

TOWN OF NEW BOSTON
NEW BOSTON ZONING BOARD OF ADJUSTMENT
Minutes of 2016
September 20, 2016

The meeting was called to order at 7:00 p.m. by Zoning Board of Adjustment member Greg Mattison. Present were regular members, Doug Martin, Ken Clinton and Phil Consolini. Also present was Zoning Board of Adjustment Clerk Valerie Diaz.

PARADIS, WILLIAM AND HEIDI

Application for a Variance

Location: Bunker Hill Road

Tax/Map Lot #

Residential-Agricultural "R-A" District

Present in the audience were Bill and Heidi Paradis, Dan Donovan, Kevin St. John, and Karen and Dave Kerstig.

Greg Mattison read the public hearing notice and invited the applicant to go over his variance application.

Bill Paradis explained that when he purchased the above-captioned property two houses existed on the property; the primary dwelling and an accessory dwelling. He stated that the primary dwelling was complete and an occupancy permit had been issued. He continued that the accessory dwelling had not been completed.

Bill Paradis explained that the accessory dwelling had been between 85% and 95% complete at the time of purchase. He continued that he had spoken with the Building Inspector about obtaining a permit to complete the accessory dwelling and was advised that the accessory dwelling had been built larger than what the original permit had permitted. He stated that the original permit allowed for 1,000 s.f. of conditioned space and the accessory dwelling unit contained 1,350 s.f. of conditioned space.

Bill Paradis shared that it was his understanding that the previous owner, Mr. Lutz, had been in contact with the Building Inspector throughout the entire building process. He continued that he was seeking a building permit to complete the building for the accessory dwelling. He explained that he intended to have his wife's parents move into the accessory dwelling. He further explained that they had not been in a rush to complete the project; however, his father-in-law had Alzheimers and they wanted to complete the construction sooner than later.

Doug Martin asked if the previous owner had created additional conditioned space by heating the garage. Bill Paradis answered no and explained that an area of the second floor that had been completed. He continued that he had been told by the Building Inspector that there would not be any issues obtaining permitting to continue with the building process. Ken Clinton asked if it had been explained at the time of purchase that follow-up permitting was required or if the issue that the square footage was over the 1,000 s.f. accessory dwelling threshold. Bill Paradis answered that he had been told that the building permit did not follow the property and therefore, he needed to reapply for a building permit. Ken Clinton asked if Bill Paradis had been told that he would need to appear before the Zoning Board of Adjustment. Bill Paradis answered no and stated that this had been a surprise to him. Bill Paradis stated that he was at the point where he could tear the existing accessory dwelling down.

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Greg Mattison asked when the last building inspection took place. Bill Paradis stated that the Building Inspector had visited the property in March and noted that it was not a formal inspection. Greg Mattison clarified that he wanted to know when the last inspection had taken place while the previous owner still owned the property. Ken Clinton advised that last correspondence he could find relative to inspections was from 2014 and noted that the correspondence showed that the previous owner clearly knew that the accessory dwelling was over 1,000 s.f.

Ken Clinton asked if Bill Paradis knew that there was an existing zoning violation when he purchased the property. Bill Paradis answered that he did not know of the existing zoning violation.

Bill Paradis stated that the construction was almost complete and that the accessory dwelling only needed countertops and finished plumbing. He continued that the heating system and electrical system.

Greg Mattison asked Bill Paradis to go through his application with the Board. Bill Paradis stated that he was looking for a variance from Article V, 404.3. He stated that the accessory dwelling unit was currently in a state of completion at 1,350 s.f. He continued that a building permit was required to obtain the subsequent occupancy permit following inspection by the New Boston Building Inspector.

Bill Paradis stated that removing the second floor and part of the roof of the accessory dwelling in an effort to reduce the square footage to 1,000' created a hardship. He added that if he had to reduce the square footage he would most likely tear down the entire structure.

Bill Paradis advised that no surrounding property values would be diminished as a result of the variance being granted. He believed that the completion of the project would increase the value of the surrounding properties.

Bill Paradis stated that he could not occupy the accessory dwelling for its intended purpose without the occupancy permit. He added that if he had known about the issues prior to purchasing the property he probably would not have purchased it.

Greg Mattison asked for the square footage of the main house on the property. Bill Paradis answered about 4,500 s.f.

Ken Clinton asked if there were any abutters present in the audience; there were no abutters present.

Greg Mattison asked for a copy of the original building permit; the Clerk provided a copy of a building permit from 2006.

