

**Town of Goshen  
Zoning Board of Adjustment  
Minutes of August 19 2014**

Members Present: Ray Porter, Vice-Chair; Mike Chilson; Keith Hall

Vice-Chair Porter called the meeting to order at 7:00 p.m.

**MINUTES**

The Board reviewed the minutes of July 9, 2014.

**Mr. Chilson made a motion to accept the minutes of July 9, 2014 as written. Mr. Hall seconded the motion. All in favor.**

**PUBLIC HEARINGS**

**Heidi Wilcox - Special Exception Section III.B.3. and Section VI.B. - 18 Badger Road - Tax Map 208 Lot 22.1**

Vice-Chair Porter explained to Ms. Wilcox that she has the option to ask for a postponement of meeting since there are only three members present; A minimum of three (3) positive votes is required for approval of any motion; otherwise, the motion fails. By waiting for a later date, there may be more members present, hence not requiring a unanimous vote.

Ms. Wilcox stated that she would like to move forward with the application since getting the project complete as quickly as possible is importance. She explained that she has two elderly parents living with her since they cannot live on their own, yet they need their own space.

Vice -Chair Porter advised Ms. Wilcox that the decision of the Board will be contingent upon receipt of the application fee. He read the public notice.

*At 7:00 p.m. Heidi Wilcox for property located at 18 Badger Road Tax Map 208 Lot 22.1 will apply for a special exception from Section III.B3 of the zoning ordinance to permit construction of an in-law apartment addition to an existing building and for a special exception from Section VI.B of the zoning ordinance to permit construction of an apartment addition to an existing non-compliant structure less than 50 ft. from the right-of-way.*

Ms. Wilcox presented the application and explained that the original part of the home was built in 1906. The Board reviewed the application requirements of Section B.3. Buildings per Lot.

1. The living space in the second dwelling unit shat not exceed 700 square feet. *The proposed living space in the addition is 604 square feet.*

2. The exisiting or proposed home is and will remain a single family owner-occupied structure. *The addition will be occupied by the homeowner's parents who currently reside in the existing home.*

3. The existing or proposed home is currently conforming to zoning. *Per Section VI, A. "Use and Size of Existing Properties Existing on May 10, 1970", the existing non-conforming property was in active use when the ordinance was passed.*

4. The existing or proposed home is currently or planned to be owner occupied. *The existing home is currently owner occupied.*

5. The property owner states that the accessory dwelling unit shall not be used as a rental unit. *The accessory dwelling will not be used as a rental unit.*

6. The property shall have only one curb cut and driveway. *The existing curb cut and driveway will remain unaltered.*

7. The accessory unit shares utilities in common with the primary structure. *The accessory unit will connect with, and be metered with existing utilities.*

8. Evidence of adequate septic capacity. *The total number of occupants at the property will remain unchanged at three.*

9. Adequate vehicle parking and turn-around on site. *Adequate parking and turn-around is currently provided.*

10. That the site plan be approved by the Planning Board to insure that the accessory dwelling unit does not change the character or negatively impact the neighborhood. *The proposed accessory dwelling is consistent in scale and character with the existing house and neighborhood.*

11. A deed addendum with approval conditions and including a restriction that the accessory dwelling unit shall not be used as a rental unit be executed and recorded prior to the issuance of a building permit. *Upon approval by the Zoning Board of Adjustment, and before application for a building permit, the homeowner will amend the deed to include this restriction.*

Ms. Wilcox asked why other rentals are allowed without Zoning Board of Adjustment and Planning Board approval.

Mr. Hall explained that some rentals are apartment buildings, some others are also house rentals. There are no rentals that are legally allowed as in-law apartments. The Town is trying to accommodate the changing needs of families and affordable housing.

Mr. Chilson stated that the Land Use Boards work hard to try to amend the regulations to change with the needs of the town.

Ms. Wilcox asked what the deed needs to say and who writes it up and does it need to be recorded before the permit is issued.

Mr. Hall commented that the Planning Board can advise her of the deed addendum process.

Vice-Chair Porter opened the meeting to the public.

The one abutter present stated that she is in favor of the proposal.

No further questions from the Board.

**Mr. Chilson made a motion to approve the request for a special exception from Section III.B.3 as presented. Mr. Hall seconded the motion.** No further discussion.

**All in favor.**

The Board reviewed the application for Special Exception from Section VI. B. The existing building is 38 ft. back from Badger Road, and the roof line of the addition will be 37 ft. back from Badger Road with the actual wall of the addition 40 ft. back from Badger Road.

Mr. Hall observed that the addition cannot go any further back due to the location of the septic system.

Vice-Chair Porter explained that there are three criteria that need to be satisfied. The Board reviewed the application requirements. The proposed special exception shall have no adverse effect upon:

1. The character of the area in which the proposed use will be located. *Ms. Wilcox commented that the use is extremely appropriate for the area and will blend in aesthetically with the existing house.*
2. The highways and sidewalks or use thereof located in the area. *There will be no impact on Badger Road, and there is no sidewalk to be impacted.*
3. Town services or facilities. *There will be no additional town services needed that what may already be required as exists.*

The one abutter present was in support of the application.

Mr. Chilson commented that this proposal will improve the character of the neighborhood and increase the tax revenue for the town.

Mr. Hall commented that he has no problem with the proposal.

**Mr. Chilson made a motion to approve the request for a special exception from Section IV. B. as presented. Mr. Hall seconded the motion.** No further discussion.

Vice-Chair Porter advised Ms. Wilcox that any party of interest has 30 days to appeal the Board's decision if they so choose.

**All in favor.**

## **OTHER BUISNESS**

Vice-Chair Porter asked the other Board members to think about who may be willing to serve on the Zoning Board of Adjustment as a full member and/or an alternate member.

REMINDER: Mt. Sunapee Five-Year Master Plan Hearing at Mt. Sunapee in the Mt. Sunapee Lodge on Tuesday, August 26, 2014 at 6:00 p.m. Open to the public.

**Mr. Hall made a motion to adjourn. Mr. Chilson seconded the motion. All in favor.**  
Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary