

TOWN OF NEW BOSTON
New Boston Zoning Board of Adjustment

March 21, 2023

In attendance at New Boston Town Hall: Anthony Olivier, David Craig, Michael Dahlberg, and Lorraine McKim

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.

Lorraine McKim sat for Ken Clinton.

PUBLIC HEARING(S)

1. Application for a **VARIANCE** to the terms of Article VI, Section 602, of the New Boston Zoning Ordinance. The applicant is Charles R. Boulanger & Jestine E. Miller, for property located at 119 Laurel Lane, owned Charles R. Boulanger & Jestine E. Miller, Tax Map/Lot #15/8, in the Residential-Agricultural “R-A” District. The applicants are requesting permission to subdivision on a class VI road.

Michael Dahlberg stated that this is a request for relief from Article VI, Section 602, but this section only defines frontage. He stated that he believes relief is needed from Article II Section 204. Shannon Silver explained that the applicant spoke with Mark Fougere in the office, who gave the recommendation. She stated that, because this was publicly noticed as requesting permission for a subdivision on a class VI road, there is precedence for making an exception to properly cite the referenced Article during the hearing.

Michael Dahlberg noted that the application also mentions Article V Section 602, instead of Article VI. He stated that he believes these issues can be addressed as housekeeping items.

Jestine Miller, 119 Laurel Lane, explained that she would like to subdivide the lot and build a house in the back lot of land. This is a family property which has been divided multiple times.

Michael Dahlberg asked where the class VI road starts. Jestine Miller stated that she believes it starts right at the end of her driveway. There is no sign marking the class VI road.

Michael Dahlberg asked the applicant to address the fire criteria for a variance.

Charles Boulanger stated that granting the variance will not be contrary to the public interest. This variance will not impact public interest in any way he can think of. One property already exists on this section of the class VI road. The proposal should not impact any other houses. The intention is to set the new house back far on the property. Granting the variance will not impact the spirit of the ordinance as the intention is to build one family house, back from the road. There is substantial road frontage to support subdivision. However, this is on a class VI road. This portion of the class VI road is well maintained, and probably should not be considered class VI, in his opinion. Granting the variance would do substantial justice because being unable to subdivide this property simply because it is on a class VI road seems unjust. The owners pay taxes on this property, similar to all the Town residents. Being unable to build their dream home

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simply because the road is class VI seems unjust. If this variance were granted, the values of surrounding properties would not be diminished. The new house to be built will be very nice and not bring down values of surrounding properties. It will also be setback far from the road, not visible from other houses. Literal enforcement of this ordinance would result in unnecessary hardship. He stated that he does not see and substantial relationship to the class of the road versus the ability to subdivide. The proposed use is a reasonable one because the property abuts the Space Force property so there is no other avenue of accessing the rear part of the property. Private roads are allowed to be subdivided. He stated that, without this variance, they will be unable to build their dream home on land that has been in the family for over 40 years.

Anthony Olivier noted that an abutter at the end of Laurel Lane uses that portion of the class VI road for access. He asked who maintains the last section of Laurel Lane currently. Charles Boulanger stated that the son of the owner of that property does much of the maintenance, but the rest is done by family of the applicants.

In response to a question from Lorraine McKim, Charles Boulanger stated that this property would essentially be landlocked through this variance, as there will no longer be access from Mason Road. The only access will be from Laurel Lane.

Lorraine McKim asked if there are any restrictions to putting in another driveway on this class VI road. Michael Dahlberg stated that the applicant will need to file for a driveway permit. If the variance is granted, the applicant will also need to go before the Planning Board, and file proper documents pursuant to RSA 674:41, holding the Town harmless for emergency vehicle access and care of the road.

Michael Dahlberg asked what the hardship is in this case. Jestine Miller stated that the existing two-family home is too difficult for her family to maintain. It is not a sustainable place for her father to continue living in. The new house will accommodate the medical needs of her father and allow for less maintenance.

Anthony Olivier asked about the acreage of the two lots to be subdivided. Jestine Miller stated that she would like to keep more land in the back lot, if possible. The property is approximately 10 acres in total.

Michael Dahlberg asked for public comment.

Lieutenant commander David Zesinger, from the Space Force Station stated that the Space Force has no issues with the proposal.

Michael Dahlberg closed the public hearing.

Anthony Olivier stated that he is ready to approve this proposal. This section of class VI road is already being maintained by the family. The intent of applying this ordinance is overly restrictive in this instance.

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**Anthony Olivier moved to approve this application, subject to the conditions that the applicant enter into an agreement with the Town of New Boston regarding non maintenance of the road, and proper subdivision approval. The applicant can amend the application regarding the Scrivener's errors previously noted by the Board. Seconded by David Craig.
Voting: 4-0-0 motion carried.**

Unfinished business

The Board agreed to table discussion regarding the January 17, 2023, minutes, the Rules of Procedure, and application amendments to a future date.

New business

None at this time.

Communication and miscellaneous

None at this time.

Other business

None at this time.

Adjournment

**Anthony Olivier moved to adjourn the meeting at 7:45pm. Seconded by David Craig.
Voting: 4-0-0 motion carried unanimously.**

Respectfully submitted,
Kristan Patenaude

Minutes approved:
April 18, 2023