Ken Clinton **MOVED** to grant the variance for William and Heidi Paradis, Location: Bunker Hill Road, Tax Map/Lot #1/2-5, Residential-Agricultural "R-A" District, to allow the reinstatement of a building permit for the completion of a 1,350 square foot accessory dwelling unit as well as an occupancy permit once the construction is completed and inspected by the Town of New Boston's Building Inspector. Phil Consolini seconded the motion and it **PASSED** unanimously.

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CASTLE DONOVAN FOUR REAL ESTATE, LLC

Application for a Variance

Location: Old Coach Road

Tax/Map Lot #10/3-6 and 10/3-7

Residential Agricultural "R-A" District

Present in the audience was Dan Donovan, Dan Donovan, Sr., Kevin St. John
Dan Donovan pointed to his plan and identified the location of lots he purchased in 2014. He explained that he had built a 17,000 s.f. single story, residential assisted living facility. He advised that the facility had been open for one year and was currently at full occupancy.

Dan Donovan identified the location of Tax Map/Lot #10/3-6 and 10/3-7 on the plan and explained that he was involved in preliminary discussions with the owner of the lots regarding the purchase of the lots for the purpose of building another residential assisted living facility. He noted that he would need to go through the non-residential site plan review process as well as meet with the Conservation Commission due to wet areas on the property. He added that the proposed facility would not be identical to the existing facility he described but it would be similar.

Doug Martin asked for clarification with regard to the number of lots that Mr. Donovan owned on Old Coach Road. Dan Donovan identified the two that he currently owned on Old Coach Road. He explained that he had proposed to enter into a purchase and sales agreement for the above-captioned lots as well as two additional lots conditioned upon obtaining the required permits.

Ken Clinton asked Mr. Donovan for an explanation of why he would build on Tax Map/Lot #10/3-4 and 10/3-5 rather than building on Tax Map/Lot #10/3-6 and 10/3-7. Dan Donovan stated that a little separation between the facilities was nice. He noted that the building envelope was also larger on Tax Map/Lot #10/3-6 and 10/3-7.

Doug Martin asked if the proposed facility would be the same size as the existing facility on Old Coach Road. Dan Donovan answered yes and added that the facility would most likely have dormers along the roof line and a farmer's porch in the front of the building. He went on to say that there would be sixteen bedrooms as well as a detached garage.

Greg Mattison and Phil Consolini commented that they had never heard any complaints regarding any of Mr. Donovan's facilities in Town. Phil Consolini further commented that he never observed traffic issues for the facility on Bedford Road that he passed daily. Dan Donovan noted that peak traffic times occurred during staff shift changes at 7:00 a.m., 3:00 p.m. and 11:00 p.m.

Doug Martin asked if any of the residents that lived at the facilities drove their own vehicles. Dan Donovan answered no and explained that the residents were catastrophically disabled individuals. He noted that families visited and deliveries were made to the facility; however, he had never experienced any issues with traffic.

Greg Mattison asked for comments and/or questions from abutters in the audience. Kevin St. John advised that his family had owned the lots in question at one time

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and that he had grown up on the property. He added that a campground had once been operated on the property.

Kevin St. John identified his property that abutted the above-captioned properties on the plan. He stated that he had toured the existing facility on Old Coach Road and commented that it was extremely professional. He added that he did not hear a peep out of the facility and stated that the Donovans had been great neighbors. He believed that the land would be used for the betterment of the community.

Karen Kerstig stated that she and her husband resided across the street from the existing Old Coach Road facility. She stated that she had a tremendous amount of respect for the clientele that the Donovans were serving and the space that was provided in a residential community. She went on to say that the Donovans had been outstanding neighbors and that the property was immaculate. She noted that she did notice the traffic during employee shift changes; however, it was not bothersome. She stated that her only concern with the proposed facility was the impact to the wetlands. She continued that she understood that the project would need to be reviewed by the Conservation Commission. She commented that the proposed project would be an outstanding use of the property and it was a great commitment to the community.

Dave Kerstig stated that he was an abutter to the existing facility and would love to see a second facility built as the Donovans had been exemplary neighbors.

Doug Martin **MOVED** to grant the variance to allow the construction of an Assisted Living Residence, Supported Health Care Facility, pursuant to NH RSA 151-He P805, for Castle Donovan Four Real Estate, LLC, Location: Old Coach Road, Tax Map/Lot #10/3-6 and 10/3-7. Greg Mattison seconded the motion and it **PASSED** unanimously.

Doug Martin **MOVED** to adjourn at 7:47 p.m. Greg Mattison seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Valerie Diaz, Clerk

Minutes Approved:
02/21/17