

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
DECEMBER 30, 1993

MEMBERS PRESENT: William Colbath, Dean Trefethen, Robert Callan and Brenda Whitmore

ALSO PRESENT: Steve Stancel and Thomas Clark

William Colbath, Vice-Chairman, called meeting to order.

ITEM #1: New Business - None

ITEM 2: Old Business - None

This meeting is being held because the normal ZBA meeting of December 16, 1993 had to be postponed due to the lack of a quorum.

Dean Trefethen made the motion to accept the minutes of the November 18, 1993 meeting.

Bob Callan seconded the motion.

U/A

ITEM 3: H93-17, Clifford & Barbara Leighton, (Applicant: Charles Kageleiry), 901 Central Ave., a/k/a Assessor's Map 38, Lot 10, zoned B-3 requests a variance from the terms of Article V, Section 170-14.A.(1) to construct a building within two (2) feet of a side property line where ten (10) feet is required.

Charles Kageleiry - Reviewed the 5 points on his application. He emphasized question #3, the side setback request for relief abuts State of New Hampshire land which serves solely as a drainage easement, and not another building. Also #4, will be demolishing a building which is an eyesore and nonconforming to two lot lines and building a new building that will be nonconforming to one lot line.

Bob Callan - Asked if the State of New Hampshire responded to the notification.

Tom Clark - No response from the State which is normal.

Tom Clark - The Public Works is concerned with the water run off. Also, should the State of New Hampshire need to dig to maintain the drain line, could they do so without harming the footings of the new building. Public Works is not certain as to the location of the drain line.

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Charles Kageliery - We would need to locate the pipe line and determine what the water run off would be.

Dean Trefethen - If the storm pipe is against the property line, is it possible to dig for the footings without disturbing the storm pipe.

Charles Kageliery - If we need to cross the easement we would approach the State of New Hampshire, locate the pipe, and should the pipe need to be moved, this would be the time to do it.

Dean Trefethen - Asked what the new building will be used for.

Charles Kageliery - For retail.

Steve Stancel - The Planning Dept. is in favor of this variance.

1. Due to the shape of the lot.
2. It is next to a State drainage with no possibility of future development.
3. The new building will be connected to City sewer which will eliminate the septic system.
4. Opportunity to clean up the site.

Dean Trefethen - Has this been to the Technical Review Committee yet.

Tom Clark - It still needs to go to the Technical Review Committee.

Dean Trefethen made the motion to accept the case.

Bob Callan seconded the motion.

U/A

PUBLIC HEARING CLOSED

Bob Callan - Can the remaining back property be developed.

Tom Clark - Not without frontage.

Steve Stancel - Also concerns with the Secondary Ground-water Protection Zone.

5 CRITERIA

1. Applicant does face an unnecessary hardship due to the narrowness of the lot which makes building impractical.
2. If granted, the variance will deliver substantial justice in that it allows use to the property's highest potential and allows site to be improved.
3. If granted, the variance will be in harmony with the spirit and intent of the zoning ordinance. The spirit is for safe access to easement which cannot be changed.
4. If granted, the variance will not result in a diminution in value of surrounding properties. The renovation will improve the value.
5. If granted, the variance will be of benefit to the public interest. There will be a larger tax base and the elimination of a septic system.

Dean Trefethen made the motion that the variance be granted.
Brenda Whitmore seconded the motion.

U/A

MEETING ADJOURNED