

**TOWN OF NEW BOSTON  
NEW BOSTON ZONING BOARD OF ADJUSTMENT  
Minutes of 2021**

**August 17, 2021**

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

Chairman Craig advised they have a little bit of unfinished business from the Ranfros Hearing.

Motion made by Michael Dahlberg and seconded by David Craig to approve June 15, 2021, Minutes. All in favor.

Lorraine McKim was seated as full voting member for the evening.

**JENNIFER & JOSHUA STROUT (APPLICANTS)**

**PAUL J. MCGUIRE (OWNER)**

Application for a Variance

Location: 55 River Road

Tax/Map Lot #17/13

Residential & Agricultural "R-A" District

Chairman David Craig advised that they have a continued hearing this evening from July 20, 2021. He advised he was not present for that hearing and feels he has a conflict of interest in this matter; he has done a lot of work for the Towne Family and would not want it perceived that his vote would be colored by his previous representation of the members of the Towne Family. He will recuse himself for this hearing. There are three individuals present on the Board. This changes the dynamics as there is no room for dissent as you need three people to get your vote. Faced with the conundrum of this, it is up to you folks if you want to continue to the next hearing or proceed. If we do continue, we do not have to send out new notices. Its just a continued hearing, so it's up to you.

APPLICANTS advised they want to proceed this evening.

Chairman Craig stated he would therefore be recusing himself, as he stated earlier, and turning it over to the other members and asked Michael Dahlberg to chair the meeting.

Michael Dahlberg opened the Hearing, stating this is the August 17<sup>th</sup> New Boston Zoning Board of Adjustment hearing for a Variance to the Terms of Article II, Section 204.4 of the New Boston Zoning Ordinance, Tax Map 17/13, 55 River Road, New Boston, Joshua and Jen Strout are the Applicants, Paul McGuire is the owner, and has signed off on the application.

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Mrs. Strout advised they are now owners of the property.

Michael Dahlberg asked and confirmed that when they made the application, Paul McGuire was the owner.

The applicants stated that was correct.

Michael Dahlberg advised the applicants they could make their presentation, then the Board would open it up to the Public, for the disapproving abutters, then allow rebuttal, then the Board can ask questions, and if there is anyone who wants to ask questions to the Strouts, please direct them to the Board and then we will communicate them.

Jennifer Strout spoke, advising they live in New Boston, and that they have a child in the New Boston School and one in the Goffstown Middle School. Currently own 7 properties in New Boston and have been working at improving the local downtown by cleaning up properties and getting renters. So, we are here today for a variance that's requested from Article 2, Section 204.4 of the Zoning Board. Additional Dwelling Units in Existing Two-Family Residential Duplex. Before I continue, I will add that we did purchase this property as of Friday. I have spoken to all current occupants, and have communicated such to them, including the two businesses that are there, one being the Salon, and we can talk about that in more detail. Facts in supporting in granting the variance is granting the variance would not be contrary to the public interest, so we would not change anything on the exterior. We definitely would clean the yard up significantly, as well as change the siding to clean it up on all wooden structures, the back is vinyl, but we would also clean that up, and we would have no change to parking or traffic. That being said, there is currently a salon in the front of the building, as of the end of the month she will no longer be in business.

Michael Dahlberg asked how many chairs she had in use in the salon. Mrs. Strout stated she had one chair, she's there two days a week, for personal reasons she has decided to leave at the end of the month. I think we would improve the property value, not diminish it, and in addition to that, not add any additional traffic to the area, as they are small units, which we will discuss in more detail as we get into this a little bit further. If granted, the variance would conform to the intent of the Master Plan Housing Chapter by offering more affordable housing options and complying with the recommendation section of that chapter. As we all know there are very limited housing choices on the market. We are very close with the real estate agents in the area who contact me on a regular basis, they have empty nesters that need apartments, people wanting to sell their house because the market's hot right now, and rent something, so those are the kind of uses we are looking to use this for. In exploring options of that chapter, expanding opportunities for appropriately scaled rental housing and considering the use of older homes to accommodate such. That being said, they are smaller units and we would not have more

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1 than one, possibly two, we do full background checks, screening, we do a thorough  
2 background check before we get any of our tenants into our units.

3  
4 Michael Dahlberg asked the applicant when she says smaller units, how many bedrooms.

5  
6 The applicant stated that currently the unit in the back, which is considered the office, is  
7 about 500 square feet, so the plan with that would be to have a bathroom, kitchen area, a  
8 bedroom, one bedroom, it would almost be considered a studio, if you didn't add any  
9 doors. The salon unit is about 675 square feet, so a little bit bigger, but still very small,  
10 but more of the same thing, more of a studio/open concept bedroom/ living area.

