CALL TO ORDER
Chair, J. Engle called the meeting to order at 6:00 pm

Pledge of Allegiance

ATTENDANCE
Zoning Board members: Jim Engle, Chair, Mari Ann Princiotta, and Eric Pyra,
Excused: Matt Gilman
Staff: Lee Ann Moynihan, Land Use Coordinator

APPROVAL OF MINUTES
July 16, 2019
Mari Ann Princiotta motion to approve the minutes of July 16, 2019. Seconded by Eric Pyra.
Vote unanimously in favor

NEW PUBLIC HEARINGS
DOHERTY (19-05)
6 B Street
Map U2 Lot 30
Resort Commercial Sewer

A Variance from Article 4.3 and 7C (Table of Dimensions) of the Zoning Ordinance to allow a
proposed 12 x 18 addition to the existing home for an additional bedroom within 10 feet of the side
property line where 20 feet is required.

Bernard Doherty, applicant: I have owned the property since 1983. These are all season homes on the lake
and many have had tremendous improvements. My family has grown and we have one bathroom and we
are looking to add a bathroom and a bedroom which is 12 x 18.

Open Public Hearing
A letter received from Beverly Geneau at 3 C Street was read into the record. (See file)
She objected to the variance because of a fire that occurred in the past which affected surrounding
properties. She is opposed to granting of the variance which will encroach on the 20 foot setback.

T. Joubert, Tilton-Northfield Fire Department provided a letter which stated:
A review of the variance request for 6B Street in Tilton, NH, has been completed. Tilton-Northfield Fire
& EMS always advocates proper spacing between structures to minimize fire spread and damage. The fire
that took place at 3C Street on May 5, 2017, resulted in the loss of one structure and damaged four others
due to the proximity of each dwelling. As a whole, the Lakewood Drive Association is very congested
with many dwellings not having the proper setback. According to the submitted plans, the 6B Street
addition will have minimal or no impact on the current setback from 3C Street. The potential for fire
spread already exists, and the proposed addition will not increase that potential.

Close Public Input
Board Discussion
Eric Pyra suggested moving the addition to be more centered on the property which would reduce the
encroachment into the setback. Since one side has 25 feet to the side setback and the other will have only
10 feet, it would be better to move the addition to impact both sides more evenly.
Mr. Doherty stated that the cottage on the other side is closer than it is depicted on the drawings provided.

Mari Ann Princiotta: We did receive a letter from an abutter concerned about the affect a fire had on the surrounding property. The cumulative effect is a consideration. While the Fire Chief did say this addition would be no worse; the existing condition is still a fire hazard.

Jim Engle: The expansion wouldn’t make it any worse.

Mari Ann Princiotta: The hazard still exists and there is a cumulative impact. These places are already on top of each other.

Jim Engle: If he wants to expand his property, because of the existing property layout, it can only be 9 feet wide. He can only move the addition 5 feet and keep the 20 feet setback on the other side. I feel that is extreme.

Eric Pyra: I’m not suggesting he narrow it to 9 feet, I just think it can be moved to the center. I don’t have a visual on the adjacent cottage.

Bernard Doherty, applicant: This is what is best for us based on the current layout of the house. The only neighbor that spoke to me with concerns was the one that I told we were building on the other side.

Eric Pyra: I think there is a possibility to build this addition in another location.

1. Criteria: Applicant’s response
2. **Granting the Variance would not be contrary to the public interest because:**
   The addition to the existing building would conform with the structures of existing homes and cottages.
3. **If the variance were granted, the spirit of the ordinance would be observed because:**
   This causes no public safety issue and doesn't diminish any neighbors, access or site.
4. **Granting the variance would do substantial justice because:**
   This would increase the quality of life for my growing family.
5. **If the variance were granted, the values of the surrounding properties would not be diminished because:**
   This addition would enhance existing property
6. **Unnecessary Hardship**
   A. Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
      1. i. No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property because:
         Existing pre-ordinance already non-conforming in order to maintain orderly shape of configuration.
      ii. The proposed use is a reasonable one because:
         This would allow the addition of a bedroom for a growing family and also a ¾ bath and also improve the quality of life.
   B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish if from the other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
      Strictly following the ordinance would create an unattractive and less useful home.

Board Discussion on criteria:

Jim Engle: The addition would fit with the surrounding cottages. The spirit of the ordinance is to allow but not add to the problem in the area, moving it to the center would be better.
Mari Ann Princiotta: How do you minimize the impact.

Eric Pyra: If you lessen the encroachment, it will help to minimize the impact. We are trying to make this as conforming as possible. By making it within 17 feet is more in the spirit of the ordinance. Are you willing to move the addition 5 feet?

Mari Ann Princiotta: I don’t think it would diminish value. In consideration of it being Contrary to Public Interest –Does it conflict with basic zoning objectives unduly and in a marked degree?
If the ordinance is 20 feet and the stipulation is reducing cumulative effect, I would say that this adds to the cumulative effect in its current configuration.

Jim Engle: Per the Fire Chief, it doesn’t make it any worse.

Mari Ann Princiotta: It is a hazard and with the cumulative effect having that this extending the zoning non-conformance on this side of the property; the current configuration doesn’t seek to minimize that problem by adding more wall surface to an already problem area.

Jim Engle: To move it further away as possible would decrease the cumulative effect.

Mari Ann Princiotta: He has 5 feet to keep him within the 20 foot setback on the other side and minimize the impact on the other side.
The Spirit is observed if the variance requested is moved it would be more in the spirit of the ordinance.
Diminished Value isn't an issue.
Substantial justice is done; any lost to the individual that is not outweighed by a gain to the general public.
Minimizing the impact should improve the area and help the area.
We are not objecting to the project but we are trying to minimize the impact.
Literal enforcement of the provisions would result in an unnecessary hardship.
By making it 9 feet to conform to the ordinance would be a hardship to fit in the property.

Mari Ann Princiotta motioned to approve a variance to allow a 15 foot setback for the addition of a 12 x 18 foot addition of a bedroom and bathroom where 20 feet is required as shown on the plan ZB 19-05. Seconded by Eric Pyra.
Vote unanimously in favor.

OTHER BUSINESS
The Board discussed the requirement for certified plot plans with all submissions to the Zoning Board of Adjustment.

ADJOURNMENT
M. Princiotta motioned to adjourn at 7:25 pm. Seconded by J. Engle.
Vote unanimously in favor

Respectfully submitted

Lee Ann Moynihan