

**TOWN OF GILMANTON  
ZONING BOARD OF ADJUSTMENT  
THURSDAY, OCTOBER 18, 2007**

**Meeting Minutes**

Chairman Elizabeth Hackett called the meeting to order at 7:00 P.M. Members in attendance were, Carolyn Baldwin, Israel Willard and Ron Labelle, Alternates, Sandra Littlefield, Rachel Hatch, and Recording Clerk Wendy Keane. Sandra Littlefield was appointed a voting member due to the absence of Paul Levesque.

Chairman Hackett gave an overview of the Zoning Board of Adjustment's hearing procedures to the members of the public in attendance and introduced the Board.

**Public Hearing Case # 36-2007 – Luceen & Eric Bouchard** – Request for a Variance from Article VII.B.2 to add a 14'X16' deck onto an existing dwelling on property that does not meet the minimum 2 acres or 200' of frontage on a class V or better road. Property located at 177 Lakeshore Drive, in the Rural District, Map 131 Lot 15.

Luceen Bouchard spoke on behalf of the project. Mrs. Bouchard stated that she and her husband would like to construct a deck for privacy. The proposed deck would square off the house and would not encroach any further on the setbacks than what exists.

Eric Bouchard stated that they are also trying to make the dwelling more aesthetically pleasing.

Carolyn Baldwin requested more information from the applicants on their previously granted variances. Mr. Bouchard stated that they had applied for a variance several years ago to construct a garage that was denied. They re-applied with a scaled down plan that was then approved by the Board.

Chairman Hackett stated that she noticed on the plans that the stairs were built into the deck. Mr. Bouchard stated that his intention is not to encroach any further into the existing setbacks. Chairman Hackett inquired if the application were to be approved, would the Bouchard's be amenable to a condition that the deck never be enclosed as living area. Mr. and Mrs. Bouchard both stated that they would be agreeable to that condition.

Ron Labelle stated that he noticed there was not a lot of open area on the property and inquired about the area from the house to the beach line. Mr. Bouchard stated that the new deck would not be encroaching any more upon the water than the existing structure already is.

**MOTION: Israel Willard moved to close the public session. Seconded by Ron Labelle. Motion carried 5-0.**

**Public Hearing Case #37-2007 – Deborah Chase & John Funk** – Request for a Variance from Article VII.B.2 to add a 3’X15’ woodshed to the rear of the garage as well as an 8’X16’ screen porch to existing dwelling on a property that does not meet the minimum 1 acre requirement. Property located at 513 Province Road in the Village District, Map 127 Lot 2.

John Funk presented his proposal for a woodshed and a screen porch as set forth in the application. Mr. Funk stated that went before the HDC earlier in October and that they approved the woodshed plan. He further stated that he has come before the Zoning Board because he has a non-conforming lot and the proposed woodshed would encroach upon the lot line abutting the Academy property. Mr. Funk also made the Board aware that he also owns the abutting lot and is planning to have it merged so that he would have the minimum required 1-acre as proscribed in the Zoning Ordinance for the Village District.

Mr. Funk explained to the Board that the proposed woodshed would be constructed to conceal both his wood for his fireplace and the propane tank that is currently visible from the Rt. 107 side of the property. He proposes to place the screen porch within the L portion of his dwelling. The screen porch would not encroach upon any of the setbacks as they presently are. The proposal is to enter the porch from the interior of the dwelling and not have any egress from the exterior.

Chairman Hackett inquired if the applicants would agree, should the proposal be granted, to a condition that the screen porch would never be enclosed as year round living area. Mr. Funk stated that he and his wife would agree to that if the proposal is approved and conditioned as such.

**MOTION: Carolyn Baldwin moved to close the public session. Seconded by Israel Willard. Motion carried 5-0.**

**DELIBERATIVE SESSION:**

**Deliberative session: Case # 36-2007 – Luceen & Eric Bouchard:**

Carolyn Baldwin stated that she noticed that the property is very heavily built upon.

The Board discussed that the proposed deck would not encroach any further into the existing setbacks.

**MOTION: Ron Labelle moved to approve the application for a variance as submitted for a 14’X16’ deck. The variance is granted with the findings that: 1) There will be no diminution of value to the surrounding properties. 2) The granting of the variance is not contrary to public interest. 3) Denial of the variance could result in unnecessary hardship to the owners of the property. 4) By granting the variance substantial justice shall be done. 5) The variance as granted will not be contrary to the spirit of the ordinance. This variance is granted with the condition that the deck shall not be enclosed for living area nor shall a roof be placed over it.**

**Seconded by Israel Willard. Motion carried 4-0.**

**Deliberative session: Case #37-2007 – Deborah Chase & John Funk:**

The Board discussed the plans as submitted for the woodshed and screen porch. It was also discussed amongst the Board whether the proposed screen porch should have been noticed as a Special Exception. It was the decision of the Board after discussion that because the screen porch was noticed as a variance, the Board has the ability to grant the approval as a special exception because of its lesser criteria level than those of a variance. It was noted however that if an application comes forward as a special exception and should have been a variance, the Board does not have the authority to grant a variance instead of a special exception due to the higher level of criteria.

**MOTION: Carolyn Baldwin moved to grant a special exception for a screen porch to be constructed as shown on the plans submitted. The site is an appropriate location for the use and the use as developed will not adversely affect the neighborhood. Adequate and appropriate facilities will be provided for the proper operation of the proposed use and there will be no nuisance or hazard created. The proposed screen porch shall meet all dimensional requirements as set forth in Table 2. The following condition has been placed on the screen porch, that it shall not be enclosed for year round living area.**

**Seconded by Israel Willard. Motion carried 4-0.**

**MOTION: Carolyn Baldwin moved to grant the variance for the woodshed to be constructed as proposed, abutting the Academy Building and encroaching approximately 9'-11' into the required setbacks. The variance is granted with the findings that: 1) There will be no diminution of value to the surrounding properties. 2) The granting of the variance is not contrary to public interest. 3) Denial of the variance could result in unnecessary hardship to the owners of the property. 4) By granting the variance substantial justice shall be done. 5) The variance as granted will not be contrary to the spirit of the ordinance. The gas tank shall be enclosed and the structure shall also conform to the regulations and provisions as approved by the Historic District Commission.**

**Seconded by Israel Willard. Motion carried 4-0.**

**OTHER BUSINESS:** The Board welcomed Adam Gilbert as the new alternate member.

**MOTION: Ron Labelle moved to approve the minutes of the September 21, 2007 meeting as amended. Seconded by Israel Willard. Motion carried 4-0.**

**Motion: Israel Willard moved to adjourn the meeting at 8:45 p.m. Seconded by Ron Labelle. Motion carried 4-0.**

Chairman Hackett adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Wendy L. Keane  
Recording Clerk

Elizabeth Hackett, Chair