

**Town of Sandown  
Zoning Board of Adjustment  
Minutes 1/28/16**

- 6 **Meeting Date:** January 28, 2016
- 7 **Type of Meeting:** Public Hearing
- 8 **Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,  
9 Sandown Website, *Eagle Tribune*
- 10 **Meeting Location:** Sandown Town Hall
- 11 **Members present:** Chairman - Steve Meisner, Vice Chairman - Christopher True,  
12 Brian St. Amand, Chris Longchamps – Alternate, Dave  
13 Ardolino
- 14 **Members absent:** Curt Sweet, Tom Tombarello –Selectmen’s Liaison

16 **Opening:** Mr. Meisner opened the meeting at 7:03 p.m.

18 Mr. Longchamps was appointed in place of Mr. Sweet.

20 **Case #01 – M28 L9 – Public hearing for the property located at 9 West Shore Drive  
21 and identified on Map 28 Lot 9. An application submitted by Eileen Blyth  
22 requesting a variance from Article III, Part A, Section 1B to permit a permanent an  
23 18’x8’ small storage addition that does not meet the required building setbacks.**

25 *Eileen and Ken Blythe, 9 West Shore Drive presented the application.*

27 Ms. Blythe reviewed the application. She wanted to put an 18’x8’ extension on the side  
28 of her home, for storage. The addition would only be 3-4’ from the property line. Her  
29 neighbor’s house is only 5-6’ off his property line on the other side. There is a row of  
30 arborvitae between the two homes. The door will be on the back side towards the lake. It  
31 will be sided the same as the house.

33 Mr. Meisner questioned if it would be insulated or heated. Ms. Blythe confirmed it would  
34 not.

36 Ms. Blythe added she doesn’t have a basement. The only storage she has is the garage  
37 and really could use more seasonal storage.

39 Mr. True confirmed that there would not be access from the inside of the home. Ms.  
40 Blythe confirmed that was correct.

42 Mr. Meisner questioned if it was outside the wetland protection area. Ms. Blythe  
43 confirmed it was outside the 50’ setback. Mr. Blythe noted that it would also be  
44 hand-dug.

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46 Mr. Meisner questioned why they didn't want to put it on the other side of the home. Mr.  
47 Blythe noted there is a paved ramp that goes to the water with propane tanks so there  
48 isn't room.

49  
50 Mr. Meisner noted that in the zoning ordinance, accessory buildings can be 8' from the  
51 property lines. The normal setback for homes is 15' from the sides. In the last 15 years,  
52 there haven't been any cases that came before them with less than 8'.  
53

54 Mr. Longchamps questioned if there was anywhere else on the lot they could put a shed.  
55 Ms. Blythe noted there wasn't. It's not a big lot, they were trying to utilize the space they  
56 had. They felt visually, it would be more seamless to be attached to the home.  
57

58 Mr. Longchamps noted that one reason for the building setbacks was fire safety. You  
59 don't want the two homes to be that close together.  
60

61 Mr. Meisner opened the meeting to the public. No one in the public had any issues.  
62

63 Mr. Meisner read the criteria questions into the record.  
64

65 Ms. Blythe noted that they were open to suggestions from the board if they needed to  
66 make it smaller or any other changes.  
67

68 Mr. Meisner noted in a variance application the board is allowed to add conditions to it if  
69 it is in the interest to the general public.  
70

71 Mr. Blythe noted there wouldn't be any electric added.  
72

73 Mr. Meisner closed the hearing to the public and the applicant.  
74

75 Mr. Longchamps noted his concern was that it is really close to the line and there isn't a  
76 compelling reason for it. It seems like there is other space on the lot for a shed. He is  
77 uncomfortable going that close to the property line.  
78

79 Mr. Meisner agreed with Mr. Longchamps. He noted historically they haven't allowed  
80 anything within the 8' setback. He noted most of the neighbors likely encroach on the  
81 setbacks. His other concern is that eventually, the addition would become part of the  
82 home which he has seen happen in the past. He also felt that the criteria questions were  
83 not completely addressed.  
84

85 Mr. St. Amand noted they could put a freestanding building somewhere if they wanted to.  
86

87 Mr. True noted he drove by the property and it did look like there was space for a  
88 freestanding building. He added that the homes are already too close together and adding  
89 the shed worsens that.  
90

91 Mr. Meisner noted they would need to consult with the fire chief regarding safety  
92 concerns, the board couldn't confirm if it would be a fire hazard or not.

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94 **MOTION:** Mr. True made a motion to approve the application submitted by Eileen  
95 Blyth requesting the variance from Article III, Part A, Section 1B to permit a permanent  
96 18'x8' small storage addition that does not meet the required building setbacks for the  
97 property located at 9 West Shore Drive and identified on Map 28 Lot 9. Mr. St. Amand  
98 seconded the motion.

99

100 *Discussion:* Mr. True noted that for a variance, they look for extreme hardship. In his  
101 opinion, additional storage is not extreme hardship and they still have use of their  
102 property.

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104 All board members opposed. The motion failed. 0-5-0

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106 Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day  
107 appeals timeframe.

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109 Mr. Meisner recommended the applicant talk to Bob Bogosh the building inspector and  
110 see if he would be willing to go on-site and give suggestions on where to put the extra  
111 storage.

112

113 **Case #02 – M29 L73 – Public hearing for the property located at 4 Indian Hill Road**  
114 **and identified on Map 29 Lot 73. An application submitted by Austin Realty Trust**  
115 **requesting a variance from Article IIB, Section 3A to permit the construction of a**  
116 **new dwelling on a pre-existing non-conforming lot with less than 40,000 sq. ft. of**  
117 **area.**

118

119 *Tim Lavelle representing Austin Realty Trust*

120 *William Bartlett, Austin Realty Trust*

121

122 Mr. Lavelle noted they have a vacant lot on Indian Hill Road and Tacoma Drive. Tacoma  
123 Drive serves as a road but is more like a driveway.

124

125 Mr. Lavelle noted it is 0.9 acres, 38,988 sq. ft. The lot has managed to stay vacant, it is a  
126 pretty good size lot for the neighborhood. It is just shy of one acre. The lot easily holds a  
127 home that meets all the setbacks, a septic system and well. Because of the configuration  
128 of the lot, there is a 30' setback on the side because of Tacoma Dr. but they can easily  
129 meet that setback. They have a state approved septic design. The house wouldn't  
130 encroach on any public ROW. It would be used as residential. The lot was created in  
131 1955 as part of Dustin's Grove. It was originally four lots that were merged.

132

133 Mr. Lavelle noted the septic plans and the tax card say the lot is 0.75 acres but when they  
134 did the survey they came out to 0.9. They had to do quite a bit of calculations and survey  
135 work.

136

137 Mr. Meisner noted that the plans indicate there are some homes that have encroached on  
138 the property lines. Mr. Lavelle confirmed the abutter's porch encroached and Tacoma  
139 Road encroaches on the lot as well. They are not going to make an issue out of it.

140

141 Mr. Lavelle noted they will use Indian Hill Road as their frontage, not Tacoma Road.

142

143 Mr. Meisner opened the hearing up to the public.

144

145 One member of the public had concerns that they were going to take his ROW away. Mr.  
146 Bartlett assured them he had no intentions of doing that. Mr. Meisner noted the board  
147 doesn't have the authority to do that either.

148

149 One abutter questioned why they had poured the foundation already without having the  
150 variance in place. Mr. Meisner noted that Mr. Bartlett asked if he could do that. Mr.  
151 Bogosh, the building inspector, issued the permit for the foundation, but made Mr.  
152 Bartlett aware that if they did not get the variance he would be fined and would need to  
153 remove the foundation at his own expense. Mr. Bartlett took the risk.

154

155 Mr. Bartlett noted the size of the home will be proportionate to the neighborhood.

156

157 Ms. Kelley, 8 Indian Hill Road noted she does not oppose the home since it will be good  
158 for the neighborhood. She laments her loss of privacy. She is down the hill from the  
159 home. She suggested Mr. Bartlett consider putting in a row of trees to shield the home.  
160 Mr. Meisner noted they could not require him to put in a buffer.

161

162 Mr. Lavelle read his responses to the criteria questions.

163

164 Mr. St. Amand questioned if the encroachment would cause problems for the new owners  
165 that purchase the property down the line. Members weren't sure, but thought it might  
166 need to be resolved.

167

168 Mr. True noted that because they are so close to the minimum lot size of 40,000 sq. ft. he  
169 didn't think substantial justice would be done to deny the request. It exists and is just shy  
170 of 40,000. They have to have the right to develop their property.

171

172 Mr. Meisner agreed and added it's not causing life safety or well-being issues.

173

174 Mr. Meisner questioned if the driveway would meet required site lines. Mr. Lavelle was  
175 unsure since they haven't done those calculations yet.

176

177 **MOTION:** Mr. True made a motion to approve an application submitted by Austin  
178 Realty Trust requesting a variance from Article IIB, Section 3A to permit the  
179 construction of a new dwelling on a pre-existing non-conforming lot with less  
180 than 40,000 sq. ft. of area. The property is located at 4 Indian Hill Road and identified on  
181 Map 29 Lot 73. Mr. St. Amand seconded the motion. All members voted in favor 5-0-0.

182

183 Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day  
184 appeals timeframe.

185

186 **Review of the 12/17/15 Minutes**

187 L93 take out that Mr. Meisner spoke with Mr. Tapley since he didn't actually speak to  
188 him.

189

190 **MOTION:** Mr. Ardolino made a motion to accept the 12/17/15 minutes as amended. Mr.  
191 True seconded the motion. Members voted in favor. Mr. Ardolino abstained. The motion  
192 passed.

193

194 **MOTION:** Mr. St. Amand made a motion to adjourn. Mr. Ardolino seconded the motion.  
195 All members voted in favor. The motion passed. Meeting adjourned at approximately  
196 8:23 p.m.

197

198 Respectfully submitted,

199



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Andrea Cairns