

TOWN OF NEW BOSTON

NEW BOSTON ZONING BOARD OF ADJUSTMENT

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

October 20, 2020

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

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, Michael Dahlberg present and alone, Anthony Olivier present and alone, Nadine Scholes present and alone and Shannon Silver present and alone.

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Review and approval of the minutes of May 19, 2020 and September 15, 2020.

David Craig asked if the Board had any changes to make on the May 19, 2020, meeting minutes. There were no changes.

Michael Dahlberg **MOVED** to approve the meeting minutes of May 19, 2020, as written. Anthony Olivier seconded the motion. All were in favor and the motion **PASSED**. 3-0, Roll Call Vote: David Craig-yes, Michael Dahlberg-yes, Anthony Olivier-yes.

David Craig noted that he did not attend the meeting on September 15, 2020, and asked if the Board had any corrections to discuss. There were none.

Michael Dahlberg **MOVED** to approve the meeting minutes of September 15, 2020, as written. Anthony Olivier seconded the motion. All were in favor and the motion **PASSED**. 3-0, Roll Call Vote: David Craig-yes (noted caveat that he was not present at the meeting, but vote needed to approve minutes), Michael Dahlberg-yes, Anthony Olivier-yes.

David Craig opened the Public Hearing.

JAMES W. DODGE (APPLICANT)

Application for a Variance

Location: Tucker Mill Road

Tax/Map Lot #5/20

Residential-Agricultural "R-A" District

Present for the hearing was James W. Dodge, virtually and alone, and abutters Peter and Donna Ryder, virtually present.

James Dodge explained that the Variance application request would allow an additional rental unit, in the existing barn, that would be used as Workforce Housing. He noted that the farm has grown and the need for help has increased, the additional apartment would be occupied by an employee of the farm operations. The tenants that would live in the apartment would be employed at the farm. He noted that the space in the barn had some work done years back but would still need some work. James Dodge noted that there is another building with 4 units that exists on the property.

David Craig asked if the 4 units are currently occupied and do the tenants work on the farm. James Dodge replied that all 4 units have been occupied for years and the tenants do not work for the farm.

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James Dodge reviewed the facts/criteria from the Variance application he had submitted.

Facts in support of granting the variance:

- 1) Granting the variance would not be contrary to the public interest:
 - The additional apartment would support agricultural use and would comply with the State Statue for Workforce Housing. There would be no changes to the exterior, no increase in traffic and the property is surrounded by residential.
- 2) If the variance were granted, the spirit of the ordinance would be observed because:
 - It conforms to the Housing Goals and Agricultural Protection Goal included in the Town's Master Plan and State Statue's as the unit would house a family working at the farm.
- 3) Granting the variance would do substantial justice because:
 - It would conform to the Master Plan goals and the requirements for Workforce Housing, which the Town does not address in current Regulations.
- 4) If the variance were granted, the values of the surrounding properties would not be diminished:
 - The surrounding properties consist of all residential uses.
- 5) Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.
 - A. For the purposes of this paragraph unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - i. The use meets the spirit of the Master Plan and Workforce Housing requirements put forth by State Statue. The apartment would provide a family with an affordable rent option, an employment opportunity and provided employees for a growing agricultural business in Town.
 - ii. The proposed use is a reasonable one because it conforms with the Master Plan Goals and Workforce Housing.

David Craig asked what would happen if the tenant no longer was employed by the farm. James Dodge replied that he would need the apartment to be vacated for another employee to be able to rent out the unit. David Craig questioned if James Dodge would be willing to accept a condition that the unit would need to be occupied by an employee(s) of the farm. James Dodge noted that the farm work could be seasonal but would not be opposed that condition be part of the approval.

David Craig asked how big the apartment would be. James Dodge replied that currently it is just an open space, but roughly 1500 sq. ft., 3-bedroom, single family unit.

Michael Dahlberg and Anthony Olivier noted that they did not have any issues with the proposal presented by James Dodge. Michael Dahlberg opined that he thought this was a great use of this property.

David Craig opened for public comment.

Peter and Kathleen Ryder, 138 Francetown Road, abutted the applicant's property and noted that they support the farm and the proposal presented to an apartment for an employee of the farm. Mr. Ryder explained that the only concern they had would

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be in the future the apartment could become just an additional rental unit that was not occupied by an employee but believed that the proposed condition of approval to require that the unit be occupied by an employee should take care of that concern.

There were no other public comments.

David Craig asked the Planning Coordinator, Shannon Silver if the Town would have any concerns if the Variance were granted. The Planning Coordinator, Shannon Silver replied no, she believed this would meet the criteria and limits for Workforce Housing. David Craig asked if there would be any other regulation requirement that would be needed besides the permits to complete the interior of the apartment, i.e. site plan review with the Planning Board. The Planning Coordinator, Shannon Silver said no, Workforce Housing had not been implemented into Town Regulations, but she noted that should be looked at soon to meet the RSA 678:58 through 61, set forth by the State regarding Workforce Housing.

Michael Dahlberg expressed that he had no concerns with the proposed Variance application as presented because it would be tied to an Agricultural use.

There were no other comments or concerns.

Michael Dahlberg **MOVED** that the proposed Variance application would not have Regional Impact. Anthony Olivier seconded the motion. All were in favor and the motion **PASSED**. 3-0, Roll Call Vote: David Craig-yes, Michael Dahlberg-yes, Anthony Olivier-yes.

Michael Dahlberg **MOVED** to grant the Variance to allow an expansion of the pre-existing grandfather use, to permit an existing barn to be converted to a Workforce Housing unit, for a property owned by James W. Dodge Revocable Trust of 2020, located at 20 Tucker Mill Road, Tax Map/Lot #5/20, in the Residential-Agricultural 'R-A' District, on the condition that the unit be occupied by a direct employee of the farm operation at all time. Anthony Olivier seconded the motion. All were in favor and the motion **PASSED**. 3-0, Roll Call Vote: David Craig-yes, Michael Dahlberg-yes, Anthony Olivier-yes.

There was no other business to discuss.

Anthony Olivier **MOVED** to adjourn at 7:33 p.m. Michael Dahlberg seconded the motion and it **PASSED** unanimously. **3-0**, Roll Call Vote: Ken Clinton-yes, Michael Dahlberg-yes, Anthony Olivier-yes.

Respectfully submitted,
Nadine Scholes, Zoning Board Clerk

Minutes Approved: 12/15/20