11  
12 Michael Dahlberg confirmed the second unit just mentioned would also be a one  
13 bedroom. The Applicant stated yes.

14  
15 Lorraine McKim asked how many how many bathrooms she was proposing. Applicant  
16 stated one.

17  
18 Michael Dahlberg asked the existing two units, how many bedrooms in each. The  
19 applicant stated there is a 3 bedroom right in the front, and in the back there is a 2  
20 bedroom.

21  
22 Applicant stated if the variance were granted, the values of the surrounding properties  
23 would not be diminished, because the surrounding properties are consistent with  
24 residential properties, and as such, this would not diminish, if anything it would increase  
25 because of our plan in updating the front, curb appeal as well as some changes within  
26 these current spaces. So, we think that this meets the spirit of the Master Plan and is a  
27 reasonable use due to other surrounding properties, and it meets all parking and fire code  
28 requirements. I did want to bring your attention to the picture, it's the last page of the  
29 packet.

30  
31 Michael Dahlberg asked to back up a second, on 5A-I, asked the applicant to read the  
32 section, the little paragraph of your answer. So we understand the context of your  
33 answer. Applicant read that section, Michael Dahlberg asked her to clarify the part of the  
34 answer that says "it meets the spirit of the Master Plan", do you mean your proposed two  
35 unit conversion? Applicant said yes, and more affordable housing.

36  
37 Lorraine McKim asked applicant what her definition of "meeting fire codes  
38 requirements"? Applicant stated as far as like fire.... Lorraine McKim asked what is the  
39 difference, I don't pretend to know the difference as to what is required for a commercial  
40 unit or a residential unit. She said the applicant is stating it meets those requirements.  
41 None of that would change? How many smoke detectors do you have? Sprinkler system?  
42 Applicant stated that they have not actually been in to look at those yet, because they just  
43 purchased it on Friday, but it will definitely be up to code like our other units in Town,  
44 with fire code. Michael Dahlberg said the Fire Inspector would walk through also, and

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1 that he does not have a problem with it. Applicant read additional information from her  
2 application. Also stated it only makes sense to continue to use it in an effective way that  
3 encourages affordable housing in our Town. The Applicant continued saying the next  
4 part here indicates the current use, right now we have two residential units, one office,  
5 one salon, and the barn. Unit 1 has three bedrooms and one bath, unit 2 has two  
6 bedrooms, one bathroom, unit 3 is an office space with three rooms, and unit 4 is the  
7 salon space with two rooms, and the barn is storage.

8  
9 Michael Dahlberg stated that there is a beauty salon and asked what the office space was  
10 used for. Applicant stated it was used for a business of the owners. Michael Dahlberg  
11 asked if it was an official business. Applicant stated before that it was Frosty's Plumbing  
12 (King's Plumbing). Applicant stated she put the proposed use showing 4 residential units  
13 plus the barn, so three bedrooms, one bath, two bedrooms, one bath, and one bedroom,  
14 one bath, and one bedroom, one bath, and the barn stays the same. Applicant stated  
15 structurally nothing is getting added on to it, adding new vinyl floor, cabinets, there is  
16 actually a bathroom and a shower currently in the office and the salon also has a  
17 bathroom. Septic information and the tank size is 2000 gallons, and the leach field is 21  
18 ½ feet by 20 ½ feet.

19  
20 Applicant stated that there are some pictures provided, unit 3 is the office, other picture  
21 see the shower and living space, unit 4 is next page, salon area, room in the back and the  
22 bathroom. If you continue to the next page, there is outside parking and it shows a ton of  
23 parking on the left side of the building, where the current tenants park their 3 vehicles  
24 and the other space is for the salon. Aerial picture showing the parking on the left and  
25 the right.

26  
27 Michael Dahlberg asked if there were any questions from the Board. Lorraine McKim  
28 asked the Applicant if they were planning on making any changes to the current existing  
29 duplex part of the building? Applicant said, no, if anything, updated flooring, paint, if the  
30 tenant wanted.

