

ZONING BOARD OF ADJUSTMENT MINUTES

APPROVED

August 22, 2006

Present: William Stevens, Chairman; Frank Albert, Vice Chairman; Arlene Richter; Judith Szot; and Ron Howe. Also in attendance, Ingrid Byrd, an alternate.

7:00 PM Meeting is called to order

Approval of Minutes

Review of minutes of last meeting July, 25, 2006. Upon a motion duly made and seconded (Judy Szot/Frank Albert), the board unanimously voted to accept the minutes.

New Business

The Board discussed their proposed budget for 2007. After review of the expenses to date for 2006 the Board determined that the increased case load in 2006 would most likely continue in 2007. The Board agreed they would propose an increase of \$500.00 with a total request of \$1,750.00.

7:15 PM - Case #523 - Applicant: John Seidner & Jennifer Wise, 26 Isinglass Lane, Chester, NH 03036; Owner: Same; Location:15 Langford Rd., Map 409 Lot 122; For an Administrative Appeal from Section 6.02 Article VI to construct a single family residence.

The applicant informed the Board they were proposing to build a single family residence with the driveway exiting on Langford Road. The applicant noted he had obtained a state approved driveway and septic but had been denied a building permit due to not having 200' of residential frontage. Applicant stated it was not clear to him that there was a distinction of frontage types. Chairman Stevens discussed an option that the applicant could create a road through the commercial portion of the lot on to the residential portion thereby creating residential frontage. Ron Howe noted it would have to be a town accepted road. Chairman Stevens also noted that the applicant had the right to use the land as it is zoned. Frank Albert asked for clarification if the applicant was to obtain approval on his application if they had future plans to subdivide. The applicant responded that they wanted to build one home to enjoy and preserve the land and that they had already placed the land in current use. Ron Howe noted that the land could be put into conservation with the stipulation there is only to be one residence and this would protect the land from further development.

Chairman Stevens noted there did not appear to be a hardship since the applicant could use the existing commercial portion of the lot. The Board discussed conservation easements and the history of the lots creation noting the existing lot was created by subdivision with commercial frontage, a portion of the back of the lot being residentially zoned, no grandfathering, and no existing structures.

Applicant explained that with their plan, they would be adding a driveway to traditionally residential Langford Road, keeping with the character of Langford Road.

Planning Board Chairperson Girard suggested the Board look at the subdivision plan adding that the subdivision was approved to make it a commercial lot. She further added if the lot was developed residentially, it would be a loss of commercial land.

Chairman Stevens used the Willard case, as an example, their house falls in the commercial zone, but they have no commercial frontage on Rte. 27. Chairman Stevens noted that zoning on Route 27 was primarily commercial.

Chairman Stevens reviewed that the lot does not have an established 200 feet of residential frontage. That is the crux of the problem. The applicant's hardship is that more than 3/4 of the lot is in the residential zone, access is limited because of the wetlands, and that the only usable frontage is on Langford Road.

Abutter Dick Snow noted that he does not understand why a 55 acre lot cannot just have one residence on it. Chairman Stevens noted that they need to have 200 feet of residential frontage. Dick asks where it is in the regulation. Chairman Stevens replies that it is in our subdivision regulation. Dick Snow notes he does not interpret the ordinance to state that it needs to be residential frontage.

Applicant provided a sketch of the area he determined to be usable. It was noted according to the sketch, you cannot access the area that is build able from Rte 27. The Board discussed the wet areas, sloping and ledge on the lot. Frank Albert noted that what they are proposing is probably the best possible use of the lot. Comment is made that the applicant will need a wetlands crossing permit.

Chairman Stevens relays that, from the perspective of citizens, this proposal would be the least obtrusive use, the lot doesn't have great commercial potential, all the abutters are residential and access is limited due to the wetlands. Chairman Stevens further points out that though the applicant has frontage, they have to pass through the commercial frontage to get to the residential area of the lot and this would basically give up some of the commercial potential.

Planning Board Chairperson Girard noted that she believed there was an approved site plan on the lot. Chairman Stevens noted that the subdivision creating the lot was recent and that the area that had been cleared had a utility easement.

Ron Howe suggested contacting town counsel. Chairman Stevens agreed on checking with town counsel to clarify the road frontage issue. Chairman Stevens noted that the board would not want to deny and be wrong on the interpretation of the road frontage requirement. Chairman Stevens offered a continuance, since the matter of frontage is the only problem.

Chairman Stevens asked if the board and applicant were willing to continue the case. The applicant responded if the Board continued at this point he would not be able to build until next year. Chairman Stevens added that with conservation matters, the Board could set conditions. Frank Albert confirmed with the applicant that the property was in current use. Applicant noted that it was. Planning Board Chairperson Girard suggested that the Board look at the subdivision and the site plan on the property.

Upon a motion duly made and seconded (Frank Albert/Arlene Richter) the board voted unanimously for a continuance to September 26th at 7:15 PM.

The meeting was adjourned by Chairman Stevens at 7:57 PM.

Respectfully submitted

Revised by Selectmen's Assistant

Kristina L. Ickes

Carolyn Emerson