

**TOWN OF NEW BOSTON**

**NEW BOSTON ZONING BOARD OF ADJUSTMENT**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

**May 19, 2020**

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

David Craig read the meeting preamble as follows,

**‘MEETING PREAMBLE DURING COVID-19 EMERGENCY**

Good evening, as Chairman of the Town of New Boston Zoning Board, I am invoking the provisions of RSA 91-A:2, III (b) during the current State of Emergency. Governor Sununu has issued Emergency Order #12, pursuant to Executive Order 2020-04, that allows local government and this public body to meet virtually. I am declaring that conducting this meeting is imperative and required in order to continue vital Town government, services and operations.

We have utilized the Zoom platform to conduct the meeting and all Board members will have the ability to communicate concurrently and the public has access to concurrently listen and if necessary, will be given the opportunity to participate in the meeting when opened for public comment.

If anyone has an issue connecting, they should contact Nadine Scholes [REDACTED]  
[REDACTED]

Property owners, applicant and direct abutters were given proper notice of this hearing, along with the instructions of how to access the meeting. Public Notice and Zoom access instructions were also posted for public view on the Town website.

To help minimize background noise and provide privacy to everyone, we have started this meeting with all microphones muted and video cameras off. You do not need to turn on your camera to participate in the meeting and we ask that everyone keep their microphones muted unless you would like to speak. Any public comment will need to wait until the meeting is opened to the public and will need full name and address stated for the record.

If anyone accessing this meeting is disruptive, they will be asked to cease the disruptive behavior. Should the disruption continue thereafter, that person will be automatically removed from the meeting.

Please be aware all votes taken during this meeting will be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their name, please also state if there is anyone else in the room with you during this meeting, under the provisions of the Right-to-know law.'

Roll Call attendance, David Craig present and alone, Ken Clinton present and alone, Michael Dahlberg present and alone, Anthony Olivier present and alone, and Nadine Scholes present and alone.

The Chairman noted that the minutes from the January 21, 2020, meeting, will be reviewed after the application hearing.

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The Chairman opened the Public Hearing.

**LEE BROWN (APPLICANT)**

**DAVID M. & CAROLINE P. HULICK (OWNERS)**

Application for a Special Exception/Appeal from an Administrative Decision

Location: Valley View Road

Tax/Map Lot #16/19

Residential-Agricultural "R-A" District

Present virtually for the hearing was Lee Brown alone, and David M. Hulick and Caroline P. Hulick present virtually together.

The Chairman clarified that for the purpose of this hearing, Lee Brown would represent as the agent for Mr. & Mrs. Hulick. Lee Brown and Mr. & Mrs. Hulick agreed.

The Chairman explained that the application proposes 2 options, first the Board would review the Appeal to an Administrative Decision because a Special Exception would not be required if the Board determined that the appeal should be granted.

Lee Brown explained that the Building Inspector had deemed a Special Exception would be required in order to reconstruct the pre-existing 2 car garage when the building permit was submitted. The main house is slightly over the front setback but the existing garage and the proposed new 3 stall garage will not encroach on the setbacks.

Lee Brown explained that the site plan provided by Kohler Environmental that depicts the .78 acre lot and the location of the proposed reconstructed 3 stall garage with an apartment. Presently there is a 24' x 24' 2 stall garages, with an attached shed that has been there for 40 +/- years. The new proposed septic system would handle the existing 4 bedroom main house and the proposed apartment above the garage. The new structure would be 29.5' x 36', plus 8' wings on each side of the garage, one side would be a deck and on the other side would be a woodshed.

Lee Brown noted that he disagreed with the Building Inspector on the need for a Special Exception because the construction would not encroach on setbacks. The main house was constructed within the front setback but the existing garage and the new structure would stay within the front, side and rear setbacks.

Ken Clinton opined that the Building Inspector had made the correct decision to deny the building permit and require a Special Exception. Zoning requires that any alteration or change to intensity of use on a pre-existing, non-conforming lot, directly states that a Special Exception would be required. He stated that the .78 acre lot size is non-conforming under the 2 acre minimum.

Michael Dahlberg and Anthony Olivier agreed with Ken Clinton.

The Chairman asked Lee Brown if he understood the Board's interpretation of the Zoning requirement for the Special Exception. Lee Brown replied yes.

Michael Dahlberg **MOVED** to uphold the Building Inspectors decision to deny the building permit and require a Special Exception. Ken Clinton seconded the motion. All were in favor and the motion **PASSED**. 4-0, Roll Call Vote:

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David Craig-yes, Ken Clinton-yes, Michael Dahlberg-yes,  
Anthony Olivier-yes.

