

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
JUNE 20, 1991

MEMBERS PRESENT: Joyce Bowden, Bill Colbath, Randy Turner,  
Dean Trefethen, Bob Callan, David Paolini, Chris Jacobs.

ALSO PRESENT: Steve Stancel, Tom Clark

1. NEW BUSINESS - None

2. OLD BUSINESS

Bill Colbath made a motion to accept the minutes of May 15,  
1991.

Randy Turner seconded.

VOTE U/A

H91-9 First NH Bank, 28 Fifth Street, A/K/A Assessor's Map  
31, Lot 48, Zoned RM8, requests a variance from the terms of  
1) Article II, Section 170-6, definition of rooming house, to  
have ten (10) rooms where five (5) are permitted and 2)  
Article XI, Section 170-45.W, to permit zero (0) off-street  
parking spaces where fifteen (15) are required.  
This case was tabled from the meeting of May 15, 1991.

Atty. Gregory Wirth stated he would be representing the bank.  
He submitted a letter from First NH Bank empowering him to  
represent their interests and also stating that Ashton  
Bullard is their normal representative.

Atty. Wirth said that Mr. Bullard has a conflict and  
therefore, he was requested to come in his place.

Joyce asked the Board how they felt about continuing this  
case.

Randy Turner said that everyone should be given enough time  
to get their preparations together.

Dean Trefethen stated that there should be a re-notification  
of abutters if the Board were to continue this case.

Atty. Wirth said as far as he knew, Mr. Bullard is up-to-date  
on his research and is not absent because he's behind in his  
work. He stated that the bank has time and considerable  
money in this project. They would like to do what they can  
to bring this to a conclusion. They want to work with the  
City to solve this problem.

David Paolini stated that the Board doesn't have much choice  
but to continue this case.

Gerald Cooper, 20 Fifth Street, a direct abutter, felt he was

being jerked around. He stated that he came from Ossipee to be at the meeting. He stated that Mr. Bullard came to the meeting without documentation last month, he was given the 30 days he asked for to produce his documentation and failed to come to the meeting tonight because he was too busy. Mr. Bullard is not the one living with the situation, the abutters are.

Carol Cooper, of 20 Fifth Street, asked if Mr. Bullard contacted City Hall like he said he would.

Steve Stancel stated that Mr. Bullard called him and said he would contact him in a week or so and failed to do so. Steve said he called Mr. Bullard and during that conversation Mr. Bullard asked for the 30 day extension.

Atty. Wirth stated that he personally went back to the 70's on the property and all the information did make it back to Mr. Bullard.

Pam Sawyer, an abutter, stated the house was built as a single family house, then converted to a boarding house and now the bank want to grandfather clause it back. How can a house be switched back and forth? She asked how it can be used as a boarding house if it is not legally a boarding house.

Tom Clark stated that according to the tax office, the property has been on record as a single family dwelling. It may have been in use as a boarding house but it is not necessarily grandfathered as a boarding house.

Joyce Bowden said that if the Board turns it down tonight, the bank can come in for an appeal in thirty days. She thought the Board could give a 30 day extension and see what happens.

Mrs. Cooper stated that the house is vacant and they were told the bank would be more selective in choosing new tenants. The mid 80's is the only time it was used as a boarding house. She stated that the past owners of the house are: McMaster, Robinson and McKernan.

Joyce Bowden stated that she doesn't think the bank is purposely trying to stall the Board.

Bob Callan asked Mr. Wirth why he only traced the parcel back to the 70's.

Atty. Wirth said it was for unrelated litigation. He stated that he had a paralegal go back earlier than that to reference who the owners were and how they used the building.

Bob Callan asked if there was any pre-sales agreement

contingent upon it being a ten room boarding house. He asked if the bank would want to work with the City and possibly make it a duplex?

Atty. Wirth stated that because of information from other departments, the bank has spent considerable money on the building for this use.

Joyce Bowden stated that the Board was straying in their questions and discussion and asked the Board whether they wished to hear the case or not.

Randy Turner felt that they should be given the 30 days and every chance to make their case.

Chris Jacobs felt that they should be given 30 days. If they should ask for 30 days more they should be denied for lack of information.

Joyce Bowden asked Atty. Wirth if the bank would be willing to re-notify the abutters at their expense. She said the biggest complaint is that Mr. Bullard was totally unprepared, it's been 60 days and he is still not prepared. The problem is parking and the bank has not done a thing about the issue. The Council has yet to be contacted.

Atty. Wirth said he would have to ask whether the bank would be willing to pay to notify abutters. He was there only to request a continuance. The bank has significant money in this building and wants to resolve the issue. They are not stalling.

Dave Paolini stated that the Board asked Mr. Bullard a few questions that could have been answered as soon as he returned to the bank.

Mr. Cooper asked if the Board gave the bank stalling time, would the abutters be afforded the same thing? Also, what if Mr. Bullard cannot make it again next month?

Joyce Bowden said that the abutters and the bank both have the same rights. If the bank was granted a variance, the abutters would have the right to appeal.

Pam Sawyer asked if the house could be turned into a business that would require people to park on the street?

Randy Turner stated that they would have to come before the Zoning Board with whatever they chose to do.

Bill Colbath said that he would be willing to table contingent on them bringing in the following information:

1. List of owners from the date of the ordinance, May 1964, to present, listed by date.
2. Tax situation.
3. Date that rooming house was implemented and did it stop for any period of time.
4. Parking question.
5. When and why were people evicted.
6. What type of mortgage (commercial or residential) was issued.
7. Statute stating it is a breach of privacy to divulge what type of mortgage was received.

Joyce Bowden told the abutters they would be notified of the next meeting which will be held on Thursday, July 18, 1991.

Mr. Cooper asked Tom Clark if you have to have a CO for a boarding house.

Tom Clark answered that a CO is needed but he does not have one for this structure.

Joyce Bowden stated that the next person to appear before the Board from the bank should be able to represent the bank in all aspects of the case. The Board will be hearing this next month regardless.

Bill Colbath made the motion to continue this case in 30 days and hear it at the regular meeting in July.

Randy Turner seconded.

VOTE U/A

Randy Turner made the motion to adjourn.

Dean Trefethen second.

VOTE U/A

Meeting adjourned at 7:50.