



**TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, FEBRUARY 17, 2022 – 7 PM
ACADEMY BUILDING, 503 PROVINCE ROAD
603-267-6700 ext. 122
bdaigneault@gilmantonnh.org**

APPROVED

MEETING MINUTES

Members present included Chair Elizabeth Hackett, VC Nate Abbott, and Member Perry Onion. Members Leslie Smith and Mike Teunessen were absent. Members of the public present included Allan Gilbert and Edward Lavallie.

Chair Hackett explained there were three members present at this meeting. There would need to be all three votes in affirmative to be granted. Any party wishing to continue to the next meeting for a full board could make that request. Chair Hackett explained the procedures and processes of the hearing.

Prior to opening the hearing, Chair Hackett called for members to nominate a Chair and Vice Chair for the upcoming year.

Member Abbott nominated Member Hackett as Chair. Member Onion seconded. **Motion passed 3-0**

Chair Hackett nominated Member Abbott as Vice Chair. Member Onion seconded. **Motion passed 3-0**

Public Hearing Case # 2022-7: Applicant Allan Gilbert on behalf of property owners Edward R. & Lynn A. Lavallie as Trustees of the Lavallie Realty Trust are requesting a variance from Article IV, Table 2 to build a single-family dwelling within the road setbacks, being 18' from Plum Ave whereas the setback is 35'. The existing single-family dwelling is to be demolished. The property is located at 205 Hemlock Dr, Map/Lot 119-094, in the Residential Lake Zone.

Applicant Allan Gilbert and property owner Edward Lavallie are interested in achieving this variance so they can build a new single-family home. This would modernize the existing home and improve the whole area. Chair Hackett stated that after she viewed the property, she noted the grade of the land would not allow shifting the house to meet setbacks. Mr. Gilbert stated they positioned the house to meet the setbacks as best they could. Additionally, the existing deck would be removed, which would improve the setbacks by about 12 feet. Chair Hackett asked if it would be a 3-bedroom home. Mr. Gilbert confirmed it would be a 3-bedroom home and they have a 3-bedroom septic design. Member Onion inquired if there would be any changes to the existing garages. Mr. Gilbert stated they would not be changed or altered. Mr. Lavallie stated the garages would not be changed; they are strictly personal storage. The owners are thinking of moving there permanently, which is why they are looking to improve the house and the septic. VC Abbott asked if there is going to be a pump from the house to the leach field. Mr. Gilbert confirmed. They had looked at utilizing a gravity fed system, however the area did not perk well. They had to go with the pump in the area behind the garage. VC Abbott stated the flow would now be being led away from the lake. Chair Hackett inquired if both of the driveways were being kept. They do not intend to utilize the lower driveway after the build is completed. Chair Hackett inquired if there would be an issue if the board added a condition that the porch could not be enclosed. Mr. Lavallie did not believe this

would cause an issue. Member Onion inquired about a set of detached steps. Mr. Gilbert believed they would be removed during construction. They would be removing the attached decks and steps, making the proposal more conforming than the existing structure.

With no further comment, Member Onion made the motion to close the public hearing. VC Abbott seconded. **Motion passed 3-0**

Continuance from Jan. 20, 2022: Public Hearing Case # 2022-4: Property owners Charles K. & Caroline M. Johnston are requesting a variance from Article IV Table 2 to build a storage shed/garage within the road and side setbacks. The property is located at 69 Varney Rd, Map/Lot 106-008, in the Rural Zone.

The applicant withdrew their application for this case. Mrs. Johnston had contacted the utility company and found they were not able to place a structure in the area they had hoped to. No further action needed to be taken on case #2022-4.

DELIBERATION:

Public Hearing Case # 2022-7: Applicant Allan Gilbert on behalf of property owners Edward R. & Lynn A. Lavallie as Trustees of the Lavallie Realty Trust are requesting a variance from Article IV, Table 2 to build a single-family dwelling within the road setbacks, being 18' from Plum Ave whereas the setback is 35'. The existing single-family dwelling is to be demolished. The property is located at 205 Hemlock Dr, Map/Lot 119-094, in the Residential Lake Zone.

Member Onion made the motion to grant the variance

- a. The granting of the variance would not be contrary to the public interest because the health, safety, and welfare of the public would not be threatened.
- b. The spirit of the Ordinance would be observed by granting of this variance as there will be a positive change to the neighborhood.
- c. Substantial justice would be done by the granting of the variance as the village, town, and owner would all realize a positive outcome.
- d. The Board saw no evidence presented and formed the opinion that granting the variance would not create diminution of value to the surrounding properties.
- e. Literal enforcement of the ordinance would result in unnecessary hardship to the property owner seeking it, owing to special conditions of the property that distinguish it from other properties in the area, as that it has an older building on it and sloping land which limits positions of possible buildings
 - i. No fair & substantial relationship exists between the general public purposes of the ordinance provision & the specific application of that provision to this property because a building in poor shape would otherwise be allowed to stand

AND

- ii. the proposed use is a reasonable one because it is already surrounded by a neighborhood of similar housing.

Conditions

1. The covered porch may not be enclosed and used as living space.

VC Abbott seconded. **Motion passed 3-0**

Chair Hackett addressed the applicant, stating she recommends they wait the 30-day appeal period before starting any work.

APPROVAL OF MINUTES – January 20, 2022

Grammatical errors were corrected.

VC Abbott motioned to accept as amended. Member Onion seconded. **Motion passed 3-0**

VC Abbott motioned to adjourn. Member Onion seconded. **Motion passed 3-0**

Elizabeth Hackett, Chair