

**TOWN OF CHARLESTOWN
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 7, 2017**

Members Present: Terri Fisk (Chair); Andy Jellie (Vice Chair); Nancy Houghton,
Stephanie Franco

Alternates Present: Mathew Baran

Staff Present: David Edkins – Planning and Zoning Administrator

CALL TO ORDER: Ms. Fisk called the meeting to order at 7:00 PM. She advised that meetings are tape recorded and asked that anyone wishing to speak identify themselves for the record.

There was a brief discussion as to the current membership of the Board since Mr. Ken Arkell has moved out of Town and has thus resigned from the Board. Mr. Edkins believes that Ms. Franco was appointed to replace him as a regular member but was unsure since it has been so long since the Board last met. Mr. Baran has been appointed as an Alternate member. There is another new Alternate but Mr. Edkins could not recall who that was.

Ms. Franco and Mr. Baran introduced themselves to the Board as its newest members, this being their first meeting.

SEATING OF ALTERNATES: Mr. Baran was asked to sit on the Board in Mr. Ames's absence.

ZBA 02 (V)-2015 ELECTION OF OFFICERS FOR 2017-2018:

The current members for 2014-2015 are:

- Chair: Terri Fisk
- Vice-Chair: Andy Jellie
- Secretary: Nancy Houghton

Mr. Jellie moved to keep the existing slate of officers in their current roles for 2017-2018. Mrs. Houghton seconded the motion. With four members in favor, the motion was approved. Ms. Fisk abstained.

APPROVAL OF MINUTES OF JUNE 9, 2015:

Mr. Jellie moved to defer approval of the Minutes of the June 9, 2015, meeting as a quorum of members attending that meeting are not present tonight. Mrs. Houghton seconded the motion. With five members in favor the motion was approved.

APPROVAL OF MINUTES OF APRIL 26, 2016:

Mr. Jellie moved to defer approval of the Minutes of the April 26, 2016, ZBA meeting as a quorum of members attending that meeting are not present tonight. Mrs. Houghton seconded the motion. With five members in favor, the motion was approved.

ZBA 01 (V)-2017 – Petition of Jamie Shand (Applicant) on behalf of Lisa Lawrence (Owner) for property located at 391 Old Claremont Road wherein a Variance pursuant to Section 8.5.7.c of the Zoning Ordinance is requested to permit the construction of an addition to an existing residence less than the required 20 feet from the front property line. Said property is shown on Tax Map 102 as Lot 53 and lies in Zone E (Mixed Use).

Mr. Jamie Shand was present representing the property owners. He explained that he is the contractor for the proposed project. The owners would like to construct an addition on their residence at 391 Old Claremont Road. The existing residence does not comply with the front setback requirement (20 feet). The proposed addition will be in line with the existing structure; it cannot be moved further back due to a steep embankment immediately behind the existing structure.

There were no abutters present.

The Board reviewed the statutory criteria for a Variance and the applicants' responses as follows:

1. The proposed use would not diminish surrounding property values because: *The applicant wrote: "The current structure would be much improved, therefore, adding to the surrounding values".* Mr. Shand advised Lisa Lawrence operates the Day Care directly across the street. He explained the layout of the property on the tax map. The addition will be for one bedroom and one bathroom. Mr. Edkins pointed out that the other 3 houses on the road are also close to the road because of the embankment behind them. There is not an option to move toward Route 12. The driveway will be maintained.

Mrs. Houghton moved that the applicant meets Criteria 1. Mr. Baron seconded the motion. With five members in favor, the motion was approved.

2. Granting the variance would not be contrary to the public interest because: *The applicant wrote: "As we will not be encroaching beyond what already exists, the impact on the public will be negligible."*

Mrs. Houghton moved that the applicant meets Criteria 2. Mr. Baran seconded the motion. With five members in favor, the motion was approved.

3. Owing to special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

A. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: *The applicant wrote: "The Current structure will be improved, while the new area will not encroach any more than existing building."*

-AND-

The proposed use is a reasonable one because: *The applicant wrote: “Minimal impact to public, or the spirit of the ordinance. Yet the Owners and Neighbors shall see an improved building.”*

Mrs. Houghton moved that the applicant meets Criteria 3. Mr. Jellie seconded the motion. With five members in favor, the motion was approved.

4. Granting the variance would do substantial justice because: *This was left blank. Mr. Shand explained due to the simplicity of the ordinance he did not realize they had to fill each one out. They are not creating any dysfunction in the neighborhood.*

Mrs. Houghton moved that the applicant meets Criteria 4. Mr. Baran seconded the motion. With five members in favor, the motion was approved.

5. The proposed use is not contrary to the spirit of the ordinance because: *The applicant wrote: “The current building lines will be maintained.”* Mr. Edkins said this is about maintaining consistency in the neighborhood.

Mrs. Houghton moved that the applicant meets Criteria 5. Mr. Baran seconded the motion. With five members in favor, the motion was approved.

Mrs. Houghton moved to grant final approval to the application for a Variance for Lisa Lawrence (owner) at 391 Old Claremont Road. Mr. Baran seconded the motion and, with five (5) members in favor and none opposed, the Variance was granted.

Mr. Edkins reported that the five (5) abutters were notified by certified mail. He had one phone call from an abutter who lives out-of-state and, after he explained the application, she had no problems with this Variance.

ADMINISTRATION & CORRESPONDENCE:

Mr. Edkins expects another application in the near future and will contact members to set a meeting date when the application is filed.

Mr. Edkins will forward copies of the new RSA relative to making a motion after each Criteria is presented rather than approving them all at the end of the discussion.

Ms. Fisk mentioned that because their ZBA meetings are usually so far apart that it might be helpful if they meet quarterly so they maintain some form of contact. They could be made aware of any new correspondence, new RSAs, or other information pertinent to them. It would make them more cohesive as a group. Mr. Edkins mentioned this Board could also be involved in a Special Exception; it is something allowed by the Zoning Ordinance but only under certain

specified conditions. They would have to determine if certain conditions are met. The other type of Appeal they could see is an Appeal of an Administrative Decision. They are also the Building Code Board of Appeals.

Mrs. Houghton moved that the meeting be adjourned. Mr. Baran seconded the motion and, with five (5) members in favor, the meeting adjourned at 7:40 PM.

Respectfully submitted,
David M. Edkins, Planning & Zoning Administrator

(Note: These are unapproved Minutes. Corrections will be found in the Minutes of the next ZBA meeting.)