; and some people don't mind being close to the road. It's a matter of preference. It's not a reason for us not to grant it as long as they have room to park their cars.

Gail Labrecque said she's not sure that it is within the spirit of the ordinance.

Cathy Whooten said she is waffling for the same reason as Gail Labrecque. She asked why we establish a 25 foot setback from the property lines. What is the purpose?

JoAnn Duffy said it depends where you are. In a more rural place, the homes are further set back and you have big lawns. If you go into an urban area you'll find things are right on the road. It's a matter of preference. It's not good or bad, as long as you have parking.

Cathy Whooten said she was curious if it had to do with safety. You are so close to the road.

JoAnn Duffy said if you walk out the front door of a commercial building, you are at the road. Setbacks are more for rural areas. It's changing now. Things are getting smaller and people aren't branching out and wasting a lot of land. You'll see huge changes over the next 15 years or so of the types of buildings.

Gail Labrecque it's changing but our Zoning Ordinances haven't changed yet. We have to enforce what is here, regardless of our personal opinion. Our votes should be consistent with the variance requirements.

JoAnn Duffy said she doesn't see a problem with it. It's not right on the road. There is still a setback. There will still be ten feet.

Cathy Whooten said it is close. She asked if JoAnn Duffy went by the house.

JoAnn Duffy said she did not, but she sees it every day in her neighborhood.

Gail Labrecque said this is a different neighborhood. Yours is more agricultural, with houses further apart. The houses in this neighborhood are right on top of each other.

JoAnn Duffy said there are no abutters here.

Gail Labrecque said that doesn't mean we don't represent what is in the Zoning Ordinances.

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JoAnn Duffy said she's not saying that. It seems if they were going to have a problem with it they would be here tonight.

Cathy Whooten said she knows there is an issue of the drop in the back. She thinks there are other possibilities there. The 2nd floor is cost prohibitive at this point. There is a full basement that's finished.

Gail Labrecque said she doesn't think he said the basement was finished. He said it would be phase three to add the laundry room and play room.

Patty Gale said they would have to meet building codes to have a bedroom there.

Jon O'Rourke said they would need two means of egress down there. It is ten feet to the property line, with another 5 feet to the edge of the street.

JoAnn Duffy said if he has ten feet to the property line and another five feet to the street, you have 15 feet.

Gail Labrecque said the town has the right of way to do whatever they want to do in that first five feet. JoAnn Duffy said it's just a little street, not like Mast Road.

Emily Sandblade said in looking at a map, it looks like a building to the left is closer to the road.

Cathy Whooten said the other homes are not closer to the street than this would be.

JoAnn Duffy said it looks like the building two doors down on the left would be closer.

Emily Sandblade said it looks like the front of the property next door is about five feet closer to the road.

Cathy Whooten said he was closest to the road when she drove by the property.

JoAnn Duffy addressed a picture of the applicant's home with the neighbors on the side.

Gail Labrecque said when you are down there, in front of it, it looks different.

Cathy Whooten asked how close it is to the river. You'd be getting into river setback issues.

Gail Labrecque said if you put an addition in the back, it would take up any area for the kids to play. And you certainly don't want them playing in the front of the house with it so close to the street. He's darned if he does and darned if he doesn't.

JoAnn Duffy said the steepness of the property and the fact that the river is there is part of the hardship.

Gail Labrecque agreed. She said her only concern is the spirit of the ordinance in allowing it this close to the road.

Patty Gale said the front setback for the commercial district is ten feet. The Residential-2 District is a more dense section of Town.

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Gail Labrecque said she understands that, but this is not a commercial neighborhood.

Patty Gale stated she is aware and was just letting the Board know there is a district that allows for the 10 ft. front setback.

JoAnn Dufy made a motion to approve the variance to build an addition that would be 9 feet from the property to the west, and 10 feet from the front property to the south, as presented. The hardship would be the steepness and proximity to the river. Emily Sandblade seconded the motion.

Gail Labrecque said this lot is also non-conforming in size. 10,000 square feet is required and his lot is 8,000.

Cathy Whooten said you are adding non-conformity to non-conformity.

Gail Labrecque said the Zoning Ordinances tell us not to make it more non-conforming.

Cathy Whooten said our charge is not to add more non-conformity to something that is non-conforming.

JoAnn Duffey said it is the structure that is non-conforming.

Gail Labrecque said Zoning Ordinance Section 14.9.2.1 reads that the structure is not to be altered in a way that increases its non-conformity.

JoAnn Duffey said that's not apples to apples. One is the lot and one is the structure itself. Then there is the use. If he had a business on the lot you don't want to expand it.

Cathy Whooten said she would just as soon continue it until we get these questions answered. Gail Labrecque seems to have questions, and if she needs more time to make a good decision for herself, she doesn't have a problem with it. Those are good issues she's raised.