31  
32 Applicant (Mr. Strout) stated cleaning up the inside. Lorraine McKim asked if they  
33 were going to side the building, do the whole building? Applicants stated just the front.  
34 Lorraine McKim said she drove by the building, first driveway looked ok for parking,  
35 but the second looked very tight, and asked if they would be changing that. Applicant  
36 stated the first can accommodate a big truck, in the picture there is a big truck in there, it  
37 could comfortably fit 5 trucks, and it is a pretty good size, enough for a couple of  
38 vehicles. Also that there is enough parking on the left side of the building, to  
39 accommodate enough vehicles on the left. Lorraine McKim asked if both commercial  
40 units are accessible from the first driveway, or is one accessible from the first driveway  
41 and the other on the second? Applicant stated both are accessible from the second  
42 driveway, but there is a porch on the back unit and they could access from the porch.  
43 Applicant stated there is a deck there that they could access the units from. Lorraine  
44 McKim asked if it was possible that they could be looking for parking on the other side,

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1 Applicant asked the right side? And Applicant said they would have parking on the  
2 second driveway. Lorraine McKim mentioned the previous exceptions as to the  
3 stipulation that there would be no vehicles backing out onto River Road, and is that still  
4 the case that you can turn around in the parking area so as to drive out facing forward  
5 onto River Road? Applicant said there is ample room to do that. Applicant stated can  
6 back up and pull forward. Lorraine McKim asked about the septic tank to Planning  
7 Coordinator, Shannon Silver, if it is sufficient. Shannon said probably oversized for  
8 commercial, Michael Dahlberg said sufficient. Lorraine McKim said so you would not  
9 be making any changes to the septic, tank, and asked for clarification on how it is a  
10 hardship for the owners. Applicant said two current residential tenants, paying  
11 considerably under market value for rent, one tenant has been there about 15 years and  
12 the other about 3 years, and the owner of the salon is leaving end of month, her rent is  
13 under market value too, so in order for us to pay the taxes and take the mortgage we need  
14 to use the back office. Lorraine McKim asked the applicants if they had full disclosure of  
15 this when checking the property out, knew what the rents were and so forth. Applicant  
16 stated yes. Lorraine McKim asked if the minimum acreage required for a multi-family  
17 was 2.5 acres? Shannon stated that is the minimum in the Industrial District where it is  
18 allowed. This is a Variance request as it is not allowed in the R-A District. This is a pre-  
19 existing, non-conforming lot already.

20  
21 The tax card currently notes 5 bedrooms, 3 ½ baths. The Septic was questioned; Michael  
22 Dahlberg said existing flow would be 1500 per day, in multi-family today, may need  
23 letter of clarification from DES that tank is adequate and may need a new design not to  
24 be built just approved if existing one failed. Number of people using that well may cause  
25 problem. Discussion on use and volume of septic tank. Michael Dahlberg advised the  
26 Applicants whatever the testimony given by Applicants is relied upon to make their  
27 decision and is in the record.

28  
29 Rodney Towne whose mother owns the property next door, asked that Rodney represent  
30 her interests at this hearing and expressed her dissatisfaction at this proposal. He  
31 questioned the commercial uses and would the commercial use go away with this  
32 application. You are proposing a 4 unit-apartment unit with commercial capabilities. I  
33 would like this clarified. Michael Dahlberg stated that the representation they made that  
34 augments their written application states that they are going to change the use from  
35 commercial to residential, the salon to one bedroom, and the office to a one bedroom. Mr.  
36 Towne said he has the application in front of him, that does not state that, and Michael  
37 Dahlberg said he understands that, but that the Board can take their verbal representation,  
38 we can ask them to explain and clarify. Mr. Towne asked that they would remove all  
39 commercial use of the building. Michael Dahlberg stated if they try to change that they  
40 would have to come back to the Board. Mr. Towne said the application does not address  
41 changing to residential. Michael Dahlberg said their testimony said they are looking to  
42 change the use. Shannon stated exceptions were granted in 1986 and 1988. Prior to that,  
43 in 1985 to a different use. Mr. Towne asking what happens to the previous special  
44 exceptions if this is granted. Shannon said by changing use to residential, if wanted to

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1 change use again would have to come back to the Board. Mr. Towne asked if the  
2 commercial use goes away if this variance is granted. Mr. Towne stated neighborhood is  
3 single family homes, not multi-family, cannot see how there would not be change in  
4 traffic, so there is an impact. Mr. Towne said he is concerned about noise, and stated the  
5 new owners knew what they were buying. Concerned about the future use of this  
6 property in the future, keeping in mind the past usage of this property. Shannon advised  
7 that if a variance is granted now turning it into multi-family the plan needs to be revised  
8 to show the use of the property. Michael Dahlberg asked that applicants understand the  
9 need to go to Planning Board for change of use plan, address sign, traffic, septic, water.  
10 Shannon said can draw plan yourself. Mr. Towne also mentioned property line.

