

**TOWN OF NEW BOSTON
NEW BOSTON ZONING BOARD OF ADJUSTMENT
Minutes of 2019**

May 21, 2019

The meeting was called to order at 7:00 p.m. by Zoning Board of Adjustment member Michael Dahlberg. Present were regular member Anthony Olivier and Alternate member Wayne Charest. Also present were Zoning Board Clerk Nadine Scholes and Planning Coordinator Shannon Silver. Absent was Chairman David Craig, Vice Chairman Ken Clinton and regular member Doug Martin.

The Planning Coordinator, Shannon Silver explained that one of the members in attendance would need to act as Chairman because the Chairman and Vice Chairman were not present, and Alternate member, Wayne Charest would need to be voted in as a full voting member. Michael Dahlberg would act as Chairman.

Anthony Olivier **MOVED** to make Alternate Wayne Charest, a full voting member. Michael Dahlberg seconded the motion and it **PASSED** unanimously.

MERIDIAN LAND SERVICES, INC (APPLICANT)
TWIN BRIDGE LAND MANAGEMENT, LLC (OWNER)
Application for Equitable Waiver of Dimensional Requirement
Location: Wright Drive
Tax/Map Lot #3/5-9
Residential-Agricultural "R-A" District

Michael Dahlberg read the public hearing notice.

Tom Carr presented for Meridian Land Services, Inc., and noted that the owner of Twin Bridge Management, LLC, Bob Huettner was also present. Tom Carr noted that he had been involved with this development from the start and it was unfortunate the final lot had this happen.

Tom Carr explained that the non-conformity had been discovered when the Certified Plot Plan was completed by Meridian at the request of the Building Department. At that time, the foundation was found to be in conformity, but the entranceway porch had been neglected to be included in the layout stage and ended up encroaching 1.9 feet into the side line setback.

Tom Carr provided an additional document showing the porch support locations and explained that the foundation plan showed the dimensions of the foundation however, did not show sonotube or other porch support locations, which is normally part of a foundation plan layout schematic. Prior to construction, the builder informed them that the foundation had been slightly enlarged and requested the plan be revised and to have the survey crew lay out the foundation on the ground as this was a tight lot with

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respect to building envelope and setbacks. A 3-page pdf was sent to the Designer/Project Manager but he neglected to observe the two subsequent pages showing the first and second floor layouts. Tom Carr explained that they now have come to understand the front porch was shown on the first floor plans (page 2) and not on the foundation plan as typically drafted by suppliers. The designer then provided the survey department with the new foundation plan that had been drafted and was ready for lay out. Unfortunately, the survey department team member also did not check the first-floor plans for a porch. Although, the foundation was laid out with care and is compliant, the porch had never been considered by Meridian with the foundation lay out.

Tom Carr explained that the non-conformity does not constitute a nuisance nor diminish the value because the encroachment of 1.9 feet over the side setback is an open air front porch with a roof. From the perspective of an abutter or other person viewing the property, it would be impossible to ascertain the porch was non-conforming.

Tom Carr noted that the cost to remove and reconstruct the porch would be substantial, between \$8,000 and \$10,000 and may not fit with the architecture of the home and this could impact the value due to the oddity of the entrance porch.

Michael Dahlberg explained that although he doesn't like to see this happen, it does happen sometimes. He noted that he read through RSA 674:33 and believed there would be no conflict with granting the waiver requested.

Michael Dahlberg opened for public comment.

Erin Snider, owner of Tax Map/Lot #3/5-10, had no issues with the porch encroaching on the side setback. She believed that the value of the home would be impacted if the porch was reconstructed.

The Board members were all in favor of granting the waiver.

Wayne Charest **MOVED** to grant the Equitable Waiver of Dimensional Requirements, to the terms of Article IV, Section 401.4;G, to permit a fully constructed porch to be within the 20' side setback requirement in an Open Space Subdivision, for a property owned by Twin Bridge Land Management, LLC, located at 95 Wright Drive, Tax Map/Lot #3/5-9. Anthony Olivier seconded the motion and it **PASSED** unanimously.

Michael Dahlberg noted that he preferred to wait for the other members to approve the meeting minutes from February 19, 2019, and April 16, 2019.

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The Planning Coordinator, Shannon Silver noted that she found the Zoning Board Fees were not included in the Rules of Procedure and should be added but also reviewed for appropriate increases. She explained that the Planning Board just reviewed their fee schedule and many fees were increased, i.e. Certified Letters was increased from \$8 to \$10. She recommended that the Zoning Board review their application fees for appropriate increases and possibly adding some fees similar to the Planning Board fees, i.e. Secretarial Fee.

Michael Dahlberg agreed that the fees could be reviewed at the next meeting with all the Board members and he would do some research as to what other surrounding towns are charging for fees.

Wayne Charest **MOVED** to adjourn at 7:20 p.m. Anthony Olivier seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Nadine Scholes, Zoning Board Clerk

Minutes Approved: 11/19/19