The Chairman noted that the Building Inspector's decision to deny the building permit had been affirmed and asked Lee Brown to speak on the Special Exception section of the application he submitted.

Lee Brown went over the justification and criteria for a Special Exception as follows;

- the proposal would be to reconstruct an existing garage within the setbacks. The lot is a legal, non-conforming lot, consisting of .78 acres and the main house is over the front setback. The construction would not substantially change the nature and purpose of the original use and the proposed use for an accessory dwelling unit is permitted in the R-A district.

- the proposed garage and apartment design would allow a maximum of 2 adult residents and would have minimal to no impact or increase on resources in New Boston.

- the style of the new structure will match the style of the existing house and would be consistent with the local area, improving the neighborhoods character. The structure will have minimal visual impact because of how the property is situated adjacent to the Valley View hillside.

- there would be minimal impacts to traffic in the area with the addition of one residential dwelling above the garage.

Ken Clinton explained that the proposed Site Plan by Kohler Environmental proposed a 2 bedroom dwelling above the garage and asked Lee Brown if it would be a 1 bedroom or 2 bedroom apartment. Lee Brown acknowledged that Kohler's site plan had proposed 2 bedrooms but confirmed that it would be a 1 bedroom dwelling. Ken Clinton clarified that the septic plan would be designed for the 4 bedroom house and the 1 bedroom in the accessory dwelling unit (ADU). Lee Brown said that was correct.

Ken Clinton asked the Hulicks' if they agreed there is adequate parking with 2 spaces for the existing house and 2 spaces for the ADU, plus the 3 stall garage. Mr. Hulick replied that a pad for additional 2 spaces would be added along with the 3 stall garage.

Ken Clinton questioned the Hulicks' if a driveway easement had been recorded for the shared driveway with the abutting property. Mr. Hulick replied that he was unsure if a deed was recorded for the shared driveway. Ken Clinton noted that he was unsuccessful with searching the registry for a recorded driveway easement and if the property were ever sold in the future that could cause some issues. Michael Dahlberg agreed that the Hulicks' should clean up the deeds to both properties to include an easement for the shared driveway.

Ken Clinton noted that he agreed the style of the proposed garage was within the character of the neighborhood. He would be in favor to grant the Special Exception but explained that his biggest concern would be the ability for the .78 acre lot to handle the septic increase. He recommended that the Board could grant the Special Exception but with a condition that confirmation from the State of the appropriate well radius and the site load calculations are correct for the number of bedrooms. Lee Brown noted that the

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State had already approved the 6 bedroom septic plan, with 900 gallons per day and a release form had to be signed for the well radii because the well is close to the road. The Board discussed further, and all agreed that it should be confirmed that the calculations on the septic design approved by the State are correct.

Anthony Olivier **MOVED** to grant the Special Exception to expand the footprint of the existing garage on a pre-existing, non-conforming lot of record, for a property owned by David M. & Caroline P. Hulick, located at 7 Valley View Road, Tax Map/Lot #16/19, subject to the condition that the State Septic approval is clarified. Michael Dahlberg seconded the motion. All were in favor and the motion **PASSED**. 4-0, Roll Call Vote: David Craig-yes, Ken Clinton-yes, Michael Dahlberg-yes, Anthony Olivier-yes.

David Craig noted that the January 21, 2020, meeting minutes need to be approved and he would need to abstain because he had not read the minutes. He asked if the Board had reviewed the minutes and if there would be any changes. The Board did not have any changes to the minutes.

Michael Dahlberg **MOVED** to approve the Zoning Board of Adjustment meeting minutes of January 21, 2020. Anthony Olivier seconded the motion and the motion **PASSED**. 2-0, Roll Call Vote: David Craig-abstained, Ken Clinton-abstained, Michael Dahlberg-yes, Anthony Olivier-yes.

Nadine Scholes noted that Doug Martin submitted a letter of resignation from the Zoning Board. The Board acknowledged the receipt of the letter from Doug Martin and thanked him for his contributions.

There was no other business to review.

Anthony Olivier **MOVED** to adjourn at 7:40 p.m. Michael Dahlberg seconded the motion and it **PASSED**. 4-0, Roll Call Vote: David Craig-yes, Ken Clinton-yes, Michael Dahlberg-yes, Anthony Olivier-yes.

Respectfully submitted,  
Nadine Scholes, Zoning Board Clerk

Minutes Approved: 10/20/20