JoAnn Duffey said it's not an issue because we are talking about the structure, not the lot. The lot can be non-conforming but has nothing to do with the structure itself. The non-conformity is with the lot size, and the lot was probably created prior to 1960-something.

Gail Labrecque addressed Zoning Ordinance Section 14.9.2.

Patty Gale said if he met the setbacks and added to the house, he wouldn't have had to come here because he's not adding to the non-conformity. The use is already there.

Cathy Whooten asked about Zoning Ordinance Section 14.7.3.

JoAnn Duffey said those are requirements to be met if the lot has nothing on it.

Gail Labrecque said she initially thought that, but Section 14.7.3.3 talks of an existing principal dwelling on the lot.

Cathy Whooten confirmed the applicant had a variance for the 9 feet on the side yard setback.

Patty Gale said he did come in for a previous variance. She has it in her folder.

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JoAnn Duffy said Brian Rose looked at this first, when the application first came in. When Jonathan O'Rourke came on board, he found the error of the front setback. Two planners have looked at this already. She doesn't think we are missing anything.

JoAnn Duffy asked if we needed more information.

Cathy Whooten said she'd like to look at the issue of the non-conformity. We seem to be sitting on a fence right now.

Emily Sandblade said she thinks the code is pretty clear.

JoAnn Duffy said she doesn't know what we are looking for regarding non-conformity. He has a non-conforming lot and is allowed to add on to the structure. The non-conformity is with the size of the lot. It's not something he created.

Gail Labrecque suggested a continuance until next month, and maybe Alan Yeaton would be here as well. We could have a full board of five.

JoAnn Duffy said we could. It looks like it would be a tie vote, which would cause it to fail.

JoAnn Duffy withdrew her motion and Emily Sandblade withdrew her second to the motion.

Cathy Whooten made a motion to continue the hearing to the May 3, 2016 ZBA meeting.

JoAnn Duffy suggested if we ask our questions now to get the answers rather than go off and do our own investigation.

Patty Gale suggested re-opening the public hearing.

JoAnn Duffy said we would definitely do that. She told the applicant he would be able to speak again. You could provide more information—for example, photographs and more exact measurements.

Patty Gale suggested he provide more information on how the application would meet the spirit of the Zoning Ordinance.

Gail Labrecque seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

JoAnn Duffy asked the applicant to get the material to Patty Gale or Jon O'Rourke.

O'Reilly Auto Parts, LCC, Owner & Sandra Wilkinson, Applicant, are seeking a Variance to allow an internally illuminated signs within the required 250 ft. required buffer from any Residential District. This concerns Section 6.6.3 of the Goffstown Zoning Ordinance as this property abuts the Residential-2 District. The property is located on 711 Mast Road, (Map 15 Lot 154), in the Commercial Zone.

The applicant was not present.

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Cathy Whooten made a motion to continue this application to the May 3, 2016 ZBA meeting. Emily Sandblade seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

Daniel & Chrisandra Grant, Owners/Applicant, are seeking a Variance to allow (4) four chickens to be raised on a lot that is .26 acres whereas .50 acres is required and also the applicants are requesting a Special Exception to locate the chicken coop within the required 50 ft. setback from any property line. This concerns Section 5.5, 5.5.2.5.3 and 5.5.2.5.4 of the Goffstown Zoning Ordinance. The property is located on 34 Laurel Street, (Map 14 Lot 52) in the Residential-2 Zone.

Gail Labrecque made a motion to find the application has no regional impact. Emily Sandblade seconded the motion. VOTE: 4-0-0. Motion carries.

Chrisandra Grant said they are looking for a variance and special exception to have a 5 x 8 foot coop with 4 chickens. Her daughter has been taking care of a friend's chickens for the last year. They want to enrich their lives and improve their diet. It will help their area because the chickens eat ticks and bugs. Our area is loaded with them.

JoAnn Duffy clarified the variance is to have the four chickens because their lot is too small. The special exception is because the coop is too close to the side property line.

Chrisandra Grant said their property is flat on top and then it dips down to another flat area. On the back side there is a stone wall in the middle. The only flat areas would be within 50 feet of any property line.

Jon O'Rourke said if the lot is under 2 acres you can't have more than 10 chickens.

Gail Labrecque asked about having a rooster.

Chrisandra Grant said they will not have a rooster or geese.

Cathy Whooten asked about the stone wall and shed.

JoAnn Duffy asked if there is a wooded lot next to them.

Chrisandra Grant said it is a double lot and they have built on the other side.

Cathy Whooten asked about the best management practices for four chickens.

