

**TOWN OF NEW BOSTON
NEW BOSTON ZONING BOARD OF ADJUSTMENT
Minutes of 2017**

October 17, 2017

The meeting was called to order at 7:03 p.m. by Zoning Board of Adjustment Chairman David Craig. Present were regular members Phil Consolini, Greg Mattison, and Ken Clinton. Also present were Planning Coordinator Shannon Silver, Planning Board Assistant Nadine Scholes and Building & Code Enforcement Officer, Ed Hunter.

ROBERT KELLER & STEPHAIN FRENCH

Application for Administrative Appeal

Location: 107 Helena Drive

Tax/Map Lot # 3/4

Residential-Agricultural "R-A" District

Present in the audience were Robert Keller and Stephanie French; abutters, Adam Sheldon and Cora Trimbur.

The Chairman read the public hearing notice. The Chairman noted the denial for extension of a permit for a temporary structure came from the Building and Code Enforcement Officer, Ed Hunter. He noted the Town of New Boston does not have a separate Building Code Board, by default the application would be reviewed by the Zoning Board.

The Chairman asked the property owners to explain the situation. Robert Keller said they are building a new home and had been living in a temporary camper on the property. They had been taken by surprise when the sale of their old home, located in the Town of Hillsboro, NH, happened much quicker than expected in July 2016. He stated that he still had to hire an architect to design the new home and needed to get pricing from contractors before he was able to get financing. By the time these items had been complete, it was December 2016. He knew that breaking ground in winter was possible but not great for the structure long term, so he waited until February 2017, to start the application process for the loan. He said the bank took over 180 days to close, which delayed the start of the construction until end of June 2017.

The Chairman asked if it was a typical construction loan. Robert Keller stated it was a 30-year conventional loan with only the first year as a construction loan.

The Chairman noted the construction had started at the end of June of 2017 and asked what had been completed up to now. Robert Keller noted the roof was to be started tomorrow, October 18th, and the plumbing was roughed in, which still needed to be inspected. He said the electrical would be started as soon as the roof is complete.

The Chairman asked if the home had a poured foundation and how large was the home going to be. Robert Keller said it was a poured foundation and the house is 2,300 square feet.

The Chairman asked when they anticipate all the work to be completed that would be required to get the Certificate of Occupancy from the building department. Robert Keller said end of December 2017.

The Chairman asked who would be doing the electrical work. Robert Keller said he would be doing the electrical himself. The Chairman asked how long would it take to

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complete the electrical work. Robert Keller said he would be done the electrical work within two weeks after the roof was complete.

The Chairman referred to an email that Robert Keller had sent to Ed Hunter on September 5, 2017, to request the second extension on the permit for temporary structure. Mr. Keller had noted the roof would be completed the second week of February and the structure would be livable by December. Robert Keller said he must have made a mistake on the month for completion of the roof.

The Chairman asked what type of temporary structure is on the property. Stephanie French said it is a fifth wheel camper. The Chairman asked Ms. French to explain what was a fifth wheel camper. She stated it is 43' long, tri-axle towing camper, which does not have its own motor. The Chairman asked how long had the camper been lived in on the property. They indicated they had lived in the camper since July of 2016.

The Chairman asked how much of the finishing work would be done by Mr. Keller. Robert Keller stated he would be doing all the finishing work himself. The Chairman asked when would the work be getting done, during the day or night, on weekends, etc. Robert Keller stated he worked on the new home after work during the week, weekends, and vacation days.

The Chairman noted that with a typical construction loan, the bank would need to complete inspections as the home is constructed. He asked what would be the next inspection the bank would need to complete. Robert Keller said it would be after the insulation was installed before drywall. The Chairman asked if this would be the last inspection the bank would need to complete. Robert Keller said the bank had only completed one inspection at this point. He anticipates there will be two more inspections, one after insulation and then a final inspection. He stated they had received a much larger amount from the bank than expected for the first disbursement. They would not need another disbursement until after the insulation is done.

The Chairman asked why the owners disagree with the decision made by the Building Inspector not to extend the permit for the temporary structure. They answered that there had been forward progress on the new home since they started in June.

The Chairman asked when was the initial request submitted for the permit to live in the temporary camper. Robert Keller stated he was not aware they were required to get a permit for the camper at first but then was notified it was required when they got power to the property in September of 2016, which expired in March 2017, and the first extension was granted which expired in September 2017.

Ken Clinton asked if another extension was granted and the home was still not completed enough to get a temporary Certificate of Occupancy, would they have some other place to go until the home was completed. They said there are places they can go now but this would hinder the progress of completing the house.

The Board asked Ed Hunter, Building and Code Enforcement Officer to explain his side of the situation.

Ed Hunter said the progress has been slow from the beginning. When the first extension for the permit was requested, the owners indicated the foundation was going to be completed in April 2017, but was not actually done until August. Ed Hunter stated he

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felt uncomfortable making this decision on his own. He said he denied the extension request but explained the appeal process with the Zoning Board to the owners.

Ed Hunter stated he was not opposed to extending the permit again if there had been forward progress on the construction, however he would like the Board to be the deciding factor.

The Chairman asked Ed Hunter if the owners had been cooperative and acted in good faith from the start. Ed Hunter said they had.

The Chairman asked Ed Hunter if he believed the work that still needs to be completed to meet the requirements for a Certificate of Occupancy, could realistically be done by the end of the year. Ed Hunter stated based on experience, he does not believe the work could be done by December. The Chairman asked Ed Hunter how much longer did he think would be needed to complete the work. Ed Hunter stated he believed February 2018.

Greg Mattison asked what are the required items that need to be completed to issue the Certificate of Occupancy. Ed Hunter said walls, taped and mudded, functioning bathroom and kitchen with finished flooring, siding is not required but building wrap on the exterior, doors and windows, safety devices, hand rails, electrical and plumbing completed and inspected.

Ed Hunter asked Robert Keller if he would be getting any help on the finishing work. Robert Keller said he would have some help on the weekends. They are contracting out the insulation and drywall work, he would be doing the electrical, plumbing and finished carpentry work but everything else is being contracted out. All of the contracts have been retained for all the outsourced contractors.

The Chairman asked the abutters for their opinions on this matter. Cora Trimbur stated she would not be against extending the permit for temporary camper. Adam Sheldon stated he was also not against issuing the extension.

After further discussion, the Board decided to uphold the decision for denial because it was not unreasonable to deny the second extension. The Chairman noted that in this particular situation, the Board would support any decision made by the Building and Code Enforcement Officer, if he decided to extend the permit for the temporary camper and that it would be at his discretion as to how long the permit would be extended for.

Ken Clinton **MOVED** to uphold the administrative decision, but authorized the Building and Code Enforcement Officer to reconsider one additional extension, at his discretion for duration, for the use of the temporary RV/camper structure.

Greg Mattison seconded the motion and it **PASSED** unanimously.

Meeting was adjourned at 7:44 p.m.

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 07/17/18