

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

In attendance were Alan Yeaton—Chairman, Cathy Whooten, JoAnn Duffy, Emily Sandblade, Gail Labrecque—Vice Chairman, and Jeff Coventry—alternate. Also in attendance were Jon O'Rourke—Planning & Zoning Administrator, and Darrell Halen—GTV.

Alan Yeaton called the meeting to order at 7 pm. He asked the Board to introduce themselves. The Board said the Pledge of Allegiance. He explained the procedures the Board would follow for the hearings and the deliberations, as well as the appeal process. He said if anyone is interested in serving on the ZBA please contact the Planning Office.

There were about 7 people in the audience.

**MINUTES—meeting of June 6, 2016**

**JoAnn Duffy made a motion to approve the minutes to the ZBA meeting of June 6, 2016. Emily Sandblade seconded the motion. VOTE: 4-0-1. Cathy Whooten abstained. Motion carries.**

**PUBLIC HEARINGS**

**Rehearing of the following application: 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. A second Variance is required as the addition will be built 9 ft. from the side property line whereas a 15 ft. setback is required. Both of these concern Section 4.3 Table of Dimensional Regulations, of the Goffstown Zoning Ordinance. Also, a third Variance is required as the nonconforming structure will be increased in size. This concerns Section 14. 9 and Section 14.9.2.1 of the Goffstown Zoning Ordinance. The property is located on 114 Sharon Street, (Map 19 Lot 50), in the Residential-2 Zone.**

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

Kimberly Bolduc said they are looking to add on to the front of their home. They need an extra bedroom, dining area, and a foyer. We will be going into the setbacks. We felt the new addition will meet the spirit of the ordinance and fit the character of the existing neighborhood. They created a map of the neighborhood and measured the other homes that are close to the street. Page two of their packet shows what they are planning to do. The front door is facing the road now, and the addition will create a safer environment because the entry would be from the driveway.

Joey Bolduc said page 4 shows how much it would stick out. Basically we will be ten feet from the setback. We have 16 feet of grass, but when you look at it, there is 16 feet of grass from the street to the addition. A concern of the Board was safety. We are going to create a safer environment with the front door facing the driveway. We live on a quiet road and have more pedestrians than cars. It is a safe road. Someone mentioned the front yard wouldn't be a safe place to play, but we don't use it for play. We use the local playgrounds. We will improve the overall aesthetics of the house. The roofline will be more even and look nice. The front will have big windows and the porch will look nice. We talked about the hardships. We are asking to do this because we put a lot of work into this house after we bought it in 2011. We put an addition onto the back and upgraded the systems. Do that that to another house would be daunting. We'd like to address the idea of other building options. We sought the advice of an architect. Curt Lauer came out and looked at the property. He provided a letter with multiple reasons why building in the front is the best option.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

Going to the side would involve the bulkhead and garage, which has no foundation. The back yard is small and isn't adequate. Going up isn't a possibility because it wouldn't fit. The original structure wouldn't hold a second floor. We had a realtor who looked at the house and she submitted a letter that stated they would increase the property value of their own home and wouldn't negatively impact the values of the other homes. We also need a variance for the non-conforming structure. It is already non-conforming. The lot is smaller than most. We are already on the cusp and we won't stick out visually.

Alan Yeaton asked them to review the variance criteria.

Kimberly Bolduc said granting the variance wouldn't be contrary to the public interest because it wouldn't hurt anyone and will be visually appealing. The spirit of the ordinance is met because it doesn't affect the safety of others and doesn't change the character of the neighborhood. We wouldn't threaten public health, safety, or welfare, or altering the character of the neighborhood. We feel the addition would help our family and improve the overall look of the home and neighborhood. Values of surrounding properties will not be diminished because they are improving the overall look. It doesn't affect views at all. Regarding hardship, we spoke of that with the architect.

Joey Bolduc said where the embankment is in their yard, it is too close. They don't want to lose what they have because it is so small.

