TOWN OF TILTON
JOINT MEETING OF THE
PLANNING BOARD & ZONING BOARD OF
ADJUSTMENT

MAY 21, 2002

MEMBERS PRESENT:

Chairman Mike Curley                Chairman Foster Peverly
Vice Chair George Helwig         Vice Chair Normand Boudreau
Michelle Jackson                       Center Sanders
Katherine Dawson , Ex-Officio Sandy Plessner

OTHERS PRESENT:

Nicole Piper                                 Timothy Piper
Richard Fortin Jr.                          Gary Daniels
Gary Scola                                   Mat McDonald
Leroy A. Colby Jr.                       Jason Kahn
Laura Spector                             Joe Plessner

AGENDA:

7:00 PM   Call to Order
    PB Minutes of April 23, 2002
    ZBA Minutes of April 16, 2002
    Correspondence
    Any other business

7:15 PM   Case #02-07 and ZBA#02-02-Daniels Artesian Wells, Inc.-Amended Site Plan and ZBA approval for expansion of a non-conforming use, according to Article IX Section 4. Applicant proposes to add 10 foot or 800 square foot to existing building. Property is located at 3 Cedar Street, Tilton, NH 03276. Tax Map U-6 Lot 62 in the Village Residential District.

7:45 PM   Case ZBA#02-03-PCA Realty Trust-Variance-
    Applicant proposes to build an addition onto an existing house which will encroach into the rear setback. Property is located at 26 Dublin Drive,
MEETING:

7:00 PM  Chairman Curley called the joint meeting of the Planning and Zoning Boards to order.

Alternate Sandy Plessner was asked to sit as a full member for the evenings proceedings.

Chairman Curley asked if all of the PB members had read the minutes of April 23, 2002. Michelle Jackson made a motion to accept the minutes of April 23rd as written. George Helwig seconded the motion. No discussion. All voted in favor.

Chairman Peverly asked if all of the Zoning members had read the minutes of April 21, 2002. Normand Boudreau made a motion to accept the minutes of April 21st as written. Center Sanders seconded the motion. No further discussion. All voted in favor.

CORRESPONDENCE: (Planning Board)

1. New Hampshire Department of Environmental Service copy of the Public Water Source Assessment Reports received 5/6/02.


3. A notice from Belknap County Conservation District announcing their annual meeting scheduled for May 29th from 6:00 PM to 9:30 PM at the Hidden Valley Scout Reservation at Gilmington Iron Works with a site tour of Conservation practices from 5:00 to 6:00 PM.

CORRESPONDENCE: (Zoning Board)

1. Motion for re-hearing dated May 13, 2002 for The Sign Center representing MB Tractor.
Sandy Plessner gave the Board a brief update on the Master Plan committee. The transportation chapter had just been finished but the draft was not ready. The committee had just begun work on the Housing Elements chapter.

7:15 PM Case #02-07 and ZBA #02-02 for Daniels Artesian Wells, Inc. for an amended site plan and permission to expand a non-conforming use. Hearing no conflicts, Chairman Curley told the members he had found the application to be substantially complete and asked for a motion. Sandy Plessner made a motion to accept the application. Michelle Jackson seconded the motion. No further discussion. Chairman Curley called for a vote. All voted in favor.

Chairman Peverly explained to the applicant that all of the Zoning Board members were not there and asked if the applicant would rather wait until there was a full Board to have the meeting. Gary Daniels told the Chairman he would accept the Zoning Board’s decision.

Gary Daniels explained they wanted to renovate the barn, which would include raising the roof in the middle of the building and adding 10 feet to the end of the building. They would also pour concrete footings all around the building and the elevation of the building, after raising the roof in the center, would be around 20 feet.

Michelle Jackson asked if they were taking any of the building down and Mr. Daniels stated they would be pulling the siding off to dig the footings and the building would actually shrink by about two foot once the footings were finished as the footings were being dug just inside of the existing walls.

Ms. Jackson asked if taking the building down meant there would no longer be a grandfathered use. Chairman Curley stated that if the whole building came down that would be correct but if they left a shell or skeleton of the building while renovating the grandfathered use would remain.

Normand Boudreau, for clarity, stated the question had been was Mr. Daniels totally dismantling the building and Mr. Daniels said no, the skeleton of the building would remain.
7:25 PM Chairman Peverly opened the meeting to public comment.

Nichole Piper asked if they were expanding the operation and Mr. Daniels stated they were not expanding, they were only cleaning up the property and enlarging the barn slightly.

Timothy Piper asked where Mr. Daniels kept his trucks at the present time and Mr. Daniels replied he kept them on the job sights. Mr. Daniels continued by saying that the vehicles were at the site usually only in the spring when there were load limits posted on the roads. Mr. Daniels used that time to do maintenance on the vehicles.

Discussion continued a few minutes on the snow storage and whether or not it would be in the way when maneuvering the trucks. Mr. Daniels had stated it would not be.

Chairman Peverly asked the Zoning Board if they were ready to vote. Normand Boudreau made a motion to grant Daniels Artesian Wells, Inc. permission to expand their building as per Article 9-4. Center Sanders seconded the motion. No further discussion. Chairman Peverly called for a vote. All voted in favor.