Chrisandra Grant said it is a coop sized for 10 chickens. In the winter you enclose it with a tarp. It is okay if not in direct exposure to the wind. There are about three months in the winter that they don't produce much because of the lack of sunlight.

JoAnn Duffy said it is a fenced in yard except for that one area. They would be enclosed in the yard.

Chrisandra Grant said all neighbors have given us their blessings. On our property there used to be a barn.

JoAnn Duffy opened the hearing to the public.

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Chrisandra Grant said they've done their homework and are trying to foster their daughter's interest. She wants to be a veterinarian.

JoAnn Duffy closed the public hearing.

Emily Sandblade made a motion to grant the variance and special exception, as requested, with conditions of having no roosters or geese. Gail Labrecque seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

Tim & Amy Doherty, Owners/Applicants, are seeking a Special Exception to add an accessory apartment to an existing single family home. This concerns Section 5.2 (Accessory Dwelling Unit) of the Goffstown Zoning Ordinance. The property is located on 116 Peppermint Street, (Map 9 Lot 26-11) in the Agricultural Zone.

Gail Labrecque made a motion to find the application has no regional impact. Cathy Whooten seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

JoAnn Duffy said they are going less than 800 square feet.

Amy Doherty said it is about 750 square feet. Recently her mother passed away and her father is living alone in Buffalo. He has health conditions and has agreed to move in with them. He has requirements to live on single floor living. He can't handle the stairs. We've talked with an architect, and worked with the Cinnamon Woods Association to come up with a plan to help him have his independent lifestyle. It needs to be fully handicap accessible. It also needs a garage attached to his unit. The accessory dwelling unit is behind the garage, and attaches to the house by a breezeway. Based on the limitations with the buildable area within the lot, where the septic and well is, there is little developable space. We got an approval from the Cinnamon Woods Association. We invited our neighbors to see the plans and talk to us about it. We haven't had any problems with them. We have Laurel Architects working on this. He wanted to make sure we had approval before creating a final design and going out to bid. There was a concern of the fact that we were planning to build right to the setback. We are using every ounce of space to build this garage and apartment for him. She brought a picture of existing conditions. What we will end up will be an improved condition. We bought this property about a year ago. The area at the side of the back of the house was filled in for parking. It's just a gravel open space. That would be seeded and lawned. It wouldn't be exposed.

Tim Doherty said the setback she is referring to is to the wetlands, not the property setback.

Amy Doherty said they don't believe the addition will adversely impact the area from the construction. We are going to turn the gravel area into a lawn space.

Patty Gale said they are building right to the edge of the wetland setback line.

Cathy Whooten asked about upgrading the septic system to a four bedroom.

Amy Doherty said the design would be done but used upon failure. They have the septic report from when they built the house. It is in good condition. We were told when we bought the house that it was a four bedroom septic design. But when we first started this process, we were told it is actually a three bedroom design. We have three bedrooms already.

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Cathy Whooten asked how close the house was to the wetlands.

Jon O'Rourke said it is close. You can see it in figure 2.

Amy Doherty addressed the design and explained the location of the garage, breezeway, and addition.

JoAnn Duffy said the addition will have one bedroom.

Amy Doherty said it will have one bedroom, a kitchenette for limited cooking, and a bathroom. It will match with the first level of the home. It needs to be wheel chair accessible from his unit to our first level.

Patty Gale asked the applicant's if they are aware there will be impact fees.

Amy Doherty stated yes they are aware there are impact fees.

JoAnn Duffy said there is a Senate Bill to change accessory dwellings. There will be no impact fees. It will no longer be considered a separate unit. It will be looked upon as a single family home.

Cathy Whooten asked if the door to the accessory dwelling unit faces the front of the house.

Amy Doherty said access is through the garage. We are adding a breezeway that attaches the garage to the house. There is a connecting door inside her house, but there is no new door to the accessory dwelling unit.

Cathy Whooten asked about the parking space.

Amy Doherty said that is why they are building the garage.

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

JoAnn Duffy closed the public hearing.

Cathy Whooten made a motion to approve the special exception as requested, with the condition that a certified septic plan for a four bedroom home is provided as required. Emily Sandblade seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

CORRESPONDENCE:

Town & City Magazine.

ELECTION OF OFFICERS:

Gail Labrecque asked if the Board should postpone election of officers until next month, given there is not a full board tonight.

The Board consensus was to defer election of officers until the next ZBA meeting.

Patty Gale reminded the Board the ZBA that they has an appointment here on April 19th at 6 pm. It's not a public meeting, It's a discussion with the Attorney and is considered a non-meeting.

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Cathy Whooten made a motion to adjourn. Emily Sandblade seconded the motion. VOTE: 4-0-0. All in favor. Motion carries.

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Gail Labrecque
Recording Secretary

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