



**TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, AUGUST 18, 2022 – 7 PM
ACADEMY BUILDING, 503 PROVINCE ROAD
603-267-6700 ext. 122
www.gilmantonnh.org**

APPROVED AS AMENDED

MEETING MINUTES

Members present included Chair Elizabeth Hackett, Vice Chair Nate Abbott, Members Mike Teunessen, Perry Onion and Leslie Smith, along with staff Bre Daigneault and Lauraine Paquin.

Members of the public included Maria Arruda and William Hernandez.

Chair Hackett called the meeting to order at 7:05 pm and explained there were five members present at this meeting. There would need to be three votes in favor for a variance to be granted. Chair Hackett explained the procedures and processes of the hearing.

NEW BUSINESS

Public Hearing Case # 2022-14: Applicants Maria Arruda and William Hernandez on behalf of property owners Michael & Mary Merritt, are requesting a variance from Article VII, Section C to construct a single-family dwelling on a lot having frontage on a private road. The property is located on Deer Dr, Map/Lot 121-017, consisting of 2.4 acres, located in the Residential Lake Zone.

Chair Hackett read a letter from the property owners granting the applicants permission to speak on their behalf.

Ms. Arruda spoke about her reasons for wanting to buy the lot and to build a family home. Chair Hackett mentioned she had a hard time finding the lot. She asked Ms. Arruda for clarification on the lot's location. Ms. Arruda showed her photos of the lot. Chair Hackett asked if the applications have a better description to be able to find the properties. Chair Hackett clarified that they are looking to build a 28'x54' ranch with 25'x25' garage, which is what the property received a special exception for in 2005. Mr. Hernandez stated, "yes". Chair Hackett also asked if they will meet setbacks. Staff Daigneault showed the measurements for the lot. VC Abbott asked if they were building on the larger portion. Mr. Hernandez stated, "yes".

Chair Hackett explained they will have to apply to DES for the septic. This is a private association so they (the association) would determine the driveway location. Staff Daigneault stated the old file has selectman approval for building on a private road. Member Onion asked if the garage will be connected to the house. Mr. Hernandez stated, "yes". Member Onion stated the application doesn't mention the garage and doesn't want there to be an issue later. Chair Hackett read a letter from abutter Steven Chmielecki, who is in favor of the application but had a concern regarding water runoff due to the slope. Mr. Hernandez stated they will be installing a French drain and crushed stone. Staff Daigneault stated they will have to come up with a stormwater management plan if they disturb .45 of an acre based on our ordinance due to the steep slope. Member Smith stated there is evidence of water runoff and it stopped short at the south side of the driveway.

VC Abbott asked what was the issue with the garage. Member Onion clarified as the application only states a single family home, so if it is detached it could become an issue. Chair Hackett explained if the garage is put in the approval, that should cover any issues. Chair Hackett went through more thoroughly what steps the applicants need to do as this is their first time at a Zoning Board meeting. Chair Hackett cautioned that if this is approved the applicant should not make any property changes right away, as there is a 30 day appeal process that follows.

Member Teunessen made the motion to close public hearing. Member Onion seconded. **Motion approved 5-0.**

Deliberation

VC Abbott made the motion to approve the application in Case #2022-14, applicants Maria Arruda and William Hernandez on behalf of property owners Michael and Mary Merritt, who are requesting a variance from Article VII, Section C to construct a single-family dwelling on a lot having frontage on a private road. The property is located on Deer Dr, Map/Lot 121-017, consisting of 2.4 acres in the Residential Lake Zone:

1. Granting of the variance would not be contrary to the public interest because the board saw no adverse impact to the health or safety to people on surrounding properties.
2. The spirit of the ordinance would be observed by granting of this variance because the proposed use is a reasonable one and there is evidentially ample room for the planned construction.
3. By the granting of the variance substantial justice will be done because this property is in a subdivision with qualifying dimension requirements that exceed most lots in the area.
4. The values of surrounding properties would not be diminished as the home is consistent in size and character and would be considerably set back from the road.
5. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - (a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application provision of the property as the property is located in a residential district, Sawyer Lake Village District, where single family housing use is prevalent. The lot contains 2.4 acres, which is larger than other parcels on the street. Frontage is similar and the home is similar in square footage with other homes in the area. Denial would result in diminished use and value.
 - (b) The proposed use is a reasonable one because the property is located in the area where the residential lake district road maintenance program is in effect on Deer Dr and access is not a problem.

VC Abbott amended #2 to include a single-family dwelling and 2 car garage after planned construction.

Member Onion seconded. **Motion approved 5-0.**

OLD BUSINESS - None

APPROVAL OF MINUTES – July 21, 2022

VC Abbott made the motion to accept the minutes of July 21, 2022 as amended. Member Smith seconded. **Motion Approved 5-0**

Staff Daigneault gave the board information regarding the new laws on training for board members, fees, incentives for builders, board extensions, fee shifting/bonds, workforce housing and religious use of land.

Chair Hackett mentioned she asked Staff Daigneault about the trailer that the Pages still have. Staff Daigneault believes it is not being used so it is allowed for storage. VC Abbott stated he has received a complaint about excessive animals and waste on the property. Member Onion felt that one of the conditions was that the trailer couldn't be used after a certain period of time. The Board was in agreement.

Chair Hackett stated she took the handbook test from OPD and passed. Staff Daigneault explained they put all their webinars on their website.

The next meeting is September 15, 2022.

Member Teunessen made a motion to adjourn at 8:05 pm. Member Onion seconded. **Motion approved 5-0.**

Elizabeth Hackett, Chair