Chairman Curley asked the Planning members if they had any further questions. Katherine Dawson reviewed by stating to Mr. Daniels that he was not changing the use of the building, it would be for storage, he was not tearing the building down completely and that he was not encroaching on anyone’s property but his own. Mr. Daniels agreed. Mr. Daniels stated he was improving his site to make it aesthetically more pleasing in the neighborhood and to be able to park his equipment in the building.

Hearing no further comments, Sandy Plessner made a motion to accept the amended site plan as presented. Ms. Jackson asked that the condition be added that the building could not be completely dismantled. Board members agreed. Ms. Jackson seconded the motion. No further comments. Chairman Curley called for a vote. All voted in favor.

7:30 PM The Planning Board adjourned.
Chairman Peverly introduced ZBA #02-03 for PCA Realty Trust for a Variance. Hearing no disqualifications, Chairman Peverly asked the applicant to begin.

Gary Scola, son-in-law to the owners, presented the case by briefly going through his reasons why a variance should be granted. Mr. Scola stated,

1. The building addition would increase the value of the property and have a similar affect on the surrounding properties.

2. An addition to the existing structure would result in a more livable dwelling.

3. The encroachment into the setback is relatively minor and would not adversely affect any intent of the ordinance.

4. It does not obstruct or impede any ones views, access or other rights to any public or privately owned areas.

5. It would provide additional intended use of the property similar to surrounding properties.

6. It does not change the use of the property nor does it have any detrimental effect on any of the surrounding properties or the health, safety, or welfare of the public.

Mr. Scola stated the addition would be 14 ft. X 18 ft. and would be insulated and have a bathroom. The house would be re-sided and the foundation would be repaired.

Normand Boudreau asked if the house was insulated at all and Mr. Scola stated it wasn't insulated but they would be insulating part of the home and the addition but they would not insulate the front as it was mostly glass.

Center Sanders asked if the home was on a slab and Mr. Scola stated at the present time the home was on piers but they planned to put the addition on a foundation.

Sandy Plessner asked if the home was connected to the
municipal sewer and Mr. Scola replied it was connected to both municipal sewer and water.

Chairman Peverly opened the meeting to public comment.

Leroy Colby, abutter, told the Board he didn’t want to see the addition as he felt it would be too close to his home. Discussion continued. Sandy Plessner asked Mr. Colby how long the applicants home had been there and was it there when Mr. Colby bought his home. Mr. Colby stated the applicant’s home was there when he bought his home.

Mr. Scola stated he appreciated Mr. Colby’s concerns but the applicant was not asking to overbuild. Mr. Scola stated most of the homes in the area were into their setbacks.

Discussion continued as to the possible positions in which to place the addition but Mr. Scola stated the applicant really felt the position shown was the best position for the proposed addition.

Normand Boudreau asked the applicant to respond to the hardship issues of the criteria. (Simplex) Mr. Boudreau read each issue and Mr. Scola gave a statement.

1. A zoning restriction as applied to the applicant’s property interferes with the owners reasonable use of the property, considering the unique setting of the property in its environment.

   (Mr. Scola) Existing building position restricts where an addition can go.

2. No fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property;

   (Mr. Scola) General purpose is to help safety and well being. It won’t be an eyesore or reduce the property values.

3. The variance would not injure the public or private rights of others.

   (Mr. Scola) He didn’t feel it would reduce values nor
would it invade the neighbor's privacy. Mr. Scola stated if Mr. Colby was concerned, the applicant was willing to place shrubbery along the property line.

Normand Boudreau asked Mr. Colby if he would still feel encroached upon if shrubs were planted and Mr. Colby stated he felt the only way the Board could get a true picture was to go and see the area for themselves.

Joe Plessner stated he felt the Board should remember that the applicant could occupy up to 10% of their setback with accessory buildings. The applicant could place a shed the size of the addition into the setback area. Mr. Plessner wondered if 5 feet was detrimental to the neighborhood as he felt 80% of the homes in that area were already into the setbacks or their extensions were into the setbacks.

Normand Boudreau asked how old the homes were and it was generally felt the homes were built in the late 50’s or early 60’s.

8:10 PM Chairman Peverly closed the meeting to public comment.

Hearing no further discussion, Normand Boudreau made a motion to continue the meeting until June 18th at 7:15 PM to allow Board members an opportunity to view the property. Center Sanders seconded the motion. All voted in favor.

Normand Boudreau asked Sandy Plessner to call Calvin Brown so that he might have the opportunity to view the property before the next meeting.

8:20 PM Chairman Peverly told the members they needed to address the motion for rehearing for the MB Tractor Variance denial.

There was a brief discussion concerning the motion and its contents. Mr. Boudreau stated he felt, based upon the fact that the motion stated there would be information concerning traffic safety, he personally would like to see the traffic information. Board members agreed. A motion was made and seconded to re-hear the case for the opportunity to present new evidence concerning a letter from a traffic safety engineer as indicated in the applicant’s request for a rehearing. Hearing no further
comments, the Chairman called for a vote. All voted in favor.

The Chairman asked if a time certain could be given and Sandy Plessner stated it was up to the applicant to notify the office in order to get on the Zoning Board agenda. Ms. Plessner continued by saying the abutters would have to be notified and the meeting would have to be noticed. Jason Kahn, from the Sign Center representing MB Tractor, stated he understood.

8:25 PM Meeting adjourned.

Minutes prepared by, Sandy Plessner