



Zoning Board of Adjustment Meeting
Monday, October 6, 2014 at 7:00 p.m.
City Hall Council Chambers

MINUTES
(Amended 10/22/2014)
Approved 11/3/2014

Chairman Hurd called the meeting to order at 7:00 PM.

I. Roll Call

Present: Michael Hurd (Chair), David Nichols, Jim Hanson, Richard Collins, Carolyn Towle, Todd Russel

Absent: Daniel Worcester

City Staff: Michael McCrory, Interim City Planner, Jane Taylor, City Solicitor

II. Review Public Meeting Minutes from September 2, 2014:

Discussion: On page 3, there is a sentence that does not finish. Mr. McCrory did not know how the sentence was intended to read.

Motion: To approve the minutes of September 2, 2014 with the unfinished sentence on page 3 deleted.

Made by: Mr. Russel

Second: Mr. Nichols

Vote: Unanimous in favor

III. Old Business

There was no old business to discuss.

IV. New Business

- **(ZO2014-00008) Diana Gauthier, 198 Bible Hill Road** – seeks a variance from Section 22-389 of the City Zoning Ordinance for construction of an addition to the house at 198 Bible Hill Road. Tax Map: 166, Lot: 41. Zoning District: RR2.

Mr. McCrory corrected the ordinance reference to section 22-189. Mr. Hurd re-read the public notice with the correct reference.

Abutters' roll call was read by Mr. McCrory. No abutters were present.

Mr. McCrory said it is hard to define (the project) based on the information provided. The variance is to put a deck (later corrected to a porch) on the end of the house that is closest to the pool. In 2013, there was a variance request to make a 66 SF addition to the house. (Mr. McCrory pointed out these features on the site map provided with the application.) There is no real survey information available for this project. The house is right on the property boundaries. There is some indication that there is an irregular road right-of-way present because of the presence of a drainage ditch and a

culvert close to the pool. It is important that building does not occur within the right-of-way.

The application addresses the five variance criteria and alludes to a surveyor's assessment of the sight, but there are no stamped or certified plans to indicate where the boundary is. Mr. McCrory had conducted a site visit earlier in the day and handed out photos that show current conditions at the site. The photos show that the deck is constructed. It was apparently constructed prior to receiving any permits. Mr. McCrory also discovered that the addition that was approved in 2013 has a deck on it that Mr. McCrory was not aware of. He said that these issues will have to be addressed. He repeated the importance of accurately locating the property boundaries so as to determine the proximity of these structures to them and the road right-of-way.

Mr. Hurd asked Mr. McCrory if Mr. McCrory had consulted with DPW on the Pappas Road right-of-way. Mr. McCrory said he had, but that he had not received a clear response.

Mrs. Gauthier said she had had Wayne McCutcheon look at the property. She said that Mr. McCutcheon told her there was no clear lay-out for Pappas Road that specifies its right-of-way width. She said the deck wasn't supposed to be a deck, but rather the foundation for a porch. She said she had asked to her brother to lay the foundation and then see if the City would require a permit for a porch.

Mrs. Gauthier stated that she does not know exactly where her property lines. She does not believe she has a deed to the property either.

There was some discussion about an earlier reconstruction of Pappas Road and how the road may have moved closer to Mrs. Gauthier's property.

Mrs. Towle asked for more information about the deck that had been built this past summer without a permit. Mrs. Gauthier said that she had replaced an existing deck that was rotting. She said she had made the new deck about 4 feet larger than the old one. Then Mrs. Gauthier's brother, who had done the work, said the deck was only lowered from its original position, but not really enlarged. They both said the deck is not attached to the house in any way.

Mr. McCrory said the Building Inspector considers a deck something that is attached to the house with a height of more than 30 inches. It was Mr. McCrory's opinion that this did not need a permit based on his discussion with the building inspector. He further clarified that a deck for building purposes is not the same thing as a structure for zoning purposes.

Mr. Hurd said he wanted to continue the hearing and wanted to see a survey of the property lines. Mr. Russel said he wanted to see the variance decision from 2013 and the building permit that went with it.

Motion: To continue the hearing with the conditions that the 2013 variance decision, the 2013 building permit, and sufficient survey information to determine the locations of all of the additions to the house be provided.

Made by: Mr. Hurd **Second:** Mr. Russel **Vote:** Unanimous in favor

Mr. McCrory was asked to make arrangements for the Board to make a site visit before the next meeting.

- o **(ZO2014-00009) Red River, 21 Water Street** – seeks a variance from Sections 22-604 & 22-602 of the City Zoning Ordinance for placement of two signs on the building at 21 Water Street. Tax Map: 120, Lot: 6, Zoning District MU.

The public notice was corrected to include section 22-601 instead of 22-602.

It was discovered that the abutters' list was not included in the packet. The Board was unable to determine if the hearing had been properly warned due to the lack of an abutters' list.

Motion: To temporarily recess the meeting so Mr. McCrory could search the Planning & Development office for the abutters' list.

Made by: Mr. Hurd **Second:** Mr. Nichols **Vote:** Unanimous in favor

The meeting was reconvened without the abutters' list. Mr. Hurd asked that this be continued to a convenient date for the applicant and subject to availability of Council Chambers.

Motion: To continue this.

Made by: Mr. Hurd **Second:** Mr. Russel **Vote:** Unanimous in favor

V. Correspondence

The latest issue of *Town and City* magazine had been received.

VI. Other

No other business.

VII. Adjournment

Motion: to adjourn the meeting.

Made by: Mr. Russel **Second:** Mr. Hanson **Vote:** Unanimous in favor.

Respectfully submitted,
deForest Bearse
Resource Coordinator