

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING

Held: Thursday, October 23, 1980  
City Manager's Office

Members Present: Chairperson Proulx, H. Wersosky, A. MacVane, R. Shortill, R. Keefe,

Motion by Wersosky, seconded by MacVane to accept minutes of 9/25/80 meeting as written. U.A.

Discussion of Zoning Board of Adjustment seminar to be held in Kingston, N.H. on November 6, 1980 at 7:30 p.m. at the Sanborn Regional High School.

Proulx read letter from Attorney Morrison in reference to the Peter Murray case. Discussion postponed until after public hearings.

Proulx brought the board up to date on the Robert Proulx Sand & Gravel (H78-1\_\_ case. Court decision was read and placed into the file.

Proulx read request from J. DeMeritt for a rehearing of case H80-23 and noted that the request was received 26 days from the date of decision. Letter to be sent to DeMeritt stating that the request was received past the allowable time.

Business meeting to reconvene after public hearings.

H80-26 Decato, Alton and Sharon, 90 Back River Road, Assessor's Map I, Lot 70, zoned RM-12, petitions for a variance from Article 21:5.4, frontage requirement, to subdivide parcel, one having insufficient frontage.

-Mr. Decato presented his case stating that it would be hazardous to have a driveway off Back River Road and that he wanted to keep his present driveway where it is now located.

-John Galloway, 202 Mast Road - spoke against variance stating that sewage problems now exist and an additional lot would create more problems. He noted the odor problems that occur now.

-Rose Galloway, 92 Back River Road, questioned the septic tank/sewage pool and its capacity to handle the present 6 Decato family members.

-Attorney Robert Shea, representing Ms. Caroline French, Mast Road, spoke in opposition. He entered into record a copy of original subdivision of that area (Segee).

-Arthur Pelletier, 94 Back River Road, opposed variance stating that the 125' required for frontage of that area was sufficient to keep in harmony with the surround area.

-Marsha Pelletier, 94 Back River Road, opposed stating granting of the variance would end up with the over use of land, destroying the idea of the neighborhood.

-S. Decato spoke in favor and stated that a driveway on Back River Road would be hazardous.

-Eleanor Segee opposed stating that the septic system (installed in 1959) was only a 250 gal capacity and not large enough for more than two people. She further stated that a driveway off Back River Road had existed in prior years.

-Rose Galloway stated that the septic system was not acceptable for present use.

-Dorothy MacKenzie - stated that the odor problem was serious and that it came from the Decato property.

Proulx entered letter from City Engineer Jay Stephens into the record in reference to the sewer regulations.

VARIANCE DENIED: 4-1 FOR: Proulx DENIED: Shortill, MacVane, Wersosky, Keefe. Variance denied based on the following:

1. That there was no hardship in the use of the land.
2. That granting of the variance would violate the spirit and intent of the Ordinance.
3. That granting of the variance would adversely effect surrounding properties.
4. That it would be an injustice to grant the variance.

H80-27 Haedrich, Jane and Berger, Carole, 7 St. John Street, Assessor's Map 24, Lot 42, zoned RM-8, petitions for a variance from Article 21:4.8 to convert an existing duplex into four one bedroom apartments.

-Ms. Berger explained the intentions of converting a duplex into four one bedroom apartments and the up grading which would result. She submitted further diagrams for the record of the density in the area and how the finished unit is proposed to look. She stated that the barn is structually sound and that the swimming pool now in existence in said barn would be removed.

-Ms Jane Haedrich stated that the house was situated in an Urban Renewal area. She further noted that the density of four one bedroom apartments would more than likely decrease the denisty of a duplex with 3-4 bedrooms per unit. She stated where the entrances would be for each apartment and noted that the one apartment which had only one entrance would have a fire escape.

-Proulx read letter from abuttur Estes in favor of variance.

VARIANCE GRANTED: 5-0 with stipulation that all six parking spaces must be on the property.

Variance granted as the applicants met all the requirements needed to grant a variance.

H80-16 O'Day. Proulx read letter dated 10/17/80, received 10/20/80, from Attorney Hinchey, representing abuttur Kageleiry, requesting a rehearing of case H80-16, on grounds that the abuttur had not been notified of the hearing. Also entered into the record was response by Attorney Willoughby for Dr. O'Day.

MOTION for REHEARING DENIED: 3-2 FOR rehearing: Cowan, Lamoureux. AGAINST rehearing: Shortill, MacVane and Proulx.

As request for rehearing was received 64 days past the RSA 21:74 time limit of 20 days and as abuttur Kageleiry did not present any evidence to the Board that would prevent the granting of said variance.

Business meeting resumed at 9:45 p.m.

Discussion ensued as to Attorney Morrison's responce to the Board's letter. The Board directed the chairman to communicate with City Attorney Woodman to clarify specific matters.

Moved by Shortill, seconded by MacVane to Adjourn. U.A.