

TOWN OF NEW BOSTON  
New Boston Zoning Board of Adjustment

January 17, 2023

In attendance at New Boston Town Hall: Anthony Olivier, Ken Clinton, Michael Dahlberg, and Lorraine McKim, alternate  
Staff present: Shannon Silver, Planning Coordinator

Michael Dahlberg called the meeting to order at 7:00 pm at Town Hall, with a Pledge of Allegiance.

**PUBLIC HEARING(S)**

1. Application for a **VARIANCE** to the terms of Article II, Section 204.4, of the New Boston Zoning Ordinance. The applicant/agent is Karin M. & Bradford A. Knight and Lillian M. Young, for property located at 9 & 3 High Street, owned by Karin M. & Bradford A. Knight and Lillian M. Young, Tax Map/Lot # 16/21 & # 16/18, in the Residential-Agricultural "R-A" District. The applicants are requesting permission for a lot line adjustment between two non-conforming lots.

Michael Dahlberg opened the hearing.

Brad Knight, 21 Upham Road Amherst, NH, stated that his family has owned 9 High Street for approximately 40 years. Lillian Young's family has owned the 3 High Street property for approximately 40 years as well. These two properties are uniquely located on a very steep gradient. Parcel B is contiguous and next to a house on Valley View Road. Parcel A is a small open area along Route 13. The equal exchange of 5,352 s.f. will allow for greater use of both parcels. The square footage is proposed to be an equal swap, to make sure neither lot will become more non-conforming. He noted that the Young property will be losing some frontage on High Street. Currently, the area beside the barn is only 15' from the edge of the barn. This is an issue for sanding and plowing.

Michael Dahlberg asked the applicant to address the five criteria associated with the variance.

Brad Knight stated that granting the variance will not be contrary to the public interest, as he does not believe the proposal has any effect on the public interest. This proposal does not change the use of the properties; it simply allows the property owners to utilize the properties more effectively. If the variance were granted, the spirit of the ordinance would be observed, as it proposes to swap the exact same amounts of property back and forth. The proposal is a good layout, considering the property's frontage on two different roads and the grade change of the site. Substantial justice will be served because both owners will benefit greatly from the swap. If the variance were granted, values of the surrounding properties would not be diminished, as this is no proposed change in the size of the lots. No additions or changes to the existing buildings are proposed. No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of the provisions to the property because both properties are affected by the steep terrain of the land and neither owner can utilize their property that is proposed to be swapped without this approval. The proposed use is a reasonable one, as it resolves access issues for both properties.

Ken Clinton stated that his issue is with the hardship of this variance. The applicant submitted two plans. One plan proposes a reduced frontage to the abutter, and the other plan shows the

TOWN OF NEW BOSTON  
New Boston Zoning Board of Adjustment

January 17, 2023

proposal without this. The alternative shows that the swap can be done without a variance. He asked if the hardship could be stated as that keeping the frontages as existing is the hardship. If the applicant shows a way to complete the project without the variance, this eliminates the argument for a hardship. Brad Knight explained that the frontages, as they exist, are a hardship.

Michael Dahlberg stated that the Board is bound by statutory limits as to what it can do. The applicant needs to make a hardship argument, in order to meet variance criteria. He stated that he has seen both of these lots and understands the difficulties mentioned by the applicant. He believes that the applicant needs to come up with alternate hardship arguments for the Board to consider. Oral testimony can be used to supplement the written record.

Brad Knight explained that there could be leach field issues at some point, due to the slope of the properties. The hillside in this area has a tremendous amount of trees. It is important to be able to access the area near these trees, to make sure the trees are cleared back a safe ways. There is no access way currently to the upper lawn portion of his lot, as he does not own the land around it.

Ken Clinton stated that the variance is for frontage reduction. The Young lot is proposed to be made less conforming in regard to frontage. Specific to the frontage variance, the applicant should note that, although the lot line adjustment can be completed with a 3' strip of land, the hardship is then having the legal rights of that 3' strip interrupt the Knight's enjoyment of the equal area swap.

Brad Knight agreed that this was a hardship, along with the hardship of the leach field on the hill.

Ken Clinton stated that the proposal is for a reduction of the Young property frontage to 59.95' on High Street.

Brad Knight again stressed the tree removal issue on the property.

Michael Dahlberg closed the public hearing.

Ken Clinton stated that the hardship is created by the 3' strip. He stated that he is in support of the variance. Anthony Olivier agreed.

In response to a question from Lorraine McKim, Ken Clinton stated that the various maintenance and uses that are considered in the equal area swap, create the need for the swap. The applicant presented a plan that would not require a variance, but it would create the 3' strip along the frontage of High Street. That strip would be owned by the Young family, but traversed and occasionally occupied by the Knight family, creating an issue for property rights and/or insurance purposes. The hardship becomes the 3' strip and this is truly unnecessary. No one driving by will notice the difference, as proposed.

**Ken Clinton moved to grant the variance as requested and referenced on the ZBA variance plan with the Findings of Fact that the applicant has met all the conditions**

January 17, 2023

## Unfinished business

## New business

The Board agreed to meet again on March 23, 2023.

**Communication and miscellaneous – None.**

**Other business** – None.

## Adjournment

Respectfully submitted,  
Kristan Patenaude

Minutes approved:  
April 18, 2023