11  
12 Applicant's parents addressed the Board, she is not an abutter, but stated Applicants are  
13 hard-working, improved many other properties.

14  
15 Applicant said she spoke to Mrs. Towne about traffic, and that if it stayed commercial the  
16 traffic would be more - Michael Dahlberg stated if they added to the salon, they would  
17 require more plans for that - Applicant said not planning to do that and does not feel they  
18 would add significantly to traffic with the residential use. Feels hardship piece of this is  
19 having the money to fix it up but feels building needs money put into it. Michael  
20 Dahlberg asked if they were saying limited housing options and affordable housing  
21 options plays into hardship.

22  
23 Michael Dahlberg asked Members of Board for questions. Mr. Charest asked Applicant  
24 for clarification of affordable housing for rents in area. Lorraine McKim asked if  
25 Applicant would raise the rents; Applicant said tenant in 3 bedroom would go to one  
26 bedroom if available. Applicant stated not intent when remodeling property. Lorraine  
27 McKim asked if Applicants want property to be profitable; they said yes. Asked if they  
28 have a Plan B if this doesn't work, said they would keep it commercial. Lorraine asked  
29 Michael if they keep it commercial would they have to go back to Planning Board for site  
30 plan review. Shannon said if changed uses to different commercial uses, would have to  
31 go to ZBA first, then to Planning Board. State permits would be affected. Applicant said  
32 salon owner had 3 chairs at one time. Michael Dahlberg feels traffic would be less with  
33 residential than a full functioning salon. Mr. Towne said because application did not  
34 indicate change to residential, he feels his mother would be okay if it in fact is going to  
35 be solely residential. Mr. Towne is concerned about this being low-income housing;  
36 Applicant stated this was not their intent. Michael Dahlberg said you are not planning on  
37 government subsidized housing.

38  
39 Hearing closed for public portion of hearing.

40  
41 Lorraine McKim doesn't believe there is a hardship. Michael Dahlberg believes hardship  
42 exists because do not have multi-family in Town. She asked how this is a hardship for  
43 these owners. Michael Dahlberg said there was another property like this in Town, with  
44 similar problems, said he believes there is a financial component included with this, said

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1 there is no definition of multi-family. Said they have 4 units already with commercial  
2 and residential use. He believes they have a hardship. Lorraine McKim asked for  
3 clarification on well usage - Michael Dahlberg spoke to that question, said it is between  
4 owners and Building Department. Discussion about using variance and then wanting to  
5 go back to commercial use. Shannon said she does not agree with them being able to go  
6 back to commercial use without going back to ZBA and having previous variance  
7 revoked. Michael Dahlberg said could condition variance within 24-month period.  
8 Michael Dahlberg expected the motion to be conditional. Discussion about Master Plan  
9 intent concerning multi-family housing. Michael Dahlberg feels intent of Applicants  
10 mirrors intent of Master Plan, need to follow up with Planning Board. Shannon said  
11 boundaries and plot plan should be looked at, and the Planning Board may want that.  
12 Lorraine McKim asked if ZBA could restrict number of parking spaces; Michael  
13 Dahlberg and Shannon said no, Planning Board would address that.  
14  
15

16 **MOTION** made by Wayne Charest to approve variance subject to  
17 site plan approval by planning board and obtaining building permit  
18 for those two units.  
19

20 **AMENDMENT TO THE MOTION** by Lorraine McKim -  
21 should the site plan not be granted the use would return to its  
22 previous use.  
23

24 Time frame to get approval discussion - Shannon said at least 120 days, Michael  
25 Dahlberg gives a couple of years due to covid - Shannon said don't need surveyor, she is  
26 concerned about the 2-year time frame. Michael Dahlberg said give them a year to get  
27 compliance. Lorraine McKim asked what they could do with property in interim, can  
28 they still use the property, Shannon said once they apply to Planning Board it will be  
29 reviewed. Lorraine McKim asked if they can make improvements to property in the  
30 interim, yes but not to the two new units until get approval by Planning Board.  
31

32 Wayne Charest **MOTION TO APPROVE VARIANCE** for Case No.  
33 2021-4, subject to building permits, site plan review and one-year time  
34 frame to get that done. Motion seconded by Lorraine McKim. **PASSED**  
35 unanimously.  
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37  
38

39 Respectfully submitted,  
40 Lorraine McKim

Minutes Approved:  
November 16, 2021