

**Town of Goshen
Zoning Board of Adjustment
Minutes of September 11, 2013**

Members Present: Doug O'Clair, Chair; Ray Porter, Vice-Chair; Mike Chilson; Keith Hall; Mark Rissala

Chair O'Clair called the meeting to order at 7:00 p.m.

MINUTES

The Board reviewed the minutes of June 26, 2013.

Mr. Hall made a motion to accept the minutes of June 26, 2013 as written. Mr. Chilson seconded the motion. All in favor.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS

Gary Marlborough – 50 Rand Pond Road – Tax Map 209- Lot 89 – Variance

Mr. Marlborough paid the public hearing fees, and Chair O'Clair read the public notice.

You are hereby notified of a Zoning Board of Adjustment hearing to be held on Wednesday, September 11, 2013 at the Goshen Town Hall. At 7:15 p.m. Gary Marlborough of 50 Rand Pond ROAD Tax map 209 Lot No. 89 will apply for a variance from Section III, Article D.2 of the zoning ordinance to seek relief from the 40-foot building setback requirement in order to accommodate an 8 ft. x 23 ft. addition to the back of his house.

Mr. Marlborough explained that he would like to build an 8 ft. x 23 ft. addition onto the bedroom at the back of his house. It will be a one-story addition onto an existing room. The intent is to make the existing bedroom larger, not create an additional room. He stated that he spoke with his abutters that would be mostly affected by the addition, and there were no issues stated.

Chair O'Clair asked Mr. Marlborough to answer questions #3B and #5 of the variance application since they were not filled out on the application submitted.

Mr. Marlborough answered #3B *Denial of the variance would result in unnecessary hardship to the owner because the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because there is a need for living space in the existing home in order for the homeowner to be able to continue residency.*

Question #5 The proposed variance is not contrary to the spirit or the ordinance because this addition provides a safer living space for the homeowner while preserving the rural atmosphere of the neighborhood. There are other buildings that are closer to their lot lines than this addition as proposed.

Chair O'Clair informed the Board members that there were not letters of opposition submitted from any of the abutters. Since there were no members of the public present to be heard for this hearing, Chair O'Clair bypassed public input and the Board reviewed the application with Mr. Marlborough.

Chair O'Clair asked for clarification on the purpose of this addition; to extend an existing room or add a room.

Mr. Marlborough stated he would be addition onto an existing bedroom only; not building an additional room and not building a second story.

Mr. Chilson commented that as long as the abutters are not opposed to the addition, he has no objection to the proposed variance.

Chair O'Clair commented that he would personally not want any structure to be closer than 10 feet to a property line in order to leave space for maintenance of the structure without interfering with the neighbor.

Mr. Hall commented that since the addition will be squared to be building and not to the lot line, the reality of the situation is that there is more than a 10-foot setback on the westerly corner. Therefore, the encroachment on the set back is not as much as it seems.

Mr. Rissala commented that the layout of the addition on the property is consistent with the abutting properties.

Mr. Porter agreed with Mr. Rissala and stated it therefore keeps in the character of the neighborhood.

Mr. Chilson made a motion to grant the variance from Section III, Article D.2 of the zoning ordinance as requested based upon the plans and testimony received. Mr. Porter seconded the motion. All in favor.

Chair O'Clair advised Mr. Marlborough that he will receive written notification of the approval and there is a 30 day appeal period per RSA 677:2

NEW BUSINESS

Shaun Carroll, Jr. – discussion of possible variance

Shaun Carroll, Jr. and Richard Fraser presented a conceptual plan to move a property line between two parcels Carroll Concrete owns off Lear Hill Road at the entrance of the Davis gravel pit. The parcel in question is also and formerly known as the Keach property. Currently, there are two adjacent parcels; the Keach parcel approximately 24 acres and a larger 44 acre parcel containing the Davis gravel pit. The Keach parcel has road frontage on Lear Hill Road and contains an artesian well and three-bedroom septic system from a previous residence as well as the entrance road to the Davis gravel pit. Mr. Carroll explained that they would like to create a house site independent from the gravel pit entrance which will mean moving the lot line between the two lots. This will minimize the former Keach lot to approximately 1.5 acres and avoid deed complications in the event the Keach property is sold to a third party. The remaining 22.5 acres of the Keach property would be absorbed into the 44-acre gravel pit parcel. Since the minimum acreage for a lot is three acres, a variance will be needed before presenting the lot line adjustment to the Planning Board. He explained that sometime along the line, the gravel pit site could be subdivided; so if that parcel does not have its own access, any future subdivision and deeds resulting thereof would be really complicated.

Mr. Hall asked if Mr. Carroll had any future plans for the 1.4-acre lot.

Mr. Carroll stated that he knows of someone who is interested in purchasing the lot as a home site, so he is trying to determine if the lot is saleable.

Mr. Rissala asked what the road frontage for the 1.4-acre lot would be if this adjustment was approved.

Mr. Carroll stated the road frontage on the proposed 1.4-acre lot would be in excess of 175 ft. The road frontage requirement would be met, it is just the 3-acre minimum that is not met.

Chair O'Clair commented that the proposal does not seem to go against the intent of the 3-acre ordinance since it would not be increasing the density in that neighborhood. The areas within three acres of that site are not developed, and probably would not be developed with structures.

Mr. Hall commented that there once was a house at that site, and it is near the hub of the center of Goshen which is mostly less than 3-acre building sites; therefore, within the character of the neighborhood.

Mr. Carroll commented that the Keach house site could be subdivided off in such a way that it would maintain the 3-acre lot size, but it would be a very unconventionally shaped lot.

Mr. Fraser pointed out that if there is a new home built in place of the previous one, that would mean more revenue for the Town.

Chair O'Clair advised Mr. Carroll and Mr. Fraser that the Zoning Board of Adjustment does not need final engineering plans in order to render a decision on a variance. The plans submitted for review at this meeting may be used as part of the variance application. A variance approval is good for three years. So the proposal will need to be vested prior to three years after approval.

The Board agreed to meet October 2, 2013 at 7:15 p.m. to hear the variance request as conceptually discussed this evening.

Chair O'Clair informed the Board members that the Planning Board will be proposing several amendments to the zoning ordinance. There are several steps with deadlines that need to be met in order to vote on the amendments at the March Town Meeting, so that is why the Planning Board is beginning to discuss the amendments now. A letter will be going out to the residents explaining the proposed amendments and the reasons for those amendments so that the voters will have time to consider proposed amendments and make an educated vote at town meeting.

COMMUNICATIONS

OTHER BUSINESS

Jeff Volkers, who was granted a variance in June for a shared driveway off Lempster Coach Road, is scheduled with the Planning Board for a minor subdivision as indicated at the June 26, 2013 Zoning Board of Adjustment hearing.

Mr. Chilson made a motion to adjourn. Mr. Hall seconded the motion. All in favor.
Meeting adjourned at 8:15 p.m.

Next meeting: October 2, 2013

Respectfully submitted,

Linda Plunkett
Recording Secretary