Kimberly Bolduc said it is reasonable because they are adding on things they don't have such as a bedroom and dining room. They are adding on simple and needed living space.

JoAnn Duffy said she thinks this is a natural expansion of a non-conforming use and has no issues.

Cathy Whooten asked if they needed a variance when they added on previously. It was granted in 2012 and was completed in 2015.

Kimberly Bolduc said when they originally went for that variance because they were within the setbacks. It turned into a big living room. Our old living room became a bedroom. We don't have a dining room area.

Gail Labrecque said her initial concern was with the spirit of the ordinance. But it was shown how many homes in the area are as close, or closer, than this would be. Another concern was expanding the non-conformance but you now have a variance request to cover that. She has no issues with it.

Jeff Coventry asked about the measurements for the addition—the property line to the house.

Jon O'Rourke said when they first came, they had actually measured to the edge of the road rather than to the edge of the property line. It was clarified that it is 10 feet to the property line and another 5 or 6 feet to the edge of the road. The 10 foot is accurate.

Emily Sandblade said she has no questions.

Alan Yeaton said he is concerned that the property itself is intriguing. They have limitations on where they can build. The topography is steep and it puts limits on the property. That plays an important part.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

Gail Labrecque said she was out there and saw how steep it was. It made her nervous. Her concern would be erosion of the land and it destroying any addition.

Jeff Coventry said they have done a good job utilizing the property. He thinks the 10 foot setback is sufficient, although he worries about it for their own safety. But if they are okay with it, he doesn't see why it couldn't be used. It's their home and they aren't doing an injustice to the neighborhood. He doesn't think there is a problem. They did a good job putting it together.

Alan Yeaton said most studies on the houses close to the street predate zoning. Now zoning comes in and you have restrictions that can be offensive. That is why we are here—to judge each case individually.

Cathy Whooten said in the previous application, you stated under the hardship criteria, many other people are looking to do the same thing. For others who are considering this, each property is individual. Because one may be approved, doesn't mean another will be.

JoAnn Duffy said that had to do with a prior application and we are not discussing that information.

Alan Yeaton opened the hearing to the public. There was no public comment and the public hearing was closed.

**Gail Labrecque made a motion to approve the three variances finding they meet the variance requirements for the following reasons: It will not be contrary to the public interest and the spirit of the ordinance is observed. Public interest and spirit of the ordinance, being related, are met for the same reasons: it would not alter the essential character of the neighborhood, given the number of homes in the neighborhood that have been shown to be as close or closer to the street as this property; There is no threat to public health, safety, or welfare. Substantial justice is done. The values of the property will not be diminished, as presented by the applicant with a letter from a local realtor, which we have no reason to dispute given the number of homes that are as close, or closer, than this one. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The proposed use is reasonable given the size/shape of the property, and there is no fair and substantial relationship between the general public purposes of the ordinances and the specific application to this property. In addition, a hardship is deemed to exist if there are special conditions of the property, which this property has. The back yard is small and has a significant drop off, making the back yard unsuitable to build an addition. There is no place else to go. JoAnn Duffy seconded the motion. JoAnn Duffy seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.**

**Anthony Tarragni, applicant/owner, is seeking a Variance to replace an existing entryway with an 8' X 32' sq. ft. farmers porch (256 sq. ft.) that wraps around to the side of the house. The farmer's porch will be 13 ft. from the front property line, whereas 25 ft. is required by Section 4.3 of the Table of Dimensional Regulations, of the Goffstown Zoning Ordinance. . A second variance is required as the nonconforming structure will be increased in size. This concerns Section 14. 9 and Section 14.9.2.1 of the Goffstown Zoning Ordinance. The property is located on 15 Rosemont Street, (Map 15 Lot 38) in the Residential-2 Zone.**

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

Anthony Tarragni said he started construction prior to getting Zoning Board approval. He is in the industry with small construction work. He hoped the replacement porch would be included when Marc Tessier came

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

for the inspection. He had a similar situation on Albert Street. He was going straight up and the application was to grant a variance for increasing non-conformity but not increasing the footprint. So he applied the same thoughts to thinking he wouldn't need a variance. It's not something he was trying to hide. We have the support of our neighbors. 15 Rosemont was a Fannie Mae property that was flooded and was an eyesore. He bought it last year and has been working on it to make it a home for his family. It's a small home and doesn't have a lot of square footage. We'd like to go wider to have an outdoor seating area and place for the kids to play. Mr. Dixon, neighbor across the street, does the same thing. It's a tight community. We like to keep an eye on vehicular speed. This porch will help with a hardship we have—that we don't have space inside. The back yard is a bit of a swamp. It floods routinely. We have a large side yard but it feels exposed to the street. We can't see the children playing outside if we are inside. We have support of the neighbors. We have a letter from Jen Jutras a realtor, who says it would increase the values of our property. The lots by Roy Park are over the lot line. Abutters across the street are about the same distance as he is. The lot lines are all close to the street. He read their responses to the variance criteria as submitted in his application. Granting the variance would not be contrary to the public interest because this home was in need of major maintenance and remodeling to be brought up to code. This allow the structure to be of the same dimension toward the street as it always has been. The structure sits back among the further from the road when compared to the other non-conforming properties on Rosemont. The spirit of the ordinance is observed because the structure will be rebuilt to code and will not encroach toward the street more than previously. Of the six non-conforming structures on Rosemont, this porch is the least non-conforming. Granting the variance would do substantial justice because it is not allowing a new structure to be built contrary to the setback. It would be inconsistent to not grant this variance because of the other non-conforming structures already existing on the street. The values of surrounding properties will not be diminished. The property was run down and nearly condemned. The improvements will enhance property values. Regarding hardship, the setback requirements put the setback in the living room so conformity can't be achieved. If not allowed, the home will not be safe to live in by today's safety standards. The porch is the only secondary egress. As for other issues and matters, the Dixon's, his neighbors across the street had an identical variance approved in 2007. He has letters from abutters.

JoAnn Duffy had no questions.

Caty Whooten addressed the picture of their home. There is a bump out on the side. You're not increasing on that side.

Anthony Tarragni said it will wrap around to the bump out.

Cathy Whooten asked what the plans are with the steps.

Anthony Tarragni said it will be their main entrance.

Cathy Whooten said she doesn't see much of a problem since they aren't going further into the setback but just squaring it off. It's just a farmer's porch.

Gail Labrecque clarified the hardship as it relates to the land, in that the back is swampy, there is not enough room on one side where there is a neighbor, and the driveway is on other side.

Jeff Coventry asked if the second floor is complete.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

Anthony Tarragni said it has been rough framed. There have been the electrical and framing inspections.

Jeff Coventry said you are essentially replacing the front porch and tying into the existing porch.

Anthony Tarragni said the footings have been dug and poured. The rough frame is complete. The rim joists have been run. Then he was told to stop.

Alan Yeaton said the Town took care of the wetland problem and the back yard isn't as wet as it was.

Anthony Tarragni said his basement is still wet.

Alan Yeaton said the tax card said it is only 6 feet.

Anthony Tarragni said when he pulled the structure apart, it was 8 feet. They made sure not to come forward of the concrete that supported the front of the porch. He stayed within those parameters.

Alan Yeaton said your neighbor was granted a 6 foot porch.

Cathy Whooten asked about stairs.

Anthony Tarragni said there should be a note that shows the dimension from the lot line to the front of the stairs. It's 13 feet.

Alan Yeaton opened the hearing to the public.

Herbert Dixon, 16 Rosemont Street, said they fully support this endeavor. They are anxiously awaiting a full time resident across from them. There have been others who were less than desirable. This was quite run down and, having been built up, has enhanced our neighborhood. Building the porch around the front gives an extra safe haven. His wife has an in-home day care and his wife utilizes with those children. Goffstown Police are a great help and can't patrol all the time. We've tried to get the speed limit reduced to 20 mph with negative results. As far as the comment about his porch being 6 foot, if he knew how little it was, he would have gone 8 feet. If you put chairs out you have to move for someone to pass by. He disagrees with the back lot. It is still quite swampy back there. The drain helped with the road run off and flooding at Roy Park. He gets less water in his own basement. Behind that, because it's so overgrown without a culvert, there is a direct flow and there are still issues back there. The 8 foot request isn't too much. It will enhance the property and the applicant won't be closer to the road than his own property. Many in the neighborhood are behind him.

Jeff Coventry asked how far the stairs are from the street.

Jon O'Rourke said the edge of the deck is 16 feet from the property line, and the stairs are 13 feet from the edge of pavement.

Anthony Tarragni said there will be three treads about 10 inches.

Jon O'Rourke said the diagram is not proportional. It will be 13 feet from the edge of the property line and 16 feet from the edge of the deck to the property line.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

Alan Yeaton said he measured from across the street. The right of way is 40 feet there. It's 13 feet, or less, from the edge of the deck to the property line. He'd like to have it marked, that when done, whatever we approve is correct.

Jon O'Rourke said we can qualify it to say it doesn't extend beyond the current stoop.

Alan Yeaton said that stoop is already gone.

Anthony Tarragni said he thinks he will be less than the contingency put on him. He thinks he will be closer to 10 or 11 feet.

Cathy Whooten said when she sees the front porch in the picture, it was about 6 feet wide. There are steps coming down from that porch. How wide were they?

Anthony Tarragni said each tread is 10 inches in depth and there were four.

Cathy Whooten said you had 9-10 feet that already infringed toward the road. You want to do an 8 foot deck. That leaves you two feet to do what you want. She's set.

Alan Yeaton closed the public hearing and the Board entered deliberations.

**JoAnn Duffy made a motion to approve the variance to replace an existing entry way with a farmer's porch that will be 13 feet from the front property line as requested, and to approve the second variance to allow an increase in size of the nonconforming structure. Gail Labrecque seconded the motion.**

Alan Yeaton said the size is not just the footprint. It could refer to the size of the second floor.

Cathy Whooten asked if he could put steps without coming back for another variance.

Alan Yeaton said he could. We deal with the deck and he can build the steps.

Emily Sandblade said she's trying to understand how it changes the footprint and affects the second floor.

Alan Yeaton said the setback of the house is behind the front wall of the house by 6 or 7 feet. He won't have to deal with the size of the house now that it's two stories.

**VOTE: 5-0-0. All in favor. Motion carries.**

JoAnn Duffy said she'd like to have discussion in the future about a zoning change. If they aren't increasing the footprint, do they need a variance?

Alan Yeaton said it's bigger than it was and that is why he's here.

Cathy Whooten said it's good to put any issue on the table for discussion.

Gail Labrecque said we could have a workshop to discuss suggestions to the Zoning Ordinances.

GOFFSTOWN ZONING BOARD OF ADJUSTMENT  
MINUTES TO MEETING OF JULY 12, 2016

Alan Yeaton suggested a joint meeting with the Planning Board. We can send proposed changes in and give them a couple of months to consider them.

Jeff Coventry asked if the intent is that, as long as they are within the footprint of the house, they don't need a variance.

JoAnn Duffy said, if he was staying within the 6 feet and squaring something off, they wouldn't need a variance. It's a no-brainer.

Jeff Coventry asked if steps are a structure.

Alan Yeaton said it doesn't mean other people don't think it's wrong. The building inspector will tell you the steps are not a structure. They are governed by building code but are not a structure.

JoAnn Duffy said a patio is also not a structure.

**Jeff Coventry made a motion to adjourn. JoAnn Duffy seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.**

The meeting adjourned at 8:20 pm.

Respectfully submitted,

Gail Labrecque  
Recording Secretary

These minutes are subject to approval